

COMMISSION OF INQUIRY INTO STATE CAPTURE

HELD AT

PARKTOWN, JOHANNESBURG

10

03 JUNE 2019

DAY 104

20

PROCEEDINGS HELD ON 3 JUNE 2019

CHAIRPERSON: Good morning Mr Norman, good morning everybody.

ADV THANDI VICTORIA NORMAN SC: Good morning Mr Chairperson.

Thank you.

CHAIRPERSON: Yes, are you ready?

ADV THANDI VICTORIA NORMAN SC: Yes we are ready thank you.

CHAIRPERSON: Yes.

ADV THANDI VICTORIA NORMAN SC: Thank you Mr Chairperson
before the witness is sworn in I just want to place on record that before
10 you your will have three documents. There will be two that are in a
presentation file and that will be Exhibits CC1 [a] and [b] and Exhibit
CC1[c]. And the one in the lever arch file will be Exhibit CC1[d] and
that will also be written submissions by Mr M Apleni re Sundaram.

CHAIRPERSON: That is fine. The file containing Mr Rajesh
Sundaram's affidavits – affidavit, supplementary affidavit or statements
– supplementary statement will be marked Exhibit CC1 [a] and [b] and
the one marked additional information re Sundaram will be marked
Exhibit CC1[c] and the lever arch file will be marked Exhibit CC1[d].

ADV THANDI VICTORIA NORMAN SC: Thank you Mr Chairman.

20 **CHAIRPERSON:** The lever arch file is written submission by Mr Apleni
re R Sundaram.

ADV THANDI VICTORIA NORMAN SC: Thank you. Thank you Mr
Chairperson. Mr Chairperson this morning Ms [indistinct] and myself
will be leading the evidence of Mr Rajesh Sundaram. I may place on
record that 3.3 Notices were sent to all the persons that are implicated

by Mr Sundaram in both his main and the supplementary affidavits.

CHAIRPERSON: Yes.

ADV THANDI VICTORIA NORMAN SC: There is only one out of the ordinary manner of service one of the implicated persons and that is Mr Moegsien Williams. He was served via whatsapp because the commission had difficulty – they establish communication with him but later on could not. But then the only alternative was to serve the notice via whatsapp and he has not responded. May I also place on record that out of the fourteen – thirteen implicated persons only one
10 person has reacted to the notice and that is Mr Aplene and his submissions Mr Chairman are the one that are contained in that lever arch file with is Exhibit CC1[d].

CHAIRPERSON: Yes. Okay.

ADV THANDI VICTORIA NORMAN SC: Yes. Maybe just for clarity sake I may just place on record that Mr Aplene does not wish to cross-examine Mr Sundaram at this stage however he does say in the very last paragraph of his statement – of his submission that in the event that Mr Sundaram implicates him then at that stage he will re-consider his position and he may apply for leave to cross-examine him.

20 **CHAIRPERSON**: Okay.

ADV THANDI VICTORIA NORMAN SC: Yes, thank you.

CHAIRPERSON: Hm.

ADV THANDI VICTORIA NORMAN SC: Thank you. Mr Chairman the evidence of Mr Sundaram will be relevant to paragraphs 1.6 and 1.9 of the terms of reference. He is the journalist that was employed as a

consulting editor by the Africa News Network ANN7 which is known as ANN7 for a very short period of time and he comes from India. We now wish to lead his evidence. May he then be sworn in?

CHAIRPERSON: Yes.

ADV THANDI VICTORIA NORMAN SC: Thank you.

CHAIRPERSON: I think there is counsel who may wish to place himself on record.

ADV VAN NIEKERK: May it please you Mr Chairman I appear on ...

CHAIRPERSON: Oh please come forward so that it – it can be on
10 record. Thank you.

ADV VAN NIEKERK: May it please you Mr Chairman. I am Van Niekerk and I appear on a watching brief of the Honourable Minister Pandor.

CHAIRPERSON: Thank you very much, thank you.

ADV THANDI VICTORIA NORMAN SC: Thank you Mr Chairman.

CHAIRPERSON: Please administer the oath or affirmation to the witness.

REGISTRAR: Please state your full names for the record?

MR RAJESH SUNDARAM: Rajesh Sundaram.

20 **REGISTRAR**: Do you have any objections to taking the prescribed oath?

MR RAJESH SUNDARAM: No.

REGISTRAR: Do you consider the oath to be binding on your conscience?

MR RAJESH SUNDARAM: Yes.

REGISTRAR: Do you solemnly swear that all the evidence you will give will be the truth; the whole truth and nothing but the truth, if so please raise your right hand and say, so help me God.

MR RAJESH SUNDARAM: So help me God.

REGISTRAR: Thank you.

CHAIRPERSON: Thank you. Before we start I just want to thank you Mr Sundaram for having travelled all the way from India to South Africa to assist this commission to share with it matters that fall within your personal knowledge, that are relevant to some of the terms of reference
10 of the commission. We appreciate that you have come to give evidence after as I understand the position you have been unwell for some time and it may well be that you have not fully recovered but we appreciate thank you very much for coming. Thank you.

ADV THANDI VICTORIA NORMAN SC: Mr Chairman just on a lighter note may I just indicate that Mr Sundaram has brought his twin brother with him and I – had I known that they were twin brothers I would not have been difficult when he indicated before he left that he wanted to bring his brother and he is sitting on my far left. He is an attorney also in India.

20 **CHAIRPERSON:** Oh okay.

ADV THANDI VICTORIA NORMAN SC: Thank you. Yes thank you.

CHAIRPERSON: Well they seem to look alike.

ADV THANDI VICTORIA NORMAN SC: They do.

CHAIRPERSON: Okay thank you.

ADV THANDI VICTORIA NORMAN SC: Yes thank you. Thank you Mr

Chairman.

CHAIRPERSON: Let us proceed.

ADV THANDI VICTORIA NORMAN SC: Yes thank you. Mr Sundaram you prepared two affidavits, am I correct?

MR RAJESH SUNDARAM: That is correct.

ADV THANDI VICTORIA NORMAN SC: And if – you have three bundles in front of you. If you could just take the one that is written Exhibit CC1 [a] and [b].

MR RAJESH SUNDARAM: Ja.

10 **ADV THANDI VICTORIA NORMAN SC**: Do you have it?

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: Thank you. If you turn over you will see there is an index and then I would like you to just turn to page of that affidavit. Are you there?

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: Thank you. Do you see there is a signature there, is that your signature?

MR RAJESH SUNDARAM: Yes it is.

20 **ADV THANDI VICTORIA NORMAN SC**: And the date did you have that commissioned on the 5 April 2019?

MR RAJESH SUNDARAM: That is correct yes.

ADV THANDI VICTORIA NORMAN SC: Thank you. And then that you deposed to that before your notary public as you see on your left hand side of that page.

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: IS that correct?

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: And where was that?

MR RAJESH SUNDARAM: Oh this was done in Delhi.

ADV THANDI VICTORIA NORMAN SC: Yes.

MR RAJESH SUNDARAM: In India.

ADV THANDI VICTORIA NORMAN SC: Thank you. And then could you please then turn to your supplementary affidavit which is marked under CC1[b].

10 **MR RAJESH SUNDARAM:** Yes.

ADV THANDI VICTORIA NORMAN SC: And I would like you to turn to page 33 of that page – of that document.

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: Are you there? Is that your signature that appears on there?

MR RAJESH SUNDARAM: Yes it is.

ADV THANDI VICTORIA NORMAN SC: Thank you and did you also depose this before a notary public in India?

MR RAJESH SUNDARAM: Yes.

20 **ADV THANDI VICTORIA NORMAN SC:** And the date was on the 29 April 2019.

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: Is that correct?

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: And is everything that have

said both in the main and your supplementary statements – affidavits is everything that you stated under there true and correct?

MR RAJESH SUNDARAM: Absolutely it is true and correct.

ADV THANDI VICTORIA NORMAN SC: Yes thank you. Could you just tell the Chairperson briefly about your career as a journalist? Your CV does appear – Mr Chairman his CV appears as the very last document in that same bundle at pages 34 up to 36. You may just want to turn to that and then just briefly tell the Chairperson.

MR RAJESH SUNDARAM: Okay.

10 **ADV THANDI VICTORIA NORMAN SC:** Where you studied and qualified as a journalist and where you worked?

MR RAJESH SUNDARAM: So I did most of my schooling in Delhi in India at the Father Agnel School and I have a degree in Journalism from the University of Delhi. This I got in 1994. So since the time I graduated from college I have been working straight through as a journalist. I have also worked as a consultant – a media consultant and somewhere down the line you know since I had been a television journalist and also set up – help set up stations I am a bit of a journalist and a start-up personnel. I started my career like I said in
20 1994 immediately after my graduation with the Business World Magazine which is one of the leading business magazines in India part of the Anandabazar Patrika Group. From there I joined the Zee Telefilms which is – which has got a station called Zee News which is one of the oldest television stations there back in 1996. I was there for about seven years starting off as a reporter and working my way up through

the ranks. I have headed the bureaus in Chennai in South India and Bombay. I was a bureau chief for Zee News for a few years. After Zee Telefilms I joined New Delhi Television which is a very well respected television network in India. I was there for about four years. After which I joined an international television network which is the Al Jazeera television. I was there for two years I was the India correspondent based out of New Delhi and I travelled through the region to Sri Lanka to other parts of South Asia to report for Al Jazeera. Immediately after that I started – I joined a start-up which

10 was New Ex. I was part of the leadership team there that took the station to launch and this is where I had my experience in helping launch channels from an editorial stand point. After New Ex I joined the India Today Group which is one of the largest oldest television networks in India. I was there for four years as an Editor. Post which I went back and joined a station which is called News Nation which was just starting up at that time. So I was the first executive editor there helping the station launch. Part of the leadership team that launched that station. Immediately after which I was contacted by Mr Laxmi Goel who was part of S L Media the joint venture partner of ANN7 with the

20 Gupta family and asked whether I would be interested to go to South Africa to set up ANN7. Which I did you know and what – why they found me a suitable candidate for this was because I had exposure to international media having worked with Al Jazeera for two years. Also I had experience in being part of the leadership teams that set up stations in India and launched stations successfully. Post my

experiences at ANN7 I came back to India I was a consultant with the Rajasthan Patrika Group here and I went on from there to launch two stations in the south of India. One was called – is called New 7 Tamil which is a Tamil language news station, a 24 hours news station which is still in operations and is doing very well. Post which I launched Kaveri News very recently which again is a station which is based out of Chennai in Tamil Nadu province in India. I came back to Delhi late last year because I had been on dialysis for two years and you know these long hours of working and I had to go for dialysis every second

10 day was taking a toll on my health and we had already decided to go for a kidney transplant with I got done in January this year. So I quit my job last year and I have been asked by my doctors to take rest and not get any full time employment for six months. It has been five months now since my transplant and that is a brief sketch of my career so far.

ADV THANDI VICTORIA NORMAN SC: Yes thank you.

CHAIRPERSON: Thank you very much.

ADV THANDI VICTORIA NORMAN SC: Thank you. You mentioned briefly that you were recruited by Mr Laxmi Goel when the ANN7 was going to be launched. Now could you just – we are going to deal with

20 period now.

MR RAJESH SUNDARAM: Hm.

ADV THANDI VICTORIA NORMAN SC: You were recruited and at the time you were in India and you were still employed, right?

MR RAJESH SUNDARAM: That is correct.

ADV THANDI VICTORIA NORMAN SC: Yes. And then after – did you

then enter into an agreement with them, a signed agreement with them?

MR RAJESH SUNDARAM: Yes.

CHAIRPERSON: Sorry, sorry before you respond. Ms Norman in regard to names that you think the transcribers might not easily know how to spell just help them by mentioning the spelling.

ADV THANDI VICTORIA NORMAN SC: Yes. By spelling...

CHAIRPERSON: Ja ja.

ADV THANDI VICTORIA NORMAN SC: Oh the spelling. Thank you, thank you Chairman.

10 **CHAIRPERSON:** Ja.

ADV THANDI VICTORIA NORMAN SC: Mr Laxmi Goel is spelt Laxmi and Goel is Goel. Thank you Mr Chairman. Yes you signed – did you sign an agreement with Mr Laxmi Goel or who did you sign an agreement with?

MR RAJESH SUNDARAM: Well I was given a document which was the Infinity Media document which I signed.

ADV THANDI VICTORIA NORMAN SC: Yes.

MR RAJESH SUNDARAM: And that was a contract to work – to help set up ANN7 as editor.

20 **ADV THANDI VICTORIA NORMAN SC:** Yes and is that the document that appears in the same bundle that you looking at at page 6 and that is marked B1?

MR RAJESH SUNDARAM: Yes. Yes. I had – this is a copy that I received. I had signed a copy and given onto the HR team there.

ADV THANDI VICTORIA NORMAN SC: Yes thank you. I you go to

page 6 of that document.

CHAIRPERSON: That is the document we find in Exhibit CC1[a].

ADV THANDI VICTORIA NORMAN SC: Yes Mr Chairman we still dealing with Exhibit CC1[a] yes.

CHAIRPERSON: Ja what – what page of CC?

ADV THANDI VICTORIA NORMAN SC: And then – page 6.

CHAIRPERSON: Page 6.

ADV THANDI VICTORIA NORMAN SC: And it is Exhibit B1 right up to B12.

10 **CHAIRPERSON**: Thank you.

ADV THANDI VICTORIA NORMAN SC: Have you found it Mr Sundaram.

MR RAJESH SUNDARAM: Just getting there.

ADV THANDI VICTORIA NORMAN SC: Okay.

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: Thank you.

MR RAJESH SUNDARAM: Number 6 B1?

20 **ADV THANDI VICTORIA NORMAN SC**: Yes thank you. That contract you have a name of employer there. Who was the name of the employer?

MR RAJESH SUNDARAM: Infinity Media.

ADV THANDI VICTORIA NORMAN SC: Okay and then – and your name as the employee?

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: Thank you. And then if you

turn over the page you under B12. That was the employer that signed the agreement?

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: Yes and you say that you did sign it but we do not have – the commission does not have the one that you signed?

MR RAJESH SUNDARAM: Well I signed – I was given two copies.

ADV THANDI VICTORIA NORMAN SC: Yes.

MR RAJESH SUNDARAM: I signed one copy and handed it back and
10 this is the copy that I retained with me.

ADV THANDI VICTORIA NORMAN SC: Yes, yes but you confirm that everything that is here is actually the agreement that you signed?

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: With Infinity Media?

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: Yes thank you. Then – so you are in India then you signed this agreement and this agreement was signed in May, am I right? Not – if I may just take you to that paragraph. It was not signed when you came into South Africa you
20 were still in India at the time?

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: The – during that period after you signed the agreement where did you start working?

MR RAJESH SUNDARAM: Well I ...

CHAIRPERSON: Well maybe let us..

ADV THANDI VICTORIA NORMAN SC: Maybe just take the date first.

CHAIRPERSON: I am sorry before you proceed. Before we talk about where he starts working. Maybe you just want to spend a few seconds highlighting the important fissures of the agreement of the employment contract?

ADV THANDI VICTORIA NORMAN SC: Yes.

CHAIRPERSON: What he was to do, for how long?

ADV THANDI VICTORIA NORMAN SC: Yes Mr Chairman.

CHAIRPERSON: That kind of thing.

10 **ADV THANDI VICTORIA NORMAN SC:** If you go to page B2 – page 7 of the agreement. You have there the fixed term of the contract? At page 7 are you there?

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: Yes okay what is the – what was the fixed term of the contract?

MR RAJESH SUNDARAM: The fixed terms of the contract was two years.

ADV THANDI VICTORIA NORMAN SC: Yes it – and the dates there? It was to commence when?

20 **MR RAJESH SUNDARAM:** Well 1 June – 1 May 2013 and till terminate on 30 April 2015.

ADV THANDI VICTORIA NORMAN SC: Yes. And then if you look at paragraph 3 or Clause 3 of that agreement there is a heading there, what does it say?

MR RAJESH SUNDARAM: Are foreign employees employed by the

company.

ADV THANDI VICTORIA NORMAN SC: Yes. So this would have applied to you, am I right?

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: Yes and then what is it that they were going to pay for in 3.1.1. Same page. B2 page 7.

MR RAJESH SUNDARAM: Okay.

ADV THANDI VICTORIA NORMAN SC: Right at the end.

MR RAJESH SUNDARAM: Right at the end ja. Alright so 3.1.1 air
10 ticket one way for the employee and all members of his direct family by eligible class as determined and approved in writing by the company.

ADV THANDI VICTORIA NORMAN SC: Okay did you bring any of your family members?

MR RAJESH SUNDARAM: No I did not.

ADV THANDI VICTORIA NORMAN SC: And then if you turn over the page you have got appointment and job description. What was your – what was the nature of the job that you were hired to do?

ADV THANDI VICTORIA NORMAN SC: Oh well I was given the designation of editor and it was my responsibility to help set up the
20 station, to make the editorial work flows, to make sure that that the technology that was brought in to give consultancy on that because I had worked with various other stations so while I am not a general technician from an – form a journalist perspective I know which works more efficiently or is more suited for the kind of systems that we were setting up here. So I was to give my advice on those issues. Also

worked with the technical team to ensure that we had a time line which we followed in terms of when the equipment came in. When the people – when the employees' were hired, when they were trained and that all of them happened in a sequential order so that no time was wasted. And the resources were put into optimum use so that you know we got to launch the station in a reasonably good period of time and well that was the mandate that I had. Also that all the staff were trained properly, the technical staff as well as the editorial, the processes and systems are put in place, the work flows were in place.

10 **ADV THANDI VICTORIA NORMAN SC:** Yes.

MR RAJESH SUNDARAM: Through to launch.

ADV THANDI VICTORIA NORMAN SC: And then in paragraph 4.2 there you had agreed, what did you agree to do in terms of this contract?

MR RAJESH SUNDARAM: Oh that it could be transferred to other company groups' condition of the contract upon transfer. The contractual stand transfer to the new company.

ADV THANDI VICTORIA NORMAN SC: Yes. And were you ever transferred from Infinity Media to any other company?

MR RAJESH SUNDARAM: No.

20 **ADV THANDI VICTORIA NORMAN SC:** And then it deals with the place of work. Where were you going to work?

MR RAJESH SUNDARAM: I was told that I would work in – out of the office in Midrand that was the headquarters for ANN7.

ADV THANDI VICTORIA NORMAN SC: Yes. And then it deals with your hours of work, your public holidays and your remuneration.

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: And then the remuneration as you can see in paragraph 9.1 we debated this yesterday it is in – it is not in South African Rands, am I right?

MR RAJESH SUNDARAM: No it is in South African Rands.

ADV THANDI VICTORIA NORMAN SC: Is it in?

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: And then the – the Lakh that is there in brackets?

10 **MR RAJESH SUNDARAM:** Basically Lakhs is a hundred thousand. So they expressed the salary that I would get in rands in Lakhs.

ADV THANDI VICTORIA NORMAN SC: Yes.

MR RAJESH SUNDARAM: So

ADV THANDI VICTORIA NORMAN SC: Oh but it is exactly the same amount?

MR RAJESH SUNDARAM: It is exactly the same amount yes.

ADV THANDI VICTORIA NORMAN SC: Yes thank you. And then – then he deal with all the other matters that relate to your terms of employment, your sick leave, your annual leave and the termination of
20 the contract and how much notice you are supposed to give if you had to leave.

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: Yes. Then – so then you started then – what did you do exactly because now you still in India that is May of 2013?

MR RAJESH SUNDARAM: Hm.

ADV THANDI VICTORIA NORMAN SC: What did you do and at which offices did you work during that period?

MR RAJESH SUNDARAM: Well I worked in the office of Mr Laxmi Goel who was a joint venture partner. He had an office that was his real estate business and we got an office – we got a little space there so [indistinct] Goel and I would work out of that – out of that office. We would interview the people, the core team that we were supposed to take with us for this launch so which included the head of input, the
10 head of output, the head of production, so we were – we spent the first month there interviewing the people for the positions. Also chalking out you know making a lot of excel sheets on the planning and the requirements there in terms of how many people would be required for each of the departments.

ADV THANDI VICTORIA NORMAN SC: Yes.

MR RAJESH SUNDARAM: What would be the key responsibilities of each of those individuals? Also an organisational structure was put in place during that time. So the blue print for the launch of the station was created at that time apart from the recruitment and the interviewing
20 that was done for the core team that would go.

ADV THANDI VICTORIA NORMAN SC: Yes. And you mentioned – sorry.

CHAIRPERSON: Before you – before you proceed Ms Norman. This contract of employment was concluded in what month in 2013?

MR RAJESH SUNDARAM: Well I did not...

CHAIRPERSON: The last page...

MR RAJESH SUNDARAM: I did not...

CHAIRPERSON: Has got 5 April as a stamp but it – I do not know if that is the ...

MR RAJESH SUNDARAM: No I did not work for the full two years. I was here for about four months.

CHAIRPERSON: Yes.

MR RAJESH SUNDARAM: I – and I went back on the 2 September 2013.

10 **CHAIRPERSON**: Yes.

ADV THANDI VICTORIA NORMAN SC: So I was here between the 3 June 2013 to the 2 September 2013.

CHAIRPERSON: Okay so the contract was concluded when – when was it signed?

MR RAJESH SUNDARAM: he contract was signed on this date which is...

CHAIRPERSON: The copy that I have does not show.

MR RAJESH SUNDARAM: The 1 – it is the 1 May 2013 is when it was signed.

20 **CHAIRPERSON**: 1 May 1013?

MR RAJESH SUNDARAM: Yes that is correct yes.

CHAIRPERSON: And the starting date would be – was going to be when – immediately?

MR RAJESH SUNDARAM: Immediately yes.

CHAIRPERSON: Okay

MR RAJESH SUNDARAM: But I started off in New Delhi working out [indistinct].

CHAIRPERSON: Yes that is what I also wanted to – so before you came to South Africa you already started performing your duties in New Delhi?

MR RAJESH SUNDARAM: That is correct yes.

CHAIRPERSON: And you have just indicated exactly what you were doing.

MR RAJESH SUNDARAM: Yes.

10 **CHAIRPERSON:** Interviewing potential candidates, employees?

MR RAJESH SUNDARAM: Yes.

CHAIRPERSON: Is that right?

MR RAJESH SUNDARAM: Yes.

CHAIRPERSON: Okay. So you were – the contract was concluded in May – 1 May 2013 it was for two years. You were going to come to South Africa but before you came to South Africa you started performing your duties in New Delhi?

MR RAJESH SUNDARAM: Yes.

CHAIRPERSON: Okay thank you.

20 **ADV THANDI VICTORIA NORMAN SC:** Thank you Mr Chairman. Then you then had to come to South Africa after the one month of preparation in setting up or planning – your planning. So could you just tell us how did you go about the process of applying for a visa and how you got into South Africa?

MR RAJESH SUNDARAM: Okay you see applying for the visa when I

was – you know when I got – decided to take up this position I had done a bit of research on the internet and what I read there was for work permits to be issued in South Africa there had to be an advertisement that needed to be placed in a paper here and if they do not find a suitable position – a person in South Africa for that position and then these things would be – you know a work permit would be issued. But – and I thought that it would take a long time for the work permit to be issued to me and I asked Mr Laxmi Goel about it. But he told me that you know they had what he called a setting with the high
10 office in South Africa and that the visa would be done in no time. He asked me to get a yellow fever vaccine, a note from a local police station giving me a security clearance and a medical certificate from a government doctor saying that I do not have tuberculosis if I remember correctly and I gave – I handed those documents on to him. I was also told that the procedure for the visas for the people going from here would bypass the normal procedure and that the details of these people were to be sent to Mr Ashu Chawla in – in South Africa who was part of the companies that the Gupta family ran here. I found out later that he was a CEO for South African Computers and he would then speak with
20 high officials here I was told at the President's office who would then direct the relevant departments to expedite the visas and also bypass some of the requirements that may be needed. So I found to my surprise that my visa was cleared fairly quickly within a matter of a day. You know they had gone in there, submitted the documents. I did not have to go personally. I was not interviewed at all at any point nor do I

remember any of my other colleagues being interviewed by any official at the South African high commission in New Delhi. We had handed over our documents, the passport plus the other documents to Mr Laxmi Goel's office to his secretary and she had then arranged for it to be taken to the South African high commission. Calls were made to Mr Ashu Chawla and the work was done. I do remember very distinctly that during that time [indistinct] Kumar who was a person who would – who had recently been hired as part of the HR team in his enthusiasm had gone to the South African high commission with the passports
10 without informing Mr Ashu Chawla and of course he was denied access. He asked to speak with somebody at the – at the visa section there and I think the point person we were told was Mr Shakil. He asked to speak to Mr Shakil and he was told that there was no Shakil who worked there. So – but of course the next day Mr Laxmi Goel gave him a dressing down told him that if there are visas to be processed the process to be followed was for Mr Ashu Chawla to be informed for him to then use his influence in the government to give instructions to the high commission in New Delhi for them to issue those visas. And very true to that the visas that I had applied for and my colleagues who
20 came in from Delhi applied for came in very quickly on our application. All the things that I had read on the internet about the time it would take and the procedure was bypassed for these visas.

ADV THANDI VICTORIA NORMAN SC: Yes. So are saying that you never had to apply for either a work permit or an intracompany visa, this was all done for you at the office of Mr Laxmi Goel?

MR RAJESH SUNDARAM: No I – I had to fill out the visa form. I had to get a vaccination for the yellow fever. I had to get a certificate from a government doctor who happened to be a neighbour so I got it signed from him. And also there was a police verification so which is basically a certificate which is issued by a police officer of a particular rank which is quite easy to get. So I got all the documents together and handed it with the visa form to Laxmi Goel's office and that is it and within a very short time the passport came back with the visa. I was not interviewed. I did not face – I did not have to go to the high
10 commission. By – I did not have to face an interview or any of that.

ADV THANDI VICTORIA NORMAN SC: Yes. Now the visa that you talking about which you received is that the one that appears at page – same bundle Exhibit CC1[a] at page 27? In fact that is a copy of your passport. It should be E3 at page 28.

MR RAJESH SUNDARAM: Yes this is the visa and those are the stamps of the exit and entry as well.

ADV THANDI VICTORIA NORMAN SC: Yes. Now let us...Yes. Now let us...

CHAIRPERSON: I am sorry, I am sorry that is CC1[c] 28 you say?

20 **ADV THANDI VICTORIA NORMAN SC:** Page 28 that is correct.

CHAIRPERSON: Hang on one second.

ADV THANDI VICTORIA NORMAN SC: And then could you just read into the record what does E3 – what is written on E3? What type of visa is that?

MR RAJESH SUNDARAM: It is an intracompany transfer permit.

CHAIRPERSON: I am sorry Ms Norman.

ADV THANDI VICTORIA NORMAN SC: Hm.

CHAIRPERSON: Exhibit CC1C page 28 for me on mine ...

ADV THANDI VICTORIA NORMAN SC: 1A Chairperson.

CHAIRPERSON: Hm.

ADV THANDI VICTORIA NORMAN SC: CC – it is EXHIBIT CC1A. The first bundle that we are talking about. CC1A at page 28.

CHAIRPERSON: Okay. Yes you may proceed.

ADV THANDI VICTORIA NORMAN SC: Yes thank you. Yes. Could you
10 just read into the record what is written on there? Thank you
Mr Sundaram.

MR RAJESH SUNDARAM: This is an intra-company transfer permit which was issued to me.

ADV THANDI VICTORIA NORMAN SC: Yes and the name – it has your name and your passport number?

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: And then there are certain conditions there. In fact it has got the dates. Could you just read what were those dates issued where and when?

20 **MR RAJESH SUNDARAM:** I cannot read out of this but I will read it out of my passport. I think ...

ADV THANDI VICTORIA NORMAN SC: Alright.

MR RAJESH SUNDARAM: I have got a copy which has got – got ...

ADV THANDI VICTORIA NORMAN SC: You have a better – it is better, okay.

MR RAJESH SUNDARAM: Issued in New Delhi on 22/05/2013.

ADV THANDI VICTORIA NORMAN SC: Yes.

MR RAJESH SUNDARAM: If I read correctly.

ADV THANDI VICTORIA NORMAN SC: And then there are conditions. Before conditions there is something enter on or before what is the date there? I have got 20 May 2105.

MR RAJESH SUNDARAM: Yes. Yes 20 May 2015.

ADV THANDI VICTORIA NORMAN SC: Yes and then there are conditions. Could you read those conditions?

10 **MR RAJESH SUNDARAM:** My eyesight is a little weak but I ...

ADV THANDI VICTORIA NORMAN SC: Okay. What I have here tell me if it is correct?

CHAIRPERSON: The first word seems to be “secondment”.

ADV THANDI VICTORIA NORMAN SC: “Secondment”. That is correct.

MR RAJESH SUNDARAM: Yes. It says ...

CHAIRPERSON: Well as I see it seems to be:

“Secondment to ...”

ADV THANDI VICTORIA NORMAN SC: To include Infinity Media ...

CHAIRPERSON: “Infinity Media ...”

20 **MR RAJESH SUNDARAM:** Editor for 24 months.

CHAIRPERSON: “As editor for ...”

Is it 24 months?

MR RAJESH SUNDARAM: 24 months.

ADV THANDI VICTORIA NORMAN SC: 24 months, yes.

CHAIRPERSON: And are you able to complete?

MR RAJESH SUNDARAM: Now extend may not change conditions to ensure local skills are transferred within period.

CHAIRPERSON: I – I wonder Ms Norman in case ...

ADV THANDI VICTORIA NORMAN SC: Yes.

CHAIRPERSON: Unless you are able to read this ...

ADV THANDI VICTORIA NORMAN SC: Yes.

CHAIRPERSON: Easily whether if you – if you have a ...

ADV THANDI VICTORIA NORMAN SC: Could make a copy for (intervenes)?

10 **CHAIRPERSON:** Look at his – at the actual ...

ADV THANDI VICTORIA NORMAN SC: Passport?

CHAIRPERSON: Passport and you read it from ...

ADV THANDI VICTORIA NORMAN SC: Yes, thank you Chair.

CHAIRPERSON: Into the record.

ADV THANDI VICTORIA NORMAN SC: Yes, yes thank you.

CHAIRPERSON: I think that – that will help.

ADV THANDI VICTORIA NORMAN SC: Thank you.

CHAIRPERSON: Your – your eyesight be better even though both of you are wearing glasses.

20 **ADV THANDI VICTORIA NORMAN SC:** Wearing glasses. Yes, thank you. Thank you Mr Chairman.

CHAIRPERSON: And then once you have read he can just confirm whether what you read ...

ADV THANDI VICTORIA NORMAN SC: Is (intervenes).

CHAIRPERSON: Accords with his understanding of what is written in

his passport.

ADV THANDI VICTORIA NORMAN SC: Thank you. Thank you
Mr Chairman. It reads:

“Intra-company transfer permit.”

It has got Mr Sundaram R and it has got (intervenes).

CHAIRPERSON: I think – I think where it says ...

ADV THANDI VICTORIA NORMAN SC: (Intervenes) secondment.

CHAIRPERSON: Temporary residence permit – is it not?

ADV THANDI VICTORIA NORMAN SC: Yes. It has got temporary ...

10 **CHAIRPERSON:** And issued and so on.

ADV THANDI VICTORIA NORMAN SC: That is correct. It is temporary
residence permit. Issued at New Delhi on 22 May 2013. Number of
entries: multiple and it has got conditions and enter on or before
2015/05/20. Conditions: secondment to Infinity Media as editor for 24
months. Non-extend, may not change conditions to ensure local skills
transfer within period. Director-General Home Affairs and then if you ...

CHAIRPERSON: Ja.

ADV THANDI VICTORIA NORMAN SC: Yes.

20 **CHAIRPERSON:** I think you must also read what is above what you
have read. I think we should have started at the top.

ADV THANDI VICTORIA NORMAN SC: Yes.

CHAIRPERSON: Ja. Do you want to – to read that as well?

ADV THANDI VICTORIA NORMAN SC: Yes. I will start: it is control
number A04701810 and then on the write hand corner you have got
DHA1635 Republic of South Africa and then you have intra-company

transfer permit and the name Sundaram R and passport number K9491213 ...

CHAIRPERSON: Yes.

ADV THANDI VICTORIA NORMAN SC: And then it goes the part that we have already read.

CHAIRPERSON: Yes.

ADV THANDI VICTORIA NORMAN SC: Is that – does that accord with what ...

MR RAJESH SUNDARAM: Yes.

10 **ADV THANDI VICTORIA NORMAN SC:** What you received?

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: Thank you.

CHAIRPERSON: And then maybe you can also read up there – is it not written valid until and then conditions work – at the top or ...

ADV THANDI VICTORIA NORMAN SC: Yes. It would be number – that is enter on or before. Is that the one Mr Chair?

CHAIRPERSON: Hm.

ADV THANDI VICTORIA NORMAN SC: No, no what you see ...

CHAIRPERSON: It seems two pages ...

20 **ADV THANDI VICTORIA NORMAN SC:** Yes Mr Chair but what – what you are seeing are the stamps. We are going to take him through those.

CHAIRPERSON: Oh, okay.

ADV THANDI VICTORIA NORMAN SC: You are reading from the stamps of entry ...

CHAIRPERSON: That is fine.

ADV THANDI VICTORIA NORMAN SC: And exit.

CHAIRPERSON: That is fine.

ADV THANDI VICTORIA NORMAN SC: Thank you, okay. Thank you. Thank you. Is it correct then that for the intra-company was it your understanding that you would have to work for a particular company the same company that has a branch or Head Office in Johannesburg. Is that how you understood it?

MR RAJESH SUNDARAM: That is how I understood it.

10 **ADV THANDI VICTORIA NORMAN SC:** Yes.

MR RAJESH SUNDARAM: But I was told by Mr Laxmi Goel that this is perfectly legal and – you know - they – they would not issue it otherwise. That it was issued by the High Commission. They went through the process and if it were really the case it would not be. So I was assured at that time that this is a permit which is the right document for me to travel and work in South Africa.

ADV THANDI VICTORIA NORMAN SC: Yes. Then on the – on top of that then it is – you will see that there is date stamps. When did you actually leave India or New Delhi to come to South Africa?

20 **MR RAJESH SUNDARAM:** I left on 3 June 2013 which is six years from today. It is exactly six years.

ADV THANDI VICTORIA NORMAN SC: Yes, okay and if you look at your passport you will find that stamp ...

MR RAJESH SUNDARAM: Huh-uh.

ADV THANDI VICTORIA NORMAN SC: It is just above what you have

read on your visa.

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: Yes and then below – next to it you also see that there is another entry stamp. Is that correct?

MR RAJESH SUNDARAM: Hm.

ADV THANDI VICTORIA NORMAN SC: Just next to – to the one that is the round stamp and then there is one ...

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: Square.

10 **MR RAJESH SUNDARAM:** Yes.

ADV THANDI VICTORIA NORMAN SC: And then it is written OR Tambo ...

MR RAJESH SUNDARAM: Yes (intervenes).

ADV THANDI VICTORIA NORMAN SC: International Airport.

MR RAJESH SUNDARAM: So there is one stamp of my exit from Delhi for the same date and one entry ...

ADV THANDI VICTORIA NORMAN SC: Yes.

MR RAJESH SUNDARAM: Of the same day, yes.

ADV THANDI VICTORIA NORMAN SC: And then – and then that one
20 from – that is written OR Tambo ...

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: What is the valid date? What are the dates that appear on that stamp?

MR RAJESH SUNDARAM: That is 2 September 2013.

ADV THANDI VICTORIA NORMAN SC: No, no. You – no, not that one.

You are reading the one that is square. Not the round one.

MR RAJESH SUNDARAM: Okay, the square one is 3 June ...

ADV THANDI VICTORIA NORMAN SC: Yes.

MR RAJESH SUNDARAM: 2013.

ADV THANDI VICTORIA NORMAN SC: Yes and then valid until?

MR RAJESH SUNDARAM: This is till 2 May 2015.

ADV THANDI VICTORIA NORMAN SC: No, it is – it is 20 May on mine.

MR RAJESH SUNDARAM: 20 May - *ja* 20 May.

ADV THANDI VICTORIA NORMAN SC: Is it 20 May 2015?

10 **MR RAJESH SUNDARAM:** Yes.

ADV THANDI VICTORIA NORMAN SC: And then below that you have got conditions. What are the conditions?

MR RAJESH SUNDARAM: It says work.

ADV THANDI VICTORIA NORMAN SC: Work and then we are going to come to the stamp but what we might just as well mention is the one that is round that is also written OR Tambo ...

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: What does that signify?

MR RAJESH SUNDARAM: That is an exit stamp.

20 **ADV THANDI VICTORIA NORMAN SC:** That is when you left South Africa?

MR RAJESH SUNDARAM: That is correct yes.

ADV THANDI VICTORIA NORMAN SC: To go back to New Delhi ...

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: And that was the date?

MR RAJESH SUNDARAM: That is 2 September 2013.

ADV THANDI VICTORIA NORMAN SC: Yes, thank you. We were going to deal with that later in your – in your evidence. So this is what you carried to South Africa coming in and out of the country?

MR RAJESH SUNDARAM: Yes that is correct.

ADV THANDI VICTORIA NORMAN SC: Just for clarity sake am I correct or is it so that you were never employed by Mr Laxmi Goel's company?

MR RAJESH SUNDARAM: No.

10 **ADV THANDI VICTORIA NORMAN SC:** And is it also correct that Infinity Media Network is only a company that was in South Africa or did it operate also in New Delhi?

MR RAJESH SUNDARAM: To the best of my knowledge there is no company called Infinity Media that works in India. The Infinity Media that – that I signed a contract for was a company that is in South Africa.

ADV THANDI VICTORIA NORMAN SC: Yes. So if at the end of the day it is found that your entry did not comply with the laws of the country it would apply to your visa and to all the other visas that were received
20 by your – by your colleagues at the time?

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: Yes. I would like to take you just still on the visa issue before we leave it I would like to refer the Chairperson to EXHIBIT CC1D Mr Chairman which is the big lever arch file next to you. These are the submissions by Mr Apleni who was the

former Director-General of Home Affairs.

CHAIRPERSON: Maybe before you do that just too ...

ADV THANDI VICTORIA NORMAN SC: Yes.

CHAIRPERSON: What was your understanding of what was meant by intra-company transfer?

MR RAJESH SUNDARAM: What I was told at that time after I had agreed to employment at Infinity was that the class of visa which would allow me to work and have a temporary residence in South Africa is called an intra-company transfer and I was told that since there is a
10 joint venture between Essel Media which is a company that Mr Laxmi Goel owned and Mr Gupta's company the Gupta family owned a company here that it was a – it was a transfer between the two joint venture partners from – you know – from one joint venture partner to the other. So it was all the same – it was all part of Infinity Media but I was told since it was a company which was joint venture which had two different principals. So it was a transfer from one principal's – one principal into the – into the main company. So that was my understanding of a – of what an intra-company transfer was. That is what I was told by Mr Laxmi Goel at that time.

20 **CHAIRPERSON:** But the one company to the extent that in – intra-company transfer meant that you were been transferred from within one part of the same company to another part of the same company to the extent that that is what it meant. One, are you saying that you were not in – employed by Infinity Media in India before you were employed by Infinity Media in terms of which you were going to

come to South Africa?

MR RAJESH SUNDARAM: I had a contract with Infinity Media which was valid from 1 May but I was working ...

CHAIRPERSON: No I accept that. Before that (intervenes).

MR RAJESH SUNDARAM: Before that I was working for another company.

CHAIRPERSON: Yes.

MR RAJESH SUNDARAM: I was working for Alfa DCOM which has got nothing to do with ...

10 **CHAIRPERSON:** Yes.

MR RAJESH SUNDARAM: Essel Media or any of that.

CHAIRPERSON: Yes.

MR RAJESH SUNDARAM: That is a total different entity.

CHAIRPERSON: And that company had nothing to do with Infinity Media and it had nothing to do with any company that may have had a joint venture with Infinity Media?

MR RAJESH SUNDARAM: No. It was a totally different entity.

CHAIRPERSON: Yes. Okay, thank you.

20 **ADV THANDI VICTORIA NORMAN SC:** Thank you. Maybe just to deal – still dealing with your – with your visa issue and just refer you – if I may refer the Chairperson to EXHIBIT CC1D which is the submission by Mr Apleni who was the form Director-General of Home Affairs during that period. He has put up documents. I just want to refer you to a document that makes reference to your passport and your visa and that will be at page 228.

CHAIRPERSON: That is 228 in the ...

ADV THANDI VICTORIA NORMAN SC: In the lever arch file.

CHAIRPERSON: Lever arch file?

ADV THANDI VICTORIA NORMAN SC: Yes.

CHAIRPERSON: What – what divider?

ADV THANDI VICTORIA NORMAN SC: And that is CC1D.

CHAIRPERSON: Which divider?

ADV THANDI VICTORIA NORMAN SC: It will be six – under nine –
sorry – divider nine.

10 **CHAIRPERSON:** Okay. Okay, I have got it.

ADV THANDI VICTORIA NORMAN SC: Yes thank you. If I may refer
you Mr Sundaram to item 31 on that page. Have you found it? Are you
there Mr Sundaram?

MR RAJESH SUNDARAM: Yes I am.

ADV THANDI VICTORIA NORMAN SC: Yes thank you. If you look at
item 31 what is written there?

MR RAJESH SUNDARAM: It has my name Sundaram Rajesh and it has
got my passport number and it is given the category of visa which was
intra-company transfer permit issued on 22 May 2013 and valid for two
20 years and it says it is valid/reside.

ADV THANDI VICTORIA NORMAN SC: Yes. We are – Mr Chairman we
are going to deal with what prompted these investigations much later in
Mr Sundaram's evidence but I just want to just deal with the numbers
and – and the visa itself at this stage. If I may just – sorry – I just
want to take you to another page quickly and then if you go to page 319

of that same bundle that is the EXHIBIT CC1D which is the lever arch file under item 9. If you look at page 3-1-9 that is the copy of your passport. Am I correct - the one that you have just referred to earlier?

MR RAJESH SUNDARAM: 3-1-9?

ADV THANDI VICTORIA NORMAN SC: Yes, 3-1-9.

MR RAJESH SUNDARAM: Yes this is a copy of my passport.

ADV THANDI VICTORIA NORMAN SC: And then if you turn over the page that is page 320 you have a copy of your visa. Is that the same that we were dealing with?

10 **MR RAJESH SUNDARAM:** Yes.

ADV THANDI VICTORIA NORMAN SC: Yes.

MR RAJESH SUNDARAM: Yes it is.

ADV THANDI VICTORIA NORMAN SC: That the same, thank you. We are going to – because you deal with the issues about Home Affairs much later in your statement and we – I do not want to confuse issues. We are going to park this for a while and I would like us to tell the Commission then about your arrival in South Africa.

MR RAJESH SUNDARAM: Huh-uh.

ADV THANDI VICTORIA NORMAN SC: Then you have got your visa.

20 You have got your passport. You are at the airport – 2 June – 3 June when you left New Delhi – 2013.

MR RAJESH SUNDARAM: Huh-uh.

ADV THANDI VICTORIA NORMAN SC: And when you arrived where did you work?

MR RAJESH SUNDARAM: When I arrived here I was taken to a

guesthouse which is owned by the – the Gupta family and I – I mean I just want to give a short description of how it was now.

ADV THANDI VICTORIA NORMAN SC: Yes.

MR RAJESH SUNDARAM: It was like a labour camp. You know there were three rooms and about six or seven people who would stay there and I was a little surprised – you know – because both (indistinct) and I were (indistinct) in the senior management team and we would have expected or – you know - from our experiences stayed at a hotel probably till the time other arrangements were made but we were put in
 10 this guesthouse which had one person from Nepal who was on a visit visa who was – who told us that he was being paid a salary in India. He was not getting a salary here and he was to cook for all the labourers who had come from India who were – who were engaged in the construction of the – of the studio and he had also to cook for the people three meals a day for the people who were staying at the guesthouse and also to clean their clothes, to do all the housekeeping work and he would not have a single Rand to spend on himself because all the money that he got was at Mr Laxmi Goel's office in India and that money was then sent – you know – taken by his uncle and taken to
 20 Nepal from there. So it was a very shocking kind of environment – you know – because the – the bathroom there had clothes strewn all over the place and it was a mess really. One of my colleagues who come with me Mr (indistinct) was sent to another guesthouse and he gave me a call in the middle of the night on the same night that we arrived here that there were rats running around that guest house. So – and he

called me up and said Mr Sundaram (indistinct). You know is this the place that we are going to work. So – so yes that was a brief description of where we stayed and then of course I – the office that I worked at was the Midrand Office of ANN7 which also housed the New Age Newspaper as well. That is the office from which we worked. The New Age Office we were given a small space there on the first floor. On the same floor where Mr Atul Gupta had an office. Mr Nazeem Howa had an office. There was a conference room out of which we were working out of. The ANN7 Studio at that time was still
 10 under construction and we could not work from there. So the first few weeks we were working from the New Age Office to the right of the compound.

ADV THANDI VICTORIA NORMAN SC: Yes. If I may just quickly take you to paragraph of your statement that is EXHIBIT CC1A at page 1 of your statement.

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: Yes. We are still going to deal with you having written your book. That is going to come last because you did that after you left South Africa.

20 **MR RAJESH SUNDARAM:** Yes.

ADV THANDI VICTORIA NORMAN SC: So I will skip those paragraphs. I am skipping them deliberately. Now just tell us then you get into South Africa and you start working in South Africa and you are telling the Commission about what you discovered in paragraph 4. What is that?

MR RAJESH SUNDARAM: Well at the time of my employment when I agreed to join Infinity Media I was not told that there was – I was told there was a third partner but I was told that that is a local entity. I was never told that that was the President's son or the President had an interest in this. My decision to join would have been different perhaps if I had known about it but after I came here over a period of a few weeks I was getting a sense that there is an involvement of the President in this entire project and operations which was confirmed immediately after the first meeting that we had with the President. I
10 was told at that time unofficially that Duduzane Zuma was one of the partners here. I was told there were three partners. One, being Laxmi Goel – the Indian businessman. Then the Gupta family and the third was Duduzane. I was told at that time that each of them owned about one third of the shares in the company and that these were the three entities that owned the news station that I was setting up.

ADV THANDI VICTORIA NORMAN SC: Yes. Now because you have made the allegation the Commission had undertaken its own investigations. I would like to refer you – Mr Chairman may I refer you now to EXHIBIT CC1C which is also one of the presentation files and it
20 is written additional information. Mr Sundaram could you have a look at that?

CHAIRPERSON: What page?

ADV THANDI VICTORIA NORMAN SC: Could you turn to page 30
Mr Chairman.

CHAIRPERSON: 3-0?

ADV THANDI VICTORIA NORMAN SC: 3-0 that is correct.

CHAIRPERSON: Okay.

ADV THANDI VICTORIA NORMAN SC: Yes. Maybe just to identify the document properly might want to just refer the Chairperson to page – sorry – there is a stamp from the company. These are financial records – financial statements of Infinity Media which were received, submitted to the Commission by KPMG. If I may refer the Chairperson to page 7 just to identify the company that actually conducted the audit. Page 7 Mr Chairman of the same document. KPMG is written there and it
10 shows independent auditor's report – page 7.

CHAIRPERSON: Hang on a second.

ADV THANDI VICTORIA NORMAN SC: Alright.

CHAIRPERSON: Well what is the page number ...

ADV THANDI VICTORIA NORMAN SC: Page 7.

CHAIRPERSON: Of the whole exhibit?

ADV THANDI VICTORIA NORMAN SC: The exhibit is CC1C and then page number would be add info 0-0-7.

CHAIRPERSON: Four ...

ADV THANDI VICTORIA NORMAN SC: 0-0-7.

20 **CHAIRPERSON:** 0-0-7?

ADV THANDI VICTORIA NORMAN SC: That is correct.

CHAIRPERSON: 0-0-7?

ADV THANDI VICTORIA NORMAN SC: 0-0-7 Mr Chairman, yes.

CHAIRPERSON: Oh. Okay, yes I have got that.

ADV THANDI VICTORIA NORMAN SC: Yes. Thank you. I just – just to

identify the document properly.

CHAIRPERSON: Hm.

ADV THANDI VICTORIA NORMAN SC: I would like the Chairperson to have a look at the left hand corner of the – it is KPMG. So these are the auditors that submitted this information to the Commission. Now if we turn then ...

CHAIRPERSON: And it is written independent auditor's report?

ADV THANDI VICTORIA NORMAN SC: Auditor's report that is correct.

CHAIRPERSON: Is there a date to it?

10 **ADV THANDI VICTORIA NORMAN SC:** There is a date. Mr Chairman if you turn to page 8 ...

CHAIRPERSON: Huh-uh.

ADV THANDI VICTORIA NORMAN SC: Page 8 has Mr Wessels who signed it – Chartered Accountant ...

CHAIRPERSON: Yes.

ADV THANDI VICTORIA NORMAN SC: Registered Auditor Director
14 August 2015.

CHAIRPERSON: Yes, okay.

20 **ADV THANDI VICTORIA NORMAN SC:** Thank you and then if you may now turn to page 30.

CHAIRPERSON: Hang on one second.

ADV THANDI VICTORIA NORMAN SC: Oh I beg your pardon. Oh, sorry.

CHAIRPERSON: On - on the face of it does it tell what company it relates to?

ADV THANDI VICTORIA NORMAN SC: It does Mr Chair.

MR RAJESH SUNDARAM:

CHAIRPERSON: Yes. Is it addressed to the shareholders of Infinity Media ...

ADV THANDI VICTORIA NORMAN SC: Infinity Media ...

CHAIRPERSON: Network.

ADV THANDI VICTORIA NORMAN SC: Yes.

CHAIRPERSON: Proprietary Limited?

ADV THANDI VICTORIA NORMAN SC: That is correct.

10 **CHAIRPERSON:** Okay, alright.

ADV THANDI VICTORIA NORMAN SC: Thank you and then at page 30 we have as a heading there “Infinity Media Networks Proprietary Limited” and then it has notes to the financial statements but paragraph 20 is where I would like to draw the attention of the Chairperson to ...

CHAIRPERSON: Yes.

ADV THANDI VICTORIA NORMAN SC: and the witness’ attention.

CHAIRPERSON: Huh-uh.

ADV THANDI VICTORIA NORMAN SC: Mr Sundaram if you read paragraph 20 you see the heading there is written what?

20 **MR RAJESH SUNDARAM:** “Related Party Transactions”.

ADV THANDI VICTORIA NORMAN SC: Yes and then you have ...

CHAIRPERSON: Identity I think – Identity of related parties. Is that right?

ADV THANDI VICTORIA NORMAN SC: That is on 20.1, yes Mr Chairman. I just want to read that line.

CHAIRPERSON: Oh, oh “Related Party Transactions”, yes.

ADV THANDI VICTORIA NORMAN SC: That is correct.

CHAIRPERSON: No, no that is fine, yes.

ADV THANDI VICTORIA NORMAN SC: And then the second line has got a number of shares. Do you see that?

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: Number of shares.

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: Thank you and then we have a
10 percentage of holding. Do you see that?

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: And then below that in 20.1 you have “Identity of Related Parties”?

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: Yes. There is related parties there and then we have – I would just like to draw your attention to Essel Media. You see that?

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: And then Essel Media has -
20 what is the number of shares that it holds?

MR RAJESH SUNDARAM: 35 percent.

ADV THANDI VICTORIA NORMAN SC: 35 percent and then you have got (indistinct) Proprietary Limited that holds?

MR RAJESH SUNDARAM: 9 percent.

ADV THANDI VICTORIA NORMAN SC: and you have got – sorry – I

skipped Oakbay. Oakbay Investment Proprietary – right the first one. I beg your pardon.

MR RAJESH SUNDARAM: That is 35 percent as well.

ADV THANDI VICTORIA NORMAN SC: That is 35 percent and then you have got the next one the last one.

MR RAJESH SUNDARAM: *Ja* (intervenes).

CHAIRPERSON: Hang on, hang on Ms Norman.

ADV THANDI VICTORIA NORMAN SC: Yes Chair.

CHAIRPERSON: Okay. Let us do it ...

10 **ADV THANDI VICTORIA NORMAN SC:** We start from the beginning.

CHAIRPERSON: In the proper sequence, *ja*.

ADV THANDI VICTORIA NORMAN SC: Alright, thank you.

CHAIRPERSON: You keep on skipping.

ADV THANDI VICTORIA NORMAN SC: I skipped – I skipped one.

CHAIRPERSON: *Ja*.

ADV THANDI VICTORIA NORMAN SC: Okay. Let us start from the beginning.

CHAIRPERSON: *Ja*.

20 **ADV THANDI VICTORIA NORMAN SC:** 20.1 we have got there “Identity of Related Parties” alright do you see that?

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: And then following that is the company’s share capital as held by.

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: Yes and then the first company

you have there is Oakbay Investments Proprietary Limited?

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: And what is the shareholding?

MR RAJESH SUNDARAM: 35 percent.

ADV THANDI VICTORIA NORMAN SC: Yes and then it is followed by Essel Media ...

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: And what is the shareholding?

MR RAJESH SUNDARAM: 35 percent. This is Laxmi Goel's company.

10 **ADV THANDI VICTORIA NORMAN SC:** Yes and then you we have (indistinct) Proprietary Limited and what is the shareholding?

MR RAJESH SUNDARAM: 9 percent.

ADV THANDI VICTORIA NORMAN SC: And then you have Mabengela Investments Proprietary Limited and what is the shareholding?

MR RAJESH SUNDARAM: 21 percent.

ADV THANDI VICTORIA NORMAN SC: 21 percent. Now that because we have to satisfy ourselves that if you place that information it is in fact - because you have mentioned that it was Mr Duduzane Zuma's company. Then the Commission looked at the information that is kept
20 by CIPRO within the country. If I may just ask the Chairperson to turn to page – of the same bundle – if I may just give you the page where Mabengela Investments is dealt with. Sorry – maybe before we do that MR Chairman just for sequence sake at page 0-6-8 of the same document. You will find that that page is from CSI Company Trace and then it has got the name of the company that was been searched there

is Infinity Media Networks. Do you see that?

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: On the same document and then you will see that – I just want you to identify whether the Mr Goel that you talk about is – is listed on there or is there another Goel because there are two different spellings. You have got Arpit Goel and then the third name you have got Laxmi Goel which one are you referring to?

MR RAJESH SUNDARAM: Laxmi Narain Goel is the full name of
10 Laxmi Goel.

ADV THANDI VICTORIA NORMAN SC: Laxmi Goel. So ...

MR RAJESH SUNDARAM: And Arpit Goel is his son. There are twins. So one of the twins is Arpit Goel.

ADV THANDI VICTORIA NORMAN SC: Yes and you have a list of names there of the people who were Directors and those who subsequently resigned from that company. You see that?

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: Yes.

CHAIRPERSON: I am sorry.

20 **ADV THANDI VICTORIA NORMAN SC:** Yes.

CHAIRPERSON: You said Arpit Goel – Mr Arpit Goel is the son of Laxmi Narain Goel. Is that right?

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: Yes.

CHAIRPERSON: But I see that ...

ADV THANDI VICTORIA NORMAN SC: The spelling.

CHAIRPERSON: The spelling is different. Arpit's spelling - in terms of the surname is – G-O-E-L and ...

ADV THANDI VICTORIA NORMAN SC: G-O

CHAIRPERSON: The other is G-O-Y-A-L. Do you know ...?

MR RAJESH SUNDARAM: You see because in India there are certain surnames like Goel they are spelt differently but all of them are the same thing – you know. It is the same ...

CHAIRPERSON: And everybody knows it is the same thing?

10 **MR RAJESH SUNDARAM:** Yes.

CHAIRPERSON: Yes, okay alright.

MR RAJESH SUNDARAM: It is a caste surname.

CHAIRPERSON: Okay.

ADV THANDI VICTORIA NORMAN SC: Thank you Chair. Then you have got a list of all those Directors. You might want to just mention those names please for the record.

MR RAJESH SUNDARAM: Arpit Goel, Christiaan (indistinct), Laxmi Narain Goel, Atul Kumar Gupta, Varun Gupta, Nazeem Howa, Zamaswazi Mandela, Mzwanele ...

20 **CHAIRPERSON:** Mzwanele ...

ADV THANDI VICTORIA NORMAN SC: Mzwanele ...

CHAIRPERSON: Mzwanele Jimmy Manyi.

MR RAJESH SUNDARAM: Mzwanele Manyi

ADV THANDI VICTORIA NORMAN SC: Yes.

MR RAJESH SUNDARAM: Fudusanel (?) Mosamani (?), Gary Naidoo

and Moegsien Williams.

ADV THANDI VICTORIA NORMAN SC: Yes. Now and then if I take you through to page 0-7-6 or just – just to complete that paragraph.

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: You see that there is Director status next to the names that you have mentioned. There is ID number, Director status and appointment date of those persons.

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: Okay and then if you turn to
10 page 0-7-6. I beg your pardon Mr Chairman the ...

CHAIRPERSON: I am wondering whether ...

ADV THANDI VICTORIA NORMAN SC: Sorry.

CHAIRPERSON: Having read those names he should say anything about the status – the Director status – some – some or all seem to have resigned.

ADV THANDI VICTORIA NORMAN SC: Yes, I wanted to take him, let me take him to page 57.

CHAIRPERSON: Okay that's fine.

ADV THANDI VICTORIA NORMAN SC: Thank you. Mr Sundaram I am
20 so sorry I did not ask whether we will take the break at eleven or quarter past eleven?

CHAIRPERSON: It's quarter past.

ADV THANDI VICTORIA NORMAN SC: It's quarter past eleven, thanks. If I take you then to page – sorry page 39 because that's where the dates for appointments and resignation is a complete list of all the

persons that you've read, page 39 of the same document. You will see – if you take the first person could you just read Mr Christian Gouws, it has his ID number, you don't have to read that but he's got the date of appointment and the date of his resignation, do you see that?

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: Yes could you just, briefly, with each and every person just the date of appointment and date of resignation.

MR RAJESH SUNDARAM: The date of appointment is the 9th of
10 February 2011 and the date of resignation is also the 9th of February 2011.

ADV THANDI VICTORIA NORMAN SC: Beg your pardon, sorry the technicians are indicating that there is a slight problem.

CHAIRPERSON: Oh okay, shall we take a...(intervention).

ADV THANDI VICTORIA NORMAN SC: Maybe the tea adjournment now?

CHAIRPERSON: Well let's...(intervention).

ADV THANDI VICTORIA NORMAN SC: Is it back on – oh they say it's back on.

20 **CHAIRPERSON:** Is it back on?

ADV THANDI VICTORIA NORMAN SC: Yes thank you. Thank you, yes you may continue.

MR RAJESH SUNDARAM: Yes so the appointment was on the 9th of February 2011 he resigned on the same date as well which is the 9th of February...(intervention).

CHAIRPERSON: Mention who that is?

MR RAJESH SUNDARAM: Christian Gouws.

ADV THANDI VICTORIA NORMAN SC: Yes it's Gouws.

CHAIRPERSON: He was appointed on the 9th of February 2011 and appears to have resigned on the same day.

ADV THANDI VICTORIA NORMAN SC: Yes.

CHAIRPERSON: Is that right?

ADV THANDI VICTORIA NORMAN SC: Yes.

CHAIRPERSON: According to this document, ja.

10 **ADV THANDI VICTORIA NORMAN SC:** Yes thank you and then the next person?

MR RAJESH SUNDARAM: Is Warren Gupta.

ADV THANDI VICTORIA NORMAN SC: Yes.

MR RAJESH SUNDARAM: Appointed on the 1st of October 2012 and resigned on the 11th of March 2016. Nazeem Howa 1st of October 2012, appointed, resigned on the 15th of October 2016. (Indistinct)appointed on 1/07/2013 resigned 05/04/2016 (indistinct) appointed 01/07/2013 resigned on the 05/04/2016, (indistinct) Kumar Gupta appointed 01/07/2013 resigned 07/04/2016, Moegsien Williams appointed 07/ 20 04/2016 resigned 28 January 2018, Gary Naidoo, appointed 07/04/2016 resigned 08/10/2018. (Indistinct) was appointed on the 14th of November 2016 and resigned on the 8th of October 2018 and then (indistinct) he was appointed on the 1st of November 2017 resigned on the 1st of December 2018. Zamaswazi Mandela appointed on the 2nd – 02/0202018 and resigned on 08/10/2018.

ADV THANDI VICTORIA NORMAN SC: Thank you, and if I may then refer you to page 057 please. This is a description on the company Mabengela Investments you recall the company that you mentioned from the financials holding the 21% stake in Infinity Media.

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: And then I would like you to just read the directors – you've got active Directors and you've got resigned Directors at the bottom of that.

MR RAJESH SUNDARAM: Okay this is page number...(intervention).

10 **ADV THANDI VICTORIA NORMAN SC:** Page 057.

MR RAJESH SUNDARAM: 057?

ADV THANDI VICTORIA NORMAN SC: That's correct.

MR RAJESH SUNDARAM: Okay so the active Directors are Remona Gordon appointed on...(intervention).

ADV THANDI VICTORIA NORMAN SC: Remona Govender?

MR RAJESH SUNDARAM: Govender ja.

ADV THANDI VICTORIA NORMAN SC: Yes.

MR RAJESH SUNDARAM: And appointed on the 7th of April 2016 and Duduzani Joseph...(intervention)

20 **ADV THANDI VICTORIA NORMAN SC:** It's not Duduza.

CHAIRPERSON: Ja it's not Duduza, that one.

MR RAJESH SUNDARAM: Sorry Duduza Joseph Matsali is appointed on 25/08/2018.

ADV THANDI VICTORIA NORMAN SC: Yes and then...(intervention).

CHAIRPERSON: 2016.

MR RAJESH SUNDARAM: 2016 sorry 25/08/2016.

ADV THANDI VICTORIA NORMAN SC: Thank you and then you've got resigned Directors.

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: And under that column who are the Directors names.

MR RAJESH SUNDARAM: The Directors names there are Abdul (indistinct) Jaffer, who's on 17/06/2008 and there 's no date of resignation, Rajesh Kumar Gupta appointed was on 08/08/2008
10 resigned on 01/03/2016, Duduzane Zuma appointed 08/07/2008 resigned 07//4/2016.

ADV THANDI VICTORIA NORMAN SC: Yes thank you and then, lastly let me just take you to the same document, same page, what you've just read, if you go to page 084 that also deals with directorships in – that were conducted on Mr Duduzane Zuma and then you have that 084 you see company name there?

MR RAJESH SUNDARAM: Company name, yes.

ADV THANDI VICTORIA NORMAN SC: What is that name?

MR RAJESH SUNDARAM: Mabengela Investments.

20 **ADV THANDI VICTORIA NORMAN SC:** Yes and then you see the appointment date – it deals with, let me just take you to the first page – sorry maybe I should just take you – could you just go back I beg your pardon, page 077, thank you alright, on top there what is the CIPC Director that's written there, right on top?

MR RAJESH SUNDARAM: Duduzane Zuma.

ADV THANDI VICTORIA NORMAN SC: Yes and then you find in business – under business there's a company name.

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: And then do you see Mabengela there?

MR RAJESH SUNDARAM: Yes it is there at number five.

ADV THANDI VICTORIA NORMAN SC: The number five and then at the right-hand, the Director status.

MR RAJESH SUNDARAM: Resigned.

10 **ADV THANDI VICTORIA NORMAN SC:** Yes and then that resigned – that position is reflected at page 084 okay and then you have Mabengela Investments there.

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: And then you have appointment date.

MR RAJESH SUNDARAM: Appointment date, yes which is 08/07/2008.

ADV THANDI VICTORIA NORMAN SC: And then the resignation date?

MR RAJESH SUNDARAM: 07/04/2016.

20 **ADV THANDI VICTORIA NORMAN SC:** Yes thank you. So then going back then to your statement that –would you then be satisfied that the 30% that you had would actually be the 21% according to what we've – the documents that we've gone through?

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: And you would accept that.

MR RAJESH SUNDARAM: Yes based on these documents.

ADV THANDI VICTORIA NORMAN SC: Yes thank you, then what is it that made you say that you heard that the President's son was involved in this, was there any involvement of either the President or – former President or his son that made you make this statement that you make in paragraph four?

MR RAJESH SUNDARAM: Well what I found during my experience here was that, although Duduzane Zuma was the person who was a director, was a shareholder in the company it was President Zuma who
10 was more actively involved in terms of the meetings that I had were more like review by shareholders on the status project, on the television project, you know. So the reports that they gave there during those meetings were like shareholder meetings. Duduzane's involvement in the setting of the station or the running of the business was minimal I would say, you now, there was just one meeting where he had a small appearance and there was not much in terms of business that he contributed to that meeting but President Zuma was very much involved in the running of the station, in the sense that there were regular review meetings where (indistinct) was given to him and he
20 would give feedback to that as well. Also confidential information which, as somebody who set up many stations across (indistinct) would know, you know there's some confidential information which you don't really give out so early in the project. That was disclosed to the President, now I would have thought as somebody when I knew – when I did not know of the President's son's involvement in this, I thought it

was a little funny that you'd hand out a document which had all the secrets of the project to a public office and leave a presentation there with all those details, with so many people in his office would have access to that and it could, clearly, have leaked but they didn't really seem to care, they trusted them 100% and it was only later on that I realised that it's because he had a much bigger interest in the station.

ADV THANDI VICTORIA NORMAN SC: Yes you deal with these meetings in detail in your supplementary statement.

MR RAJESH SUNDARAM: Yes.

10 **ADV THANDI VICTORIA NORMAN SC:** Maybe it's appropriate that you jump from what you've stated there to go – so you can deal with the meetings one by one as you've done in your supplementary statement. May I refer the Chairperson to CC1B at page 2 of the supplementary statement. Thank you, you deal with the – when was the first meeting where you say the President was present, where was the meeting and who was present at the meeting and deal with the discussions at that meeting?

MR RAJESH SUNDARAM: Okay the first meeting of the Gupta's was on the 22nd of June 2013, the meeting took place at his residence in
20 Pretoria and the meeting was attended by (indistinct) from the New Age Newspaper as well as members of the Gupta family, to be very specific there was Ajay Gupta, there was (indistinct) Gupta there, there was moegsiem Williams who was the head of the delegation in terms of the protocol, the was Nazeem Howa, there was (indistinct) who was the head of business from (indistinct) in this project and there was me who

was part of the project. This entire meeting was coordinated by Mr (indistinct) and he too was part of the meeting and from –the President was there on his own, there were no other aids that were present during these meetings.

ADV THANDI VICTORIA NORMAN SC: Yes just tell the Chairperson, how did you get to be invited to this meeting, just start from the beginning, called you to say you must attend and how did you get there to the President's official residence?

MR RAJESH SUNDARAM: Okay so this was – I think this meeting
 10 took place just a few days after I arrived in South Africa. So about a week before this meeting, I was told by Mr (indistinct) Gupta that we would have a meeting with the President, at that time I did not know that Mr Duduzane was part of this – you know that he was a shareholder in the company. I was told that it's a formal meeting we would meet them and tell them about the project. So I thought it was probably a formal introduction, you know with the head of State about a new media venture that's coming up just to brief him about what it was. He asked me to prepare a presentation, a text presentation with, you know, what were the differentiating features of the content that we
 20 proposed, what were – how were we different in terms of the technology, how would we be different in terms of the studio set-up and design and all the other features of the television station. So I prepared this, I was told to send the details to Mr Askram who was part – I think he was the creative director at the New Age Newspaper, I was asked to send him the details and they said that he's going to dress-up

the presentation in terms of putting it into a spiral bind, cutting out pictures from the internet and kind of dressing it up in the sense and Askram was told to make three copies of the presentation. One which I would have in my hand one which Mr (indistinct) Gupta and Ajay Gupta would have and a copy of it would be presented to President Zuma at his residence. So these documents, I gave out the information it was , you know made into a PowerPoint presentation and print-outs were taken, spiral bound with a plastic sheet on top and it looked like a proper business presentation and we kept it ready but, you know, 10 everyday I would think, you know, we would (indistinct) prepare it, solidly prepare it, (indistinct) we were told that the President was travelling outside of the space and that he would come back. He came back on a Saturday and on the 22nd of June, which was a Sunday, we were given time at 9h30 I got a call on the Saturday evening from Mr (indistinct) Gupta, very late at night when we had come back from work and he told me that there's a meeting that's going to take place at 9h30 tomorrow he said that somebody would pick us up from the Midrand office, that we should be there bright and early and reach the President's residence. I was also told that the others would follow in a 20 convoy immediately afterwards. At that time – you know the next day Aaron and I – we were staying – we were sharing an apartment in Midrand so we went straight to the office, got copies of the presentation with us we were waiting and Aslam? told us that he would give our telephone number – our car number to the President's office (indistinct) so that we wouldn't have any issue getting in. It was a

guard from the fleet of the Gupta family and we gave – Aslam gave that number to (indistinct) who then gave it to the President's office...(intervention)

ADV THANDI VICTORIA NORMAN SC: Sorry Chairperson it's quarter past eleven, thank you.

CHAIRPERSON: Yes thank you we'll take the short adjournment, tea adjournment and we will resume at half past eleven.

INQUIRY ADJOURNS

INQUIRY RESUMES

10 **CHAIRPERSON:** You may proceed Ms Norman.

ADV THANDI VICTORIA NORMAN SC: Thank you. Mr Sundaram yes would you then proceed. You got a call and you were told that someone was going to fetch you to the meeting?

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: Yes could you continue from there?

CHAIRPERSON: Switch on your microphone.

MR RAJESH SUNDARAM: Oh sorry.

CHAIRPERSON: Thank you.

20 **MR RAJESH SUNDARAM:** Yes. So I was told that somebody would come and fetch me. We would asked to report at the Midrand office which we did in the morning. So – at the appointment time there was a driver from the Gupta family's fleet of cars that had come in there. So I still remember that he greeted us with something that people that in rural India greet each other with you know so we got a little surprise

because here is a white South African person and he is greeting us in a way that they would in rural India. So...

ADV THANDI VICTORIA NORMAN SC: How did he greet you?

MR RAJESH SUNDARAM: He said Ram, ram.

ADV THANDI VICTORIA NORMAN SC: So Ram ram.

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: Yes.

MR RAJESH SUNDARAM: So – and then he had on this – on the car stereo he had a lot of hindi music playing which me and – which Arun
10 Aggarwal and I we did not particularly like so we asked him to switch back to the station. Of course we reached President Zuma's residence ahead of time and as we had been told earlier the car – the vehicle number had already been given. We were flagged in and we did not have much difficulty finding our way into a waiting room where we found Ms Rashu Javla. One thing that did strike me was the relative lack of security because I had gone to interview heads of state before and have covered them at various countries and here I found that the – we were – there was nobody who sort out passports or identity details before we were allowed in. None of – the bags that were being taken
20 were put under an x-ray scanner. I mean there is more security here that I see than there at the President's residence. I do not know if it was a special consideration it was since we were part of the Gupta delegation or if security is generally not required to be very high in South African as it is in South Asia where a basically a reporter had seen this. Also we were ushered into this room to the right of the

residence – of the entrance of the building and that was not a general waiting area because I saw the only – the delegation that had come with the Gupta family was to use that room. When we entered that room Arun Aggarwal Goel and I we found Ashu Chawla already sitting there with his phone plugged into the wall socket you know just charging and he seemed a little anxious and he was answering all the questions that we were asking him. This is the first time I was meeting Ashu Chawla and heard a lot about him. About he is the point person at the President's office. Anything – any work that needs to be done in

10 terms of visas or any of that he was the guy who would speed things up for the Guptas. We were also told that Moegsien Williams, Nazeem Howa, Atul and Ajay Gupta would be traveling in a convoy and would reach sometime after we had reached for that meeting. And true enough they came in a few minutes later and Atul Gupta was from the very beginning very impatient about the fact that he wanted to start the meeting and get it over with quickly. The President of course had been out of Pretoria for a few days and he had a series of meetings. When I came and I realised that there were a lot of cars parked outside so a few of the ministers had also come in for pending work that needed to

20 be addressed urgently. And he was in another room we were told conducting meetings. So Atul – Ajay Gupta would keep telling Ashu Chawla to go to the President's office and tell them that the Gupta brothers were waiting. At one point I think about half an hour into the waiting time he got very impatient and said that you know we cannot be waiting here forever you know the President cannot make us wait. So

he asked Ashu Chawla to go and tell the President's office that we are going now. Ashu Chawla came back in a few minutes and he said well please wait because the President's coming out of the meeting that he is right now and he will come here very shortly. And within a few minutes President Zuma came into the meeting room. He was apologetic. He said he was sorry that he had a lot of guests that day and a lot of pending work that needed to be done although it was Sunday it had been a heavy morning for him. And he came in and sat down. So there was a certain protocol that was followed for these

10 meetings you know at his residence. The President sat on a particular chair then the head of the delegation what was Moegsien Williams sat in the chair next to him. Then Nazeem Howa and then the Gupta brothers would sit on a couch opposite them and then across the table from there is where Arun Aggarwal Goel and I – I sat for these meetings. So the very first meeting started off like this and you know we found it a little funny because when we were told that we will go to the President's house and have a meeting for two hours Arun Aggarwal and I who had coming from India we were a little – we thought it was a little funny that the head of state would have two hours to dedicate to a

20 new media television station which is not even started yet and we thought that the Gupta – Atul Gupta was probably exaggerating that we would probably get five minutes of the President and we would be ushered out. But at the end of that meeting we were really surprised because not only did the President take a very detailed briefing about the project he asked us questions, kept a copy of the report with him

and said that he is going to keep the copy, study it and next time when we meet he would ask a few more questions and give a few more suggestions.

ADV THANDI VICTORIA NORMAN SC: Just on that – just on that.

MR RAJESH SUNDARAM: About it.

ADV THANDI VICTORIA NORMAN SC: What exactly did you present to the former President at that meeting? That is we talking about the first meeting?

MR RAJESH SUNDARAM: Okay so I – we presented to him what we
 10 were told by Atul Gupta which is an outlook on how the station would be
 – you know because we had already commissioned the design of the
 studio. We had already commissioned the logo and the name and all of
 that. So the logo was commissioned. Also a status report on how the
 project was headed. The various things about procurement of
 equipment now to the design and fabrication of the studio. A status
 report really on how things were. Also he wanted me to prepare a note
 on how the content of this television would be different from what
 already exists in South Africa. So in terms of the look and feel of this
 station you know how are we going to be different there? So it was in a
 20 sense a report which had all the details about the station. It was a
 status update on where the – where the project was at. Something of a
 – of a shareholder review kind of a presentation more than a kind of
 presentation that you would give the head of state on a formal kind of a
 meeting.

ADV THANDI VICTORIA NORMAN SC: So at that point the name of the

station was already known?

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: It has been decided?

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: Okay were you present when this decision was taken as to what the station was going to be called?

MR RAJESH SUNDARAM: No I was not present when that decision was taken but I believe there was a meeting before – the first meeting before the first meeting that I went into where President Zuma and the
10 Gupta brothers had a meeting. Perhaps with Nazeem and Moegsien where the President had suggested to them that it should be called Like CNN it should be ANN Africa News Network where there would be an African perspective of news to international news like CNN was Atlanta, Centric perspective of world news an American journalist from China, India, Africa, telling the world about what was happening there. This – the idea was to have an Africa news network much on the same lines where a South African journalist would you know to start with would report on South Africa but the idea was to have a South African journalist reporting from across the world you know much like what
20 CNN was doing. And the – when the first meeting happened I very distinctly remember Mr Ajay Gupta telling the President that look Sir we calling it ANN7 and this is just like you suggested. And we putting a 7 because ANN was already taken so we did the next best thing we just put a numeric at the end of it and we found that that name was not taken so we decided to take that. And President Zuma seemed to

appreciate that a lot. Also I think this is something that – this is something that they played a lot during these meetings. You know they would keep telling me that the President when you speak with him should feel like whatever he has said is – we listening to it and we are executing that. But they would also say that we will listen to what he says and if he like it we will execute it if not we will not. So it – so that was the sense that I was getting about how they were dealing with President Zuma. Also I got a sense of they had a very good rapport with the President. They had very good ties. When we went into these

10 three meetings there were – there was occasion when we were in a visiting room and there would be relatives of the President. His daughter in one instance I remember and they greeted him very – each other very warmly. The need – the Gupta brothers seemed to know everybody in the family on a first name basis. Almost like they were family. So that is something that I found in these meeting. Also President Zuma was very warm to them. I would also I think significantly say that these meetings happened after the Waterkloof incident. So if at all I had any doubts in my mind whether that had soured relationships the relationship between the President and the

20 Gupta family I would say no absolutely not because the warmth with which they met in those meetings there was nothing that would indicate that the Waterkloof incident had had any impact on the relationship that they shared.

ADV THANDI VICTORIA NORMAN SC: Yes. So then – so we still at the first meeting?

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: While these discussions are taking place what was the end result of that meeting? What was resolved at that meeting?

MR RAJESH SUNDARAM: Well these meetings were cut up into two parts you know. The first part was where the television team would present to the President the status on how the project was proceeding. The second half was the new age and other businesses which the – which the Gupta brothers wanted to discuss. And during those – during
10 the second part Arun Aggarwal Goel and I were asked to move out of the meeting and you know stay out because that was something that they did not want us to be part of. So at the end of the first meeting the presentation was given. The President said that he is going to take a look at the presentation. He asked us to leave a copy with him. And he said that when we meet next he is going to give us our feedback on the same suggestions and also how we could improve this further.

ADV THANDI VICTORIA NORMAN SC: Yes. And then – so then after that meeting then I would take it that you left. When you left did you all go?

20 **MR RAJESH SUNDARAM:** We all went together because we had – we had come in our car and we had gone back in the same car. The other parts of the delegation which is the Gupta brothers, Moegsien Williams and Nazeem Howa and Ashu Chawla came afterwards. But what I found out from the conversation that we had you know post that meeting was that there were other issues related to the New Age advertising and

also the T&A business briefings that were aired on SABC were also discussed. You know if there were certain ministers who they had difficulty approaching to get – for those interactions or they would ask President Zuma to use his influence to get them in there. Also if they wanted a particular ministry to pay for the venue and details like that and there was reluctance there they would go to him to get that sort – things sorted out.

ADV THANDI VICTORIA NORMAN SC: So...

MR RAJESH SUNDARAM: Yes.

- 10 **ADV THANDI VICTORIA NORMAN SC:** When you arrived at this meeting were you formally introduced to the former President?

MR RAJESH SUNDARAM: Yes. I was because like I said there was a packing order there was a protocol there so Moegsien Williams was the one who was heading the delegation. The Gupta brothers then introduced I think it was Ajay Gupta if I am not mistaken he said that there are two new people here for this meeting and then he introduced Arun Aggarwal and me to the President so he greeted us very warmly. He shook our hands and sat down on his chair before the meeting started.

- 20 **ADV THANDI VICTORIA NORMAN SC:** Yes. So other than you then making presentation to him as to what you had done and what your plans were about the station did – was – did the President put in – give you any input to it or did he simply say look thank you I will consider what you have put up and I will get back to you?

MR RAJESH SUNDARAM: Oh to the best of my knowledge he – in the

very first meeting there were you know since he had coming from that meeting and all so he had come back after some time. He had taken the document from us and said that he is going to get back.

ADV THANDI VICTORIA NORMAN SC: Yes.

MR RAJESH SUNDARAM: A bit more inputs as we go along.

ADV THANDI VICTORIA NORMAN SC: Yes alright.

CHAIRPERSON: So he did not make any input or any substantive input at that meeting to...

MR RAJESH SUNDARAM: If I...

10 **CHAIRPERSON:** To the presentation?

MR RAJESH SUNDARAM: If I am given permission to refer to the condensed of my book because that is based on a diary that I was maintaining at that time and immediate recollection because this was written in 2013. If I am given permission?

CHAIRPERSON: Yes you can...

MR RAJESH SUNDARAM: I would just want to cross-check this and...

CHAIRPERSON: Yes you can do that.

ADV THANDI VICTORIA NORMAN SC: Thank you Mr Chair.

CHAIRPERSON: That relates to the first meeting hey?

20 **MR RAJESH SUNDARAM:** Yes.

ADV THANDI VICTORIA NORMAN SC: Yes.

CHAIRPERSON: Ja you can do that ja.

ADV THANDI VICTORIA NORMAN SC: But you quote from your book there Mr Sundaram if I may just direct your attention.

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: You quote from your book starting from page 4.

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: Yes. Paragraph 18 – paragraph 19 – 19.1.

MR RAJESH SUNDARAM: 19.

ADV THANDI VICTORIA NORMAN SC: Yes. You quoting from pages 94 to 104 of your book?

MR RAJESH SUNDARAM: Yes.

10 **ADV THANDI VICTORIA NORMAN SC:** Yes. Where exactly do you want to make the reference or do you just want to – you have dealt with what happened ...

CHAIRPERSON: I think he just wants to have a ...

MR RAJESH SUNDARAM: Ja I just want to...

CHAIRPERSON: Run through his eyes and see.

ADV THANDI VICTORIA NORMAN SC: Oh just run through it.

CHAIRPERSON: If – to refresh your memory.

MR RAJESH SUNDARAM: I just need to jog my memory to se.

ADV THANDI VICTORIA NORMAN SC: Alright, alright. Okay.

20 **CHAIRPERSON:** Ja.

ADV THANDI VICTORIA NORMAN SC: Thank you.

CHAIRPERSON: Yes do that.

ADV THANDI VICTORIA NORMAN SC: Thank you.

CHAIRPERSON: What we can do...

ADV THANDI VICTORIA NORMAN SC: Just to direct him to...

CHAIRPERSON: What we can do we can move on and during the lunch break you can just have a look.

MR RAJESH SUNDARAM: Yes.

CHAIRPERSON: And after lunch you can tell us whatever you picked up.

MR RAJESH SUNDARAM: Sure.

CHAIRPERSON: Is that alright?

CHAIRPERSON: I can do that – I will do that.

ADV THANDI VICTORIA NORMAN SC: Yes thank you.

10 **CHAIRPERSON**: Yes but what I do want to ask you is how long did that meeting take? You told us that the President

MR RAJESH SUNDARAM: Yes.

CHAIRPERSON: Had come from another meeting.

MR RAJESH SUNDARAM: Meeting.

CHAIRPERSON: Which he had left.

MR RAJESH SUNDARAM: Yes.

CHAIRPERSON: Before it could finish.

MR RAJESH SUNDARAM: Yes.

20 **CHAIRPERSON**: And I understand you to say he was going to go back to that meeting.

MR RAJESH SUNDARAM: Yes.

CHAIRPERSON: So how long did the meeting with you and the Gupta delegation last?

MR RAJESH SUNDARAM: I see – with the television team it was just Arun Aggarwal and I we were there for about an hour and after we left it

continued for another hour/ hour and a half maybe so about two or two and a half hours on that day the President spent with the Gupta delegation.

CHAIRPERSON: Yes but is my understanding of your evidence correct and part of it might be because I have read your statement and maybe you have not said so. Is my understanding correct that the President was still to go back to the meeting from which he had come?

MR RAJESH SUNDARAM: Yes.

CHAIRPERSON: Yes.

10 **MR RAJESH SUNDARAM**: And he said that there was some ministers who were also waiting in the other room.

CHAIRPERSON: Yes.

MR RAJESH SUNDARAM: In the meeting that he had come from.

CHAIRPERSON: Yes, yes. So he spent about an hour in regard to the first part or what you call the first part of the meeting.

MR RAJESH SUNDARAM: Yes.

CHAIRPERSON: And after you and somebody else had been asked to leave the meeting it was another hour before the meeting was...

MR RAJESH SUNDARAM: That is correct.

20 **CHAIRPERSON**: Was concluded.

MR RAJESH SUNDARAM: Yes.

CHAIRPERSON: Now after you had left the meeting did you wait for the other members of the delegation until they had finished with the other part of the meeting?

MR RAJESH SUNDARAM: No since – we had come in our own car.

CHAIRPERSON: Hm.

MR RAJESH SUNDARAM: We left from there because there was other work that had to be done so we left from there. But when they came back – when this – the remainder of the delegation came back the – we sat together and I could hear from them what had happened and you know what was discussed and things like that. So what I remember from that discussion is about you know talking to the President about the New Age newspaper, about business related to that and also business related to the other businesses. And also what I remember

10 distinctly is about certain office ministerial colleagues influenced them through the President to come and attend the TNA – the breakfast briefing that were taking place. What I understood was that they were finding reluctance or some resistance from some of the ministers to attend them especially after Waterkloof. The Gupta name many of the ministers did not want to associate with and want to come there because you know this SABC the business briefings that were had on SABC tied Atul Gupta who was very prominent fixture there so he would be on the main table and the dignitary who would come had to sit on the same table with him in full public glare because this was telecast

20 live on SABC. So some of the ministers had some reservation about doing that especially since there was a lot of bad press that the Gupta family was getting. So to – but this was something which was a very profitable venture for the Gupta's and the New Age. So they – their part that this would be affected and they wanted the President to ask his ministerial colleagues to come and attend those briefings because

they did not want the profitability of that venture to stop in any way.

CHAIRPERSON: Well if you – if after the first part of your meeting you took your car and left you would not have known how long the second part of the meeting took?

MR RAJESH SUNDARAM: Well – because you know when they came back to office you know I had asked now we had found out that it was about another hour – between an hour and an hour and a half that they had spent. So I have – I remember those meetings when they came back there were reviews. There was something called the executive
10 committee meetings that will happen where we exchange notes and..

CHAIRPERSON: Yes but it is not like you saw when they came out of the meeting/

MR RAJESH SUNDARAM: No I am...

CHAIRPERSON: You know if you had not left and you were waiting outside and waiting for them to come out and they came out then that would be...

MR RAJESH SUNDARAM: Then I would know for sure.

CHAIRPERSON: Yes but...

MR RAJESH SUNDARAM: I am basing it on the information and input
20 that I got...

CHAIRPERSON: Ja on the discussion that subsequently happened?

MR RAJESH SUNDARAM: Yes, yes.

CHAIRPERSON: But you also mentioned that what you have written in your book in regard to that first meeting and I assume in regard to other meetings that you talk about in your statement as well is based

on a diary that you – where you made entries at the time, is that correct?

MR RAJESH SUNDARAM: I would not call it a diary but there were various documents, some mails that were sent out where I could refer the dates to.

CHAIRPERSON: Yes.

MR RAJESH SUNDARAM: So it was not a diary it was...

CHAIRPERSON: It does not – it was not a diary.

MR RAJESH SUNDARAM: It was not a diary but it was ...

10 **CHAIRPERSON:** Documents?

MR RAJESH SUNDARAM: A bunch of documents or you know certain things that I could remember.

CHAIRPERSON: YEs.

MR RAJESH SUNDARAM: Like the 22nd of – or you know like for instance the last meeting that I had with them I remember because that was one day before the launch.

CHAIRPERSON: Yes.

MR RAJESH SUNDARAM: So I can just go back and say that the date is this.

20 **CHAIRPERSON:** Yes.

MR RAJESH SUNDARAM: This was the date of the launch and I came back so.

CHAIRPERSON: Okay. Okay. Otherwise there was no contemporaneous record of what had been discussed?

MR RAJESH SUNDARAM: You see I wrote the manuscript of this book

within a few months of leaving South Africa.

CHAIRPERSON: Yes.

MR RAJESH SUNDARAM: So it was fresh in my memory at that time.

CHAIRPERSON: Yes.

MR RAJESH SUNDARAM: And it was all written at that time

CHAIRPERSON: Yes.

MR RAJESH SUNDARAM: And put there. So the book was released.

CHAIRPERSON: Yes.

MR RAJESH SUNDARAM: In last year March.

10 **CHAIRPERSON**: Yes.

MR RAJESH SUNDARAM: But the manuscript was ready in 2013 and there were certain challenges that were there so it could not come out.

CHAIRPERSON: Okay. Okay. Okay thank you.

ADV THANDI VICTORIA NORMAN SC: Thank you Mr Chairman. Maybe just to take you back to paragraph 19.1 of your statement that is where you quoting from the book?

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: Yes. There is something that you mentioned there as to a number 9 and who is number 9 and why do
20 you make reference to a number 9 in that paragraph?

MR RAJESH SUNDARAM: Yes I...

ADV THANDI VICTORIA NORMAN SC: That is page 5.

MR RAJESH SUNDARAM: Yes because you know they had said that the entire meeting with President Zuma should be kept as secretive as possible and the – there should be a lot of confidentiality around it.

But of course what they said is that if we do discuss about the meeting because we had to make a presentation and the inputs had to be discussed with the senior management and if you were discussing before others we should not mention the President by name. That is what Atul Gupta said. He said we should refer to him as number 9. So I found that a little intriguing and asked him why number 9, why not number 3 or number 7 or number 10. He said number 9 was the code that was given to President Zuma when he was part of the ANC and you know he was part of an intelligence grouping during the apartheid years
 10 and that is a code name that he would want to use in this case. And whenever he called me up like for instance when he called me up the day before the meeting he said we have to meet number 9 tomorrow at 9:30 he did not refer him by name. So they had told us that it should not be mentioned to anybody and not with the team in India not with the team in South Africa and it should be just these four, five people who were part of the entire planning plus Aslam who was a close confidante who would you know finally give a form to the presentation in terms of you know printing it out and putting the photographs and the logos and all of that.

20 **ADV THANDI VICTORIA NORMAN SC:** Thank you. Maybe I will just have to take you back and just looking at your – at your – the quotations that you make from the book.

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: Because I think these matters are quite important. Now if you – were you offered when you entered

because you simply went to – when then the President entered the room but I want to know were you offered any like beverages whilst you were waiting for the President?

MR RAJESH SUNDARAM: Oh yes we had a lady from the President's office who came in and asked us you know if anybody would need any beverages and that was in that waiting room which was to the right of the entrance. There were people who had ordered the beverages they came and it was consumed. And also I think I remember at that time Atul Gupta had very jokingly said that you are journalists you do not
 10 have any shoes you not taking hospitality on tax payers money. So then I him that you know well I pay my taxes here as well so [indistinct] there is no reason for us to – and then he made a claim at that time. He said that while many companies in India fudge their account books. You know there is one set of accounts that they have for internal consumption and one set of accounts that is for the tax department which meant that there was a lot fudging that was happening. He claimed at that time that they did not do any fudging in their businesses here in South Africa. So – but of course that was just the small talk that was happening while we were waiting for the President.

20 **ADV THANDI VICTORIA NORMAN SC:** Yes. And then you make mention of what happened when Ms Ashu Chawla sprang to his feet to touch someone else's feet could you just explain to the Chairperson what that was all about?

MR RAJESH SUNDARAM: Well I think there was – you know that is part of a – the feudal culture in India is for you to go and touch the feet

of – I would call it the feudal culture but it is also a respect to the elders. We go and touch people's feet. But you know it is something that is looked down upon in India especially in a corporate kind of a setup. You know in a family setup sons routinely touch the feet of their parents or their uncles and aunts. But it is generally not the done thing in an office in a professional environment. But what I found there was that people were supposed to reaffirm their loyalty to the Gupta brothers by touching their feet especially the lawyers like Aslam would do that very regularly. Also Ashu Chawla was somebody who would

10 touch the brothers feet every time that he saw them and they would very reluctantly ask them to sit up. Of course you know when somebody touches your feet you are supposed to bless them and say that may you have a long life or whatever. But they would just ask him to get up and move it. This was part of the culture. They were – the – many people who had come from India who were working with the Gupta family for many years who – who thought nothing wrong in touching the brothers feet when they saw them and that is Ashu did as well. You know as soon Ajay Gupta and Atul Gupta came in he bowed to touch their feet.

20 **ADV THANDI VICTORIA NORMAN SC:** Yes. You mention...

CHAIRPERSON: Is – I am sorry.

ADV THANDI VICTORIA NORMAN SC: I beg your pardon.

CHAIRPERSON: Is it you touch their feet if they are barefoot or touch their shoes if they are – or do you only use – do that if they are barefoot?

MR RAJESH SUNDARAM: No it is just a sign of respect you know. So regardless of whether they are wearing the shoes or not you are supposed to touch them ja.

ADV THANDI VICTORIA NORMAN SC: Yes thank you. And I just want to deal now with your input as the consultant editor you are in the planning of all of this. You mention in some of the quotations from the book that there is something that Atul wanted lots of graphics which you felt that was less sophisticated. Could you just deal with that aspect so that we can see what your contribution really was insofar as

10 the setting up of the station was?

MR RAJESH SUNDARAM: Certainly.

ADV THANDI VICTORIA NORMAN SC: Yes.

MR RAJESH SUNDARAM: Oh that is just a conversation that I had while we were waiting for the President. You know there was a television set in which – and there was DSTV remote that he had in his hand. He would flip channels, various television channels and – and he said that he – he liked the television station that we were about to set up to be – to have a lot of clutter on the screen he said he wanted to dazzle the people of South Africa. Well I suggested to him that it was

20 much – you know you just have two eyes and you can focus on one thing on the screen so it is best to have a minimal approach when it came to the elements on the screen. But he insisted there that he would want you know like a top band, a bottom band, the lower third to have multiple layers, to even have a band on the side which will have more details. Which is something that some channels in India the Hindi

stations do. So I tried to reason with him at that time that is not how it should be done and that is not how contemporary styling is you know. Because minimal is good, less is more when it comes to television because you cannot overuse the graphics. He of course had a disagreement on that. Coming to my scope of work in all of this It was - basically I was the glue that was supposed to hold the whole thing together in terms of editorial process, the editorial employees, the technical staff, the broadcast staff, the vendors who were to come and - the cleaners - from the vendors side would come and make sure that

10 - you know - everything happened in a pre-planned sequential way so that the launch was flawless but what I found was that I encountered every step a very suspicious Atul Gupta who would want things to be done quicker than what the professionals were not listening to him. To give you an analogy of the construction industry. If a wall takes five days to construct - you know - you are supposed to put the bricks and then - you know- there is cement. There is curing that takes place. Without understanding the process he would say I want that wall done in one day. Then - and somebody tries to reason with him he would say oh that is an excuse - you know. You are just delaying it for me.

20 They were in tearing hurry to set the station up and now I realise it was because they wanted to have the station up and running. They did not really care how the content was. It was just that they wanted to start making profits as soon as possible and channel that as dividends to the stakeholders. So really the - the content or the look and feel of the station was secondary because just get it up as soon as possible and

get it started. Get the Government Departments to give you revenues and that is what the (indistinct) was about.

ADV THANDI VICTORIA NORMAN SC: Thank you and then in paragraph 19.36 if you may just have a look. That is where you deal with your direct interaction with the President at that meeting. Could you just look at that and testify to it please?

CHAIRPERSON: What page is that?

ADV THANDI VICTORIA NORMAN SC: At page 14 Chairman.

CHAIRPERSON: 1-4?

10 **ADV THANDI VICTORIA NORMAN SC:** 1-4 yes at paragraph (intervenes).

CHAIRPERSON: That relates to the first meeting still?

ADV THANDI VICTORIA NORMAN SC: Still the first meeting.

CHAIRPERSON: *Ja.*

ADV THANDI VICTORIA NORMAN SC: At paragraph 19.36.

MR RAJESH SUNDARAM: Yes. See because President Zuma – one of the mandates that I had for this meeting was to also tell him how the content is going to be differentiated. So what I saw and I had very little time to see what the competition was. I saw that – you know – there
20 had to be a fair representation for the provinces which is what (indistinct) – you know. So we said that we are going to have of course the name been African News Network. We said that we will have a correspondent in each part of Africa. In as many of the cities as possible. Also there would be representation in terms of reporting staff in the provinces and there would be a provincial bulletin that would

come out once or twice day. There would be an Africa Bulletin that would be part of the – apart from the rolling bulletins that would go throughout the day. In terms of programming we had told him the kind of emphasis that we had on sports and international news and entertainment and lifestyle. I explained to him how we would get international news through subscription to various agencies. Also these agencies had specific feeds on – on say Hollywood and how we would get the latest footage from them and also in terms of sports the kind of coverage that we planned kind of bulletins and how those

10 bulletins would be not just an anchor sitting behind the desk and reading off a teleprompter but – you know – the different elements of the studio and how we would use that to make it different. So – and he will listen to all of this very intently and he was very impressed by the fact that we would have emphasis on the provinces more – news from the provinces – because he said that that is something that the competition was not doing and that is what was required for him. Also the fact that we would have reporters in the various capitals across Africa or something. That – that he found interesting as well. I remember.

20 **ADV THANDI VICTORIA NORMAN SC:** Yes and then there is some interaction at paragraph 19.38. Could you just tell the Chairperson about that?

MR RAJESH SUNDARAM: Yes. So this is something that he said we should not have – you know. That – he thought that - he mentioned the channel by name – ENCA. He said that that station had a lot of

reputation of bulletins at that time and he said that that is something that he found very boring. So he said – you know – you should have a lot of fresh bulletins and each bulletin should not be the same set behind them and the same camera angles but it should have as many set – it should be as different as possible. So if you have a set – then I explained to him about how we had multiple camera angles that were possible, multiple backgrounds that were possible. So it was not just hazy screens at the back but you could actually have people – the entire newsroom busy in the background and you could have an anchor
 10 reading a news bulletin from there. So I explained all of that to him. I also remember that he had an aversion for the – you know – the humorous programming that was the - a program featuring a puppet. He said that there should be no lampooning of politicians. He absolutely hated that and he said you should not have that on your station because that is something - he said that there should be no lampooning of politicians. You know that really should not be done and ...

ADV THANDI VICTORIA NORMAN SC: Yes.

MR RAJESH SUNDARAM: He said that I forbid anybody from having
 20 that on the station. So we all laughed it off but of course I was told later that if he said he does not want it then we cannot have any of that on – on it.

ADV THANDI VICTORIA NORMAN SC: Yes. So then – then after that then you left the meeting after all these interactions?

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: You left the presentation and you left?

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: Could you please tell the Chairperson then about the second meeting? How it came about and what was the purpose of that meeting (intervenes)?

CHAIRPERSON: I am – I am sorry. Maybe he should make the point that is made in paragraph 19.34.

ADV THANDI VICTORIA NORMAN SC: Point 34?

10 **CHAIRPERSON:** 19.34 page 14.

ADV THANDI VICTORIA NORMAN SC: Oh yes, yes. Yes, yes at page 14. Are you there?

CHAIRPERSON: And actually ...

ADV THANDI VICTORIA NORMAN SC: Maybe just read ...

CHAIRPERSON: Actually 19.33 he may have answered in part ...

ADV THANDI VICTORIA NORMAN SC: Yes.

CHAIRPERSON: When I asked him a question but I think it is important.

ADV THANDI VICTORIA NORMAN SC: Alright.

20 **CHAIRPERSON:** Hm.

ADV THANDI VICTORIA NORMAN SC: May – may he then be allowed to just read those paragraphs Mr Chairperson because ...

CHAIRPERSON: Yes he can read them.

ADV THANDI VICTORIA NORMAN SC: Yes.

CHAIRPERSON: Ja.

ADV THANDI VICTORIA NORMAN SC: 19.33/19.34.

MR RAJESH SUNDARAM: “Ajay introduced me and Arun –

10 this Rajesh Arun – he is the editor of the television of the project and this is Arun Agrawal. Aramjee is the business head. They have both come from India recently and have many years of experience working with large international networks. You know the other gentleman. I soon have to go back to the meeting I left behind. I know that I have a lot of things to discuss but like they say in Zulu we must skin the animal today. We will leave the rest for later President Zuma said. So I will ask Rajesh to give you a quick overview of the project even answering any questions you may have and then we will ask the TV team to leave and we can discuss issues related to the newspaper. Ajay said pointing to me. I handed President Zuma a copy of the presentation.”

19.34:

20 “See the logo on the presentation. So it is ANN7. Like you said we are calling the channel Africa News Network. We are following all the things you told us sir. Ajay told President Zuma and pointed to the logo. The President seemed impressed.”

ADV THANDI VICTORIA NORMAN SC: Yes. Maybe ...

CHAIRPERSON: And then I think for the sake of completeness you can read 19.35.

ADV THANDI VICTORIA NORMAN SC: Five.

MR RAJESH SUNDARAM: “He smiled at Ajay in acknowledgement. This will be the most technologically advanced television station in South Africa. The broadcast newsroom automation and production systems we have are used by the top news networks of the world. Our news gathering reach will be the widest among out peers with bureaus, studios and live sources proposed in every province.”

ADV THANDI VICTORIA NORMAN SC: (Intervenes).

CHAIRPERSON: Now after the first sentence in 19 – in paragraph 19.35 the first sentence says:

“He smiled at Ajay in acknowledgement.”

Then after that you seem to open quotations.

MR RAJESH SUNDARAM: Yes.

CHAIRPERSON: I do not see where you close the quotations but before we look at that who is talking after that?

MR RAJESH SUNDARAM: That is I think ...

CHAIRPERSON: (Intervenes).

MR RAJESH SUNDARAM: That is me because I have been asked to make a presentation to him and tell him ...

CHAIRPERSON: Oh that is you talking now there?

MR RAJESH SUNDARAM: Yes, yes.

CHAIRPERSON: Okay, alright. Thank you.

ADV THANDI VICTORIA NORMAN SC: Thank you.

MR RAJESH SUNDARAM: So the quotation closed 19.36.

CHAIRPERSON: Huh-uh.

MR RAJESH SUNDARAM: That is when I say ...

CHAIRPERSON: Okay.

ADV THANDI VICTORIA NORMAN SC: Yes.

CHAIRPERSON: No that is fine. You can continue.

10 **MR RAJESH SUNDARAM:** If you are happy with it?

CHAIRPERSON: Oh, does it go up to 19 ...

ADV THANDI VICTORIA NORMAN SC: Yes.

CHAIRPERSON: Point 42?

ADV THANDI VICTORIA NORMAN SC: Yes. Would you perhaps prefer that he reads all of that Mr Chairperson?

CHAIRPERSON: No not necessarily.

ADV THANDI VICTORIA NORMAN SC: So that we do not ...

CHAIRPERSON: I just wanted to – to the extent that ...

ADV THANDI VICTORIA NORMAN SC: (Intervenes).

20 **CHAIRPERSON:** Some - I thought somebody was being quoted and I wanted to know how far.

ADV THANDI VICTORIA NORMAN SC: Yes.

CHAIRPERSON: *Ja*.

ADV THANDI VICTORIA NORMAN SC: That - that goes, okay.

CHAIRPERSON: Okay. No that is – that is your presentation?

ADV THANDI VICTORIA NORMAN SC: Yes.

MR RAJESH SUNDARAM: That is correct.

CHAIRPERSON: But is my understanding correct that you quote your presentation up to the end of paragraph 19.42?

MR RAJESH SUNDARAM: Yes.

CHAIRPERSON: Just have a look ...

ADV THANDI VICTORIA NORMAN SC: Yes.

CHAIRPERSON: At the end of ...

ADV THANDI VICTORIA NORMAN SC: Yes, before the second
10 meeting.

CHAIRPERSON: Hm.

ADV THANDI VICTORIA NORMAN SC: Yes. Maybe you could make the statement that you make in paragraph 19.40.

CHAIRPERSON: Yes.

MR RAJESH SUNDARAM: Oh.

ADV THANDI VICTORIA NORMAN SC: Yes.

MR RAJESH SUNDARAM: You want me to read that?

ADV THANDI VICTORIA NORMAN SC: Yes, yes.

MR RAJESH SUNDARAM: Okay. After ...

20 **CHAIRPERSON:** I actually – I am sorry. I actually think that – well he must tell us important features of that presentation to the extent that he might not have. If he ...

ADV THANDI VICTORIA NORMAN SC: Yes.

CHAIRPERSON: Whatever he has already dealt with he does not need to repeat ...

ADV THANDI VICTORIA NORMAN SC: Thank you.

CHAIRPERSON: But I think 19.40 seems to be important ...

ADV THANDI VICTORIA NORMAN SC: Yes.

CHAIRPERSON: As well as 19.39.

ADV THANDI VICTORIA NORMAN SC: Yes.

CHAIRPERSON: 19.39. Maybe ...

ADV THANDI VICTORIA NORMAN SC: Yes.

CHAIRPERSON: He could start at 19 ...

ADV THANDI VICTORIA NORMAN SC: Point 39.

10 **CHAIRPERSON:** Well maybe should start at 19.38.

ADV THANDI VICTORIA NORMAN SC: That he has already dealt with.

CHAIRPERSON: Oh, he has taken care of that?

ADV THANDI VICTORIA NORMAN SC: Yes, yes thank you.

CHAIRPERSON: Okay.

ADV THANDI VICTORIA NORMAN SC: Okay.

CHAIRPERSON: Yes. Then 19.39.

ADV THANDI VICTORIA NORMAN SC: Point 39.

MR RAJESH SUNDARAM: Okay.

ADV THANDI VICTORIA NORMAN SC: Yes.

20 **CHAIRPERSON:** And 19.40.

MR RAJESH SUNDARAM: Okay. 19 ...

CHAIRPERSON: You can just read that.

MR RAJESH SUNDARAM: 19.37 has a few details about how technologically we would be different in terms of the robotic cameras, state of the art production control room and all of that which I

explained there.

CHAIRPERSON: Hm.

MR RAJESH SUNDARAM: Coming to 13.9? 13.39?

CHAIRPERSON: Yes.

ADV THANDI VICTORIA NORMAN SC: Yes.

MR RAJESH SUNDARAM: 19.39 sorry.

CHAIRPERSON: Yes.

MR RAJESH SUNDARAM: “I should also leave.

10 President Zuma got up to and warmly shook our
hands. He then walked us to the door and shook
hands again before we left. All three meetings I
had with President Zuma ended this way. Nazeem,
Moegsien, Ajay and Atul stayed on. I was told later
by a Minister – by a Member of the New Age
Marketing Team that these discussions were crucial
for the people to get Government advertising and
bring hard to convince Ministers and officials in as
guests on the New Age Business briefing.”

20 So this is something which I had explained earlier as well. You know –
so they were very open about it the people who were looking at the
marketing of the New Age that these meetings were crucial from a
revenue standpoint for the newspaper because this is where the
convincing about getting advertised. Now remember which I mentioned
in another part of my statement here is that there was one particular
meeting I remember Mr Ajay Gupta was very agitated about the fact the

Independent Election Commission had a multiple million Rand budget for advertising but they were not giving any of that to the New Age. So they took it up with the President in one of the meeting and very strongly put forth to him that – you know – the Independent Election Commission was not giving a share of the pie to the New Age and they were assured at that time that - that President would look into the – the matter. So the point I am making is that these meetings are very crucial from a revenue standpoint for the New Age Newspaper.

ADV THANDI VICTORIA NORMAN SC: Yes and then ...

10 **CHAIRPERSON:** Okay.

ADV THANDI VICTORIA NORMAN SC: The Chairperson asked you to look at 19.40 as well.

MR RAJESH SUNDARAM: 40?

ADV THANDI VICTORIA NORMAN SC: Yes.

MR RAJESH SUNDARAM: Oh.

20 “After the Waterkloof scandal some Ministers and officials seemed reluctant to be seen in public with Atul or on a platform posted by his newspaper. These Ministers and officials were convinced after a nudge from the President Atul told me. The bad press and public outcry following the incident did not seem to have made any difference to the relationship between President Zuma and the Gupta brothers. In the three meetings with President Zuma that I was part of the two brothers

bonded well with the President and joked occasionally about the scandal. It was like nothing had happened.”

So they even made jokes about the scandal – you know - like I remember when the President would say something and say oh but then this happened during Waterkloof – you know – I would not be allowed to get guests now. Things like that – you know – which the President did not seem to mind and they would have a hearty laugh about it as well. So – and also there was reluctance among many Ministers to be seen
 10 on the same platform and they did seem to come later because they were convinced to come for these meetings.

ADV THANDI VICTORIA NORMAN SC: Yes, thank you and then 19.42 because in 19.41 or this is what you have just covered (intervenes).

MR RAJESH SUNDARAM: The 41 that is a continuation.

“The brothers ...”

CHAIRPERSON:

ADV THANDI VICTORIA NORMAN SC: Yes.

MR RAJESH SUNDARAM: “...had fairly free access to the
 20 President’s residence and Zuma let his Ministers waiting for us to attend the meeting with the Guptas. Atul once showed me newspaper clippings of President Zuma defending his friendship with the Gupta family in Parliament. Zuma was a force – was forced to publically defend his relationship with the Gupta’s for the first time since the plane

landing scandal dismissing all allegations against him in relation to the Guptas as rumours he said. See I told you the bond that we have with the President is deep.”

ADV THANDI VICTORIA NORMAN SC: Yes.

CHAIRPERSON: Who was saying that?

ADV THANDI VICTORIA NORMAN SC: This was Atul.

CHAIRPERSON: Okay.

ADV THANDI VICTORIA NORMAN SC: Thank you.

10 **MR RAJESH SUNDARAM:** 4-2 now?

ADV THANDI VICTORIA NORMAN SC: Yes.

MR RAJESH SUNDARAM: “The media and the DA will try its best to create a rift between us but –but he will stand by us like a rock. The President will defend always he said showing me the newspaper clipping. I found the discussion of commercial issues of the New Age and ANN7 entry in. There have been a lot of – there had been a lot of noise about the New Age and the way the Government supported it and it
20 seemed to me that these discussions were probably around a similar kind of support for ANN7.”

ADV THANDI VICTORIA NORMAN SC: Yes and this noise you would have seen or heard yourself?

MR RAJESH SUNDARAM: No. What I say about this noise basically on social media ...

ADV THANDI VICTORIA NORMAN SC: Yes.

MR RAJESH SUNDARAM: And some sections of the mainstream media would also suggest some of it but mostly on social media where there would be people who are opinion makers who I would trust who would question how this newspaper which is not audited in terms of its circulation would command a rate of which it did and how there were certain Government Departments and agencies which would actually give it the rates that it was commanding despite not having any audited circulation figures.

10 **ADV THANDI VICTORIA NORMAN SC:** Yes. Thank you. So then you left the first meeting. Could you please tell the Chairperson about the second meeting?

MR RAJESH SUNDARAM: The second meeting – I am sorry I do not remember the date but it was in July 2013. It was again a Sunday. So this was a day the President was relatively free and he asked us to come in the morning. This time (intervenes).

CHAIRPERSON: The first meeting had been in June you said. Is that right?

MR RAJESH SUNDARAM: Yes.

20 **CHAIRPERSON:** The first one?

MR RAJESH SUNDARAM: Yes. On the 22nd ...

CHAIRPERSON: So the second was in July?

MR RAJESH SUNDARAM: July.

CHAIRPERSON: Okay, alright.

MR RAJESH SUNDARAM: Yes and the meeting was attended exactly

by the same people which is Ajay and Atul Gupta. There was Nazeem Howa. There was Moegsien Williams. There was (indistinct). It was coordinated by Ashu Chawla who also sat in during the meeting and this time around we were told that we would be picked up – if I remember correctly by Ashu Chawla. So – and the thrust of the second meeting was on ...

CHAIRPERSON: I am sorry. The first meeting I think you said was on a Sunday?

ADV THANDI VICTORIA NORMAN SC: Yes.

10 **MR RAJESH SUNDARAM:** Yes.

CHAIRPERSON: Is that right and the second meeting was also on a Sunday?

MR RAJESH SUNDARAM: Also on a Sunday, yes.

CHAIRPERSON: Okay, alright.

MR RAJESH SUNDARAM: But this time in the month of July 2013. I do not remember the exact date because if I had not been – there was little reference that I had for this.

ADV THANDI VICTORIA NORMAN SC: Yes. Where did Mr Chawla pick you up?

20 **MR RAJESH SUNDARAM:** He picked us up from – from the Midrand Office and we moved from there – if I remember correctly.

ADV THANDI VICTORIA NORMAN SC: Yes.

CHAIRPERSON: Before you went to the meeting were you told what this meeting was intended to be about?

MR RAJESH SUNDARAM: Oh we were told that it would be much in

the lines of the first meeting. There would be a review of what had happened so far and we were also told ...

CHAIRPERSON: Just a follow up meeting?

MR RAJESH SUNDARAM: A follow up meeting ...

CHAIRPERSON: *Ja*.

MR RAJESH SUNDARAM: And also there would be inputs that we get from the President based on presentation that we had given him.

CHAIRPERSON: Okay.

MR RAJESH SUNDARAM: Also some guidelines on editorial matters as
10 well. So that is ...

CHAIRPERSON: Okay.

MR RAJESH SUNDARAM: Something that was told.

CHAIRPERSON: Thank you.

ADV THANDI VICTORIA NORMAN SC: Thank you and that is – that is what you deal with in paragraph 22 at page 17?

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: Yes.

MR RAJESH SUNDARAM: So the meeting reviewed the progress of various aspects of the project like the construction of the studio, the
20 arrival of broadcast equipment (intervenes).

CHAIRPERSON: I am sorry. Do you remember around what time the meeting would have started? I think the first one you said was for ...

MR RAJESH SUNDARAM: Was for 09:30.

CHAIRPERSON: 09:30 but you came there and you waited for quite time before it started?

MR RAJESH SUNDARAM: Yes. To the best of my knowledge this was also in the morning ...

CHAIRPERSON: Yes.

MR RAJESH SUNDARAM: It was a morning appointment.

CHAIRPERSON: Okay.

MR RAJESH SUNDARAM: There was a third appointment which I remember distinctly was in the evening.

CHAIRPERSON: Okay.

MR RAJESH SUNDARAM: Because that was the time when we were
10 told in the morning had he to leave.

CHAIRPERSON: Okay, thank you.

ADV THANDI VICTORIA NORMAN SC: Yes. Let us just talk about editorial policy.

MR RAJESH SUNDARAM: Huh-uh.

ADV THANDI VICTORIA NORMAN SC: Who would ordinarily be responsible for determining editorial policy?

MR RAJESH SUNDARAM: What most stations do is that they do not have the editorial policy on the fly. It is a document which is already created and which is the Bible as far as what journalists need to follow.
20 That they do not have to go back to the editor every time they have – you know – a decision to make. It is a document that is to be kept ready and given to each new recruit who comes in and it should factor in things like how the news should – there should be a sense of balance in the news. If there are three parties to a particular news story that you are doing. All three should be given adequate

representation in the news report that is there in terms of their comment. If there is – there are charges brought out against a particular person then he should be given a right to respond to those charges. If he does not respond then that should be entered into the things – you know. So things like this which would ensure a balance a sense of neutrality are part of the editorial policy but – but what I found here was that it was more of a propaganda station that they wanted to set up rather than a professional television station for news because right in this meeting we were told that this should be a station that
 10 should not just be centred around the African National Congress but to the close (indistinct) around President Zuma. So he would tell us things like how ...

CHAIRPERSON: Hang on, hang on Mr Sundaram. I think the question is ordinarily who would be responsible for formulating editorial policy?

MR RAJESH SUNDARAM: It will have to be the – the editor and the senior editorial team ...

CHAIRPERSON: Yes.

MR RAJESH SUNDARAM: And nobody else. The professional editors the journalists.

20 **CHAIRPERSON:** And that as far as you know is universal?

MR RAJESH SUNDARAM: Yes.

CHAIRPERSON: Or almost universal?

MR RAJESH SUNDARAM: *Ja* that should be the case ...

CHAIRPERSON: Yes.

MR RAJESH SUNDARAM: For most professional ...

CHAIRPERSON: Yes.

MR RAJESH SUNDARAM: Stations and newspapers.

CHAIRPERSON: Okay and that has been your experience in the various ...

MR RAJESH SUNDARAM: Yes.

CHAIRPERSON: Media houses ...

MR RAJESH SUNDARAM: Yes.

CHAIRPERSON: In which you have worked?

MR RAJESH SUNDARAM: Absolutely yes.

10 **CHAIRPERSON**: Oh, okay. Ms Norman you can proceed.

ADV THANDI VICTORIA NORMAN SC: Yes thank you Mr Chairman and also because you as a consulting editor and the editorial team you would be responsible for the editorial policy. You would also make sure that you make sure that the independence of – of the media journalism and everything else and ethical issues to be adhered to would be incorporated in that policy. Am I right?

MR RAJESH SUNDARAM: Well I – when I came in here I was told that the editorial policy is something that I should not be looking at. It was already decided by the News Age Editorial Policy and we would be
20 following the same thing. So – so for me I understood that time that my role in this station would be in terms of just setting it up and I had decided pretty early on that I would leave because there was no position for an editor in this station. They just wanted a rubberstamp which I thought I would not be but we were – I was told clearly that they would be following an editorial policy which was something that

was found on the website of the New Age and that is pretty much what it would be and of course there was guidance that the President was supposed to give us where he said that this would be a station that would not just look at the ANC and – and propagate it out of the story but within the ANC the team – the (indistinct) of President Zuma was to be highlighted and put out. I am sure he said that we should not engage in any direct propaganda in terms of negative stories against the rivals. They should – he said that it would be done in a subtle fashion. So that - you know – the credibility of the station is also
 10 maintained and at the same time – you know – you do the propaganda that is intended behind the station.

CHAIRPERSON: You use the word “guidance”. Is that your own word or is that what you were told the former President was going give? Is it your own word that you attach to what you were told he was going to give or is it the word that was used to tell you what he would do?

MR RAJESH SUNDARAM: Balance?

ADV THANDI VICTORIA NORMAN SC: Guidance.

MR RAJESH SUNDARAM: Which word?

CHAIRPERSON: I thought – guidance. I thought you said ...

20 **MR RAJESH SUNDARAM:** *Ja* guidance.

CHAIRPERSON: You were told that ...

MR RAJESH SUNDARAM: Yes. You see we were told – you know - because Ajay Gupta would say please listen to the President carefully because we would want to convey to him or we want – we would want the President to know that we value what he is saying very much. So

the message that goes to the President is that we are following his guidelines. That he is the boss. We are following his guidelines but - but he would also tell me that we do not have to listen to everything that he says. You know – we just need to tell him to his face that - you know – we are going by what he – what he said but if we like it we take it. If we do not we do not but which meant that – I mean had no independent decision making authority in that. It is if the Guptas liked it they would take it. If they not they would not but to his face they would say sir this is what is suggested and this is what you are doing.

10 So that is the idea that I had about it and of course President Zuma's guidance is something that they wanted me as the editor to listen to and implement but subject to final approval from the Guptas.

CHAIRPERSON: Okay, thank you.

ADV THANDI VICTORIA NORMAN SC: Thank you. Thank you Mr Chairman. Then so the second meeting then – because you had given the form President the presentation and then what was discussed then at this meeting. You have mentioned that the editorial policy was one of the matters that we discussed ...

MR RAJESH SUNDARAM: Yes.

20 **ADV THANDI VICTORIA NORMAN SC:** And was that presentation dealt with at the second meeting?

MR RAJESH SUNDARAM: I think there were certain things that he brought out there – you know. So for instance the editorial policy is one and if I remember correctly there were – you know - I have quoted extensively from – from my book ...

ADV THANDI VICTORIA NORMAN SC: Yes.

MR RAJESH SUNDARAM: And this as well and I want to refer to that.

CHAIRPERSON: Yes. You can deal with it.

ADV THANDI VICTORIA NORMAN SC: Okay.

CHAIRPERSON: You can deal with it.

ADV THANDI VICTORIA NORMAN SC: Yes.

CHAIRPERSON: Is that fine with you Ms Norman?

ADV THANDI VICTORIA NORMAN SC: Yes, yes thank you Chairman.

CHAIRPERSON: Yes.

- 10 **ADV THANDI VICTORIA NORMAN SC:** Maybe for record purposes your extract is on pages 117 to 122 of your book.

MR RAJESH SUNDARAM: That is correct yes.

ADV THANDI VICTORIA NORMAN SC: Yes thank you.

CHAIRPERSON: Maybe – maybe we have not – he has not said what his book is on record.

ADV THANDI VICTORIA NORMAN SC: On record yes.

CHAIRPERSON: Maybe you should ask him to ...

ADV THANDI VICTORIA NORMAN SC: Oh thank you.

CHAIRPERSON: To say what – to identify his book.

- 20 **ADV THANDI VICTORIA NORMAN SC:** Yes. Just to give the title. I am sure you know it off by heart. Could you just ...?

CHAIRPERSON: What is the title of the book?

MR RAJESH SUNDARAM: The title of the book is: Indentured – Behind the Scenes at Gupta TV.

ADV THANDI VICTORIA NORMAN SC: Yes.

CHAIRPERSON: Yes.

ADV THANDI VICTORIA NORMAN SC: Thank you.

CHAIRPERSON: And you are the author?

MR RAJESH SUNDARAM: Yes and it is published by Jacana Media.

CHAIRPERSON: Yes.

ADV THANDI VICTORIA NORMAN SC: And then you confirm the contents of the book ...

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: As being true and correct ...

10 **MR RAJESH SUNDARAM:** Yes.

ADV THANDI VICTORIA NORMAN SC: According to your recollection?

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: Yes, thank you.

CHAIRPERSON: Okay.

ADV THANDI VICTORIA NORMAN SC: Thank you.

MR RAJESH SUNDARAM: So I have given details here about how we were picked up by Ashu Chawla and taken. Then also about how the seating arrangement there was identical (intervenes).

CHAIRPERSON: *Ja* tell us about that.

20 **MR RAJESH SUNDARAM:** Well the same people who attended the first meeting attended the second meeting. The seating was identical. You know - there was a chair that reserved for the President. The Head of the Gupta delegation was Moegsien Williams because he was the oldest member of the (indistinct) asked to sit on the chair next to the President followed by Nazeem Howa. To the right of the President the

Gupta brothers sat on a couch and across the table from the couch (indistinct) and I sat facing the Gupta brothers and the President and ...

ADV THANDI VICTORIA NORMAN SC: Just before you move forward you say that in paragraph 24 this was like a shareholders review meeting.

MR RAJESH SUNDARAM: Yes it was.

ADV THANDI VICTORIA NORMAN SC: Yes. Why do you say that?

MR RAJESH SUNDARAM: Because – you know – it was a review meeting because in the first meeting we showed him the logo that had
10 been designed by the designer in India and the second meeting we took to him the animated logo which had the music and the sting and all of that – you know. So that is – that is something that plays out on the top of the hour before each – each bulletin starts. So we took that to him for his approval. Although the contract with the person who made that design was that he just have one – one shot at it and – you know – if it is approved. So if the President had said that he did not like it there was no way that they could go back and get it done again but they – they got it to him for his approval.

ADV THANDI VICTORIA NORMAN SC: Yes. Is there anything you
20 want to highlight between the interaction you had with Mr Ashu Chawla when you were proceed – sorry – I forgot that part when you were proceeding to the President's official residence. Is there anything you want highlight about the interactions you had with him in his car?

MR RAJESH SUNDARAM: He was somebody who was always edgy – you know. He was somebody who was always preoccupied. You know

that there were 10 things going on in his mind and his handshakes were not – you know – they were limp handshakes that he would give out to people almost distracted at all times.

CHAIRPERSON: I am sorry. Who was that? I missed that.

MR RAJESH SUNDARAM: Mr Ashu Chawla.

ADV THANDI VICTORIA NORMAN SC: (Intervenes).

CHAIRPERSON: Oh, okay.

MR RAJESH SUNDARAM: So – and he told us about how he had lived in South Africa for about 17 years right from the time and – at that time
10 for 17 years – right from the time when Atul Gupta had come to South Africa to set up Sahara Computers he had been part of the team. I have also noted that – you know – rarely smiled but when he spoke about his association with Atul Gupta that was a diamond. We actually saw him smile at that point and he also said that he saw himself as a regular South African because he had lived here for so long but his interest in music was very funny because this was the kind of raunchy music that is in the – in Bollywood films and he would play that out loud in his car stereo. So – so from what we saw of him he was somebody who was extremely shy. He was a backroom operator for the Gupta
20 family and not somebody who was open to answering too many questions or getting - engaging in small talk. Just if he is driving he just keeps driving and answering in monosyllables. So he was – he was like a kind of person and we could almost see that he was very nervous about this meeting because he was the person who was charged with coordinating this meeting. So from making sure that the

vehicles – the vehicle numbers were given to the President's office before hand to making sure the people were picked up, you know, that was co-ordinated to ensure that the President was there when the Gupta family – brothers arrived, all of that was part of his responsibility and that seemed to, you know, kind of keep him in a state which was always pre-occupied and – so when he answered questions it was almost like his mind was not there.

ADV THANDI VICTORIA NORMAN SC: Yes and in paragraph 25.6 which you already testified to.

10 **MR RAJESH SUNDARAM:** Yes.

ADV THANDI VICTORIA NORMAN SC: But there is something that you say Rajesh said to you.

MR RAJESH SUNDARAM: Yes, the seating arrangements I (indistinct) to that for the last meeting, Rajesh (indistinct) President to give us a broad overview of editorial policy and also some suggestions on who we should hire as presenters. We will hear what he has to say but we will not have to do – but we will only do what we think suits our vision, Ajay Gupta told us.

ADV THANDI VICTORIA NORMAN SC: Yes.

20 **MR RAJESH SUNDARAM:** So also about the presenters there was a problem because there were many journalists who would not consider joining (indistinct) and the kind of reputation that the Gupta's had so they – that was an issue that they wanted to take to the President and seek suggestions from him on who they should hire and the President did assure us in that meeting that he would make a few

recommendations including Jimmy Manyi who he said was a perfect fit for this kind of position and he said that you should call him to the studio to audition and if it works out he should definitely be hired. He also suggested a few other names, I do not remember those names but some of them, I remember were people who were sons and daughters of his colleagues of the ANC who he said had good potential and already working as journalists at radio stations and he said, you should give them a call, tell them that I told you to get in touch with them and get these things underway. So that was also, you know, problem solving in
 10 that sense. The problem was that the journalists were not joining and they took the problem to the President in that meeting and he suggested that he would recommend a few names and we could approach a few other journalists who he knew very well and say that the President asked us to speak with you and will you come and join.

ADV THANDI VICTORIA NORMAN SC: Yes and then in paragraph 25.7 you deal with what the graphic designers had given you.

MR RAJESH SUNDARAM: Yes, yes so we played out that graphic design and you know and he seemed to be impressed with the graphic design as well so we loaded a copy on the laptop and we showed it to
 20 him.

CHAIRPERSON: I'm sorry Ms Norman did you ask him to deal with 25.7.

ADV THANDI VICTORIA NORMAN SC: Yes I'm asking him to deal with it thank you.

CHAIRPERSON: Oh okay.

ADV THANDI VICTORIA NORMAN SC: Maybe...

MR RAJESH SUNDARAM: As it was just a formality and we were not bound by what he was saying, I was happy to play the game they were playing with the president, I noted – ja so I did not know what to make of it at that time you know because these were contradictory things that he was telling is that one, we will go to the President, seek an appointment and ask him what the (indistinct) policy should be on the guidelines that he wanted for the television station, on the other hand he's telling us, but we don't have to listen to all of that, just give him a
 10 sense that we're listening to him but we don't really have to listen to him, you know, if we, in our judgement think that what the President said is wrong we don't have to tell him it's wrong on his face you know, we will go back and do what we want...(intervention)

CHAIRPERSON: Is that what you call in paragraph 25.7 of your statement, supplementary statement, is that what you call the game they were playing with the President?

MR RAJESH SUNDARAM: Ja so it was a game that I thought they were playing with the President, you know, we're going and seeking an appointment with him asking him for his views and then saying that well
 20 we won't do it so why bother in the first place. Of course by now I'd known that the President's son was a shareholder and what was happening was a review. So while they valued him as a partner in this, they wanted to show that they valued him as a partner, but none of the advice that was given was – it didn't really matter, so they said, take the advice if you like it, you know, if it's implementable we'll do it

otherwise just throw it into the dustbin and we'll do what we want to do and the President, at the next meeting when we came back, you know, whatever was possible which we were doing anyways, they would show to the President, see like you said we are doing this, like you said we are doing that.

CHAIRPERSON: Yes.

ADV THANDI VICTORIA NORMAN SC: Thank you. So then you said then you loaded this – is this the logo (indistinct).

MR RAJESH SUNDARAM: Yes.

10 **ADV THANDI VICTORIA NORMAN SC:** That you were working on.

MR RAJESH SUNDARAM: Yes so President – okay at that time we loaded on the (indistinct) before that meeting Ashraf Jaffer said there were a lot of people from the President's family who were visiting him so – and that he would be joining us very shortly while we waiting in the very same room which is to the right of the entrance – it was a room which had the seating arrangement and on the corner of which there was an electric socket on which Ashraf would charge his phone at all times. So the President arrived shortly and this was a time when he had a lot of family members on a Sunday waiting for him in his room
20 and he took time out of a family engagement on a Sunday to come and spend time here and as far as I remember...(intervention).

CHAIRPERSON: I'm sorry was there much waiting for the meeting to start this time?

MR RAJESH SUNDARAM: I don't remember there was much waiting, the first meeting there was and Ajay was getting impatient but I don't

remember for the second meeting there was much of thing but I do remember that there were family members with him at that time and he took time that he was spending with his family which he'd allocated for his family out. In the first meeting it was time that he was spending with his cabinet colleagues which he took out and came here, here he made his family wait and come out for this meeting.

ADV THANDI VICTORIA NORMAN SC: And 25.9 you talk about when the president then arrived.

MR RAJESH SUNDARAM: Yes the President then arrived shortly
 10 thereafter and he was shown the channel ID, he was asked to see – so he – the President saw it once, now what these channel ID's are, they're just a few seconds long between 15 and 30 seconds, so if you saw it once you may have missed some of the elements so the President saw it three, maybe four times and you know he would pause it and see it again to see what the transitions and the graphics were, also the music that we added to the graphical elements whether they were in sync, he would stop and start and ask us to play it again and then he gave us approval and he had a copy of the presentation which we had given him the last time and he said he had studied it and he
 20 said he had a few suggestions that he wanted to give us based on that.

ADV THANDI VICTORIA NORMAN SC: Yes and then in 25.10 who said you mustn't convert this into a channel for the ANC?

MR RAJESH SUNDARAM: This is President Zuma's advice on editorial policy well he said that it should be a channel that, you know – I think the general understanding was that the mainstream media in

South Africa was not giving an opportunity to come out with the ANC's views, President Zuma's views that they were amicable in some senses to him, so they needed a station that would come out and propagate his side of the ANC side of news events. Now having said that, the President did not want this to be an out and out propaganda station, he wanted it to have (indistinct) of credibility. So he said that it should not block out rivals with the ANC it should not block out political parties which were rivals to the ANC as well. So there should be, you know – he said that the push in our favour should be subtle, the push in the

10 favour of the (indistinct) around him and the ANC should be subtle. So if are talking about is rivals, it's not like you black them out entirely or block their content entirely but it should be that you show them, show them in a negative light so that, in the subtleties the message is conveyed and you don't say it with the words directly so it doesn't look like not (indistinct) propaganda station as well. So this is something that he said directly and this time he made a reference to ENC and said that the ENC only presents the government and him negatively that's the impression that he had when he was speaking to me.

ADV THANDI VICTORIA NORMAN SC: Yes and then just read the last

20 sentence as well of that – what you just read negatively, after that.

MR RAJESH SUNDARAM: We need a channel that presents the positives that the government is doing, Zuma said, looking at me. Now I must add here also that this is something which was on the website of the New Age in terms of what their editorial policy was. They said that they would look at constructive criticism so – which is not what a news

station is supposed to – a news station is supposed to show – is to question power, to show a mirror to authority, that's what a station is supposed to do, not just show the positive sides of things but like I said by this time I had already known that this is not a station that I want to associate – although I was getting a fantastic salary and every time I would mention this to any of the senior guys, they'd tell me, oh you're getting a fat salary just sit on that fancy chair and, you know enjoy your life why would you do that but for – from the stations that I'd worked in before, the kind of journalism that I believed in, this kind of thing is

10 something which made me decide pretty early on that I would not want to be in the station for much longer than after launch. And why did I want to stay till after launch, because I'd already, on my own credibility and reputation had asked other senior journalists from India to come and join the station who had come, not only themselves but with their families and got their children in school and for me to now jump off before the launch would have been not the right thing to do at that time but I had decided then that this is not a station that I had any long-term plans for and that I would quit, so all of this was just re-enforcing that belief for me.

20 **ADV THANDI VICTORIA NORMAN SC:** Yes, just – as a lay person, is it possible for a journalist to do what you were asked to do in that paragraph, look you portrayed certain things in a particular way and you portray other things in a particular way to perhaps push a particular narrative. Is it possible for journalists to actually do that?

MR RAJESH SUNDARAM: Well they shouldn't be doing that but I'm

sure if somebody thinks that their job at a station depends on doing this and they had no other option, there are journalists who would be forced to do this, I mean, there would be some who would refuse to do it and just move out but if it is between unemployment and economic hardships at the other end or compromising on your values, there would be certain journalists who would be willing to do this as well.

ADV THANDI VICTORIA NORMAN SC: Yes and then during your time at AN7, I know I'm jumping a bit, would you say that whatever it is as the editor at the time, whatever it is that was sold to the public or sent
 10 out publically from that TV station, was reliable news and you did not do things the way in which 25.10 suggested?

MR RAJESH SUNDARAM: I would say that my role as an editor was for about a few weeks after the launch and most of my time was taken up in setting up the station. So you know, it was really a struggle, on the one hand setting the station, training the staff, getting the processes in place and on the other hand dealing with Atul Gupta who's like a dragon breathing on my shoulder about how things had to be done fast and all of that. There was a tremendous amount of pressure that he was putting on the technical team. In my experience a station
 20 should be launched only after about a month of dry runs. We did a lot of mugs, like for instance, the graphic systems would be made in Europe somewhere, the main servers would have come from America, the lighting systems would have come from another part of the world, the cameras may have come from Japan. For these systems to speak, you know, once the integration happens there are a lot of bugs that are

thrown up, the (indistinct) comes from another company and you know for it to all start working together it takes about a month where the technical team and the editorial team should work closely eliminate those bugs and only the launch – then the launch should happen but in this case what had happened was Ajay Gupta and Atul Gupta had already decided the launch date without consulting the professionals and for us it was – we knew that there was a train coming in the opposite direction at double the speed and we're on the same track, we had our hands tied behind our back and we had to go in for that launch

10 and we knew it was a disaster but as professionals we had to commit suicide, you know, there was no other option for us because the technical team was under constant pressure, the vendors were supposed to deliver, for instance, the studio cameras came on the last day, the day that the launch was supposed to take place they were still fitting the robotic cameras. Now these robotic cameras require the vendor to come in and for training to be given, there are a lot of bugs that are there. In terms of the bugs, if I can explain, on the day of the launch there were – the teleprompter would black out suddenly, you know, it would go blank totally and the anchors who were reading it

20 were not professional broadcast anchors but they models who were being trained and the (indistinct) since they did not want to hire any South Africans because they thought they would be more expensive, they got people from India who spoke very little English, so the cues would go (indistinct) and the teleprompter failed and the anchor who's not a professional journalist would be sitting there petrified because –

the standard operating procedure is for the PCR to tell her, that look, there's a technical failure, why don't you just announce a break right now and come back, we'll fix the bug and we'll come back here but they would come back to her in Hindi and she would not know what is happening and all of that and there was a world out there looking at the launch and they would tweet about all of that, take pictures and put it out and that was, I think, the most depressing time of my life because, you know, in my entire career I had never seen a train wreck like that and you know, to be heading that – very little say in the way things

10 were, it was the saddest, saddest phase of my life and through no fault of mine because this is something that Atul Gupta and Ajay Gupta had done for the pure greed, you know, they knew that the station had to start on time because then the revenues would start to come on time and then all the shareholders would start getting their cuts of the dividend earlier than possible, they were not really bothered about it.

ADV THANDI VICTORIA NORMAN SC: Yes so those were the logistical nightmares that you experienced, I'm interested more in content. If I go back and I watch the news that AN7 showed and communicated to the public, during the period, just immediately after it's launch until you

20 left, can I comfortably say as a South African citizen, what I watched was reliable news?

MR RAJESH SUNDARAM: I wouldn't say that because I remember there were editorial meetings that we held with – you know because the people that we'd hired for the kind of budgets that we had were very young journalists, very hardworking journalists, I mean I've set up

stations and I know that the bunch that we had here were very, very hardworking, they wouldn't complain about the long working hours or the fact that there was problems with the systems and these were young journalists who were idealists, you know, so most of the times I found that the editorial meetings were hijacked by Nazeem Howa who would say things like, you know, if there was a (indistinct) press conference don't even cover that or there's a new political party that being formed well why should we give them any access. My thoughts on this would have been that anybody who is a political entity, it's not
 10 my business as a journalist to decide that I'm going to allow the to have a voice or not, my business was to cover that and let the people decide if they want to hear it or not, you know. Which was not the case, because like I said the word I'm using is hijacked, it was hijacked by people like Nazeem Howa and Moegsiem Williams who would trust the same philosophy they had done in the New Age onto this you know and I had (indistinct) to take a backseat and this was a few days before I resigned and decided to move out.

ADV THANDI VICTORIA NORMAN SC: Yes so this – people bring this content to the editorial team, you are part of that team, I just want to
 20 understand would you allow them to highjack it and push it the way they wanted it to go or would you as the responsible editor that you are, say, you cannot do this, this is not done and therefore I will not support the publication of this particular news, or how did it work?

MR RAJESH SUNDARAM: Well I would register my complaint, tell them that this is the thing but of course Mr Nazeem Howa was the CEO

and for all practical purposes he said that he was a journalist before he came in there and for me, well I had experience working in India, in Sri Lanka and the Middle East and some bits in Pakistan, this was my very first time in South Africa so I had to give in to the fact that he was a person that knew the political situation in South Africa far better than me and the options I had was to either move out of it to either lead, which I couldn't because clearly I had just come to South Africa a few weeks before or a few months before or to get out of the way and I chose to get out of the way because I did not agree with what was

10 happening. If I were to apply the rules of journalism that I had learned in journalism school and which I had followed all my life, I would have said, all political parties, if they have a press conference, please cover it, if there's any view that anybody has out there, please cover it, put it on the air and let the people decide. We should not get into censorship at any point specially in editorial policy, especially when you have an editorial team which is as young as what we had at that time, there should not have been any scope for influencing the young minds on how to do their journalism because most of the young people who had joined us as reporters at that time had come from Universities where

20 they knew what good journalism was about, how they were supposed to go about it, that was being corrupted by the kind of views that Mr Nazeem Howa was giving in the editorial meetings.

ADV THANDI VICTORIA NORMAN SC: Yes you see I'm not a journalist I just want to understand whose responsibility it is to make sure that news that goes out is reliable news, whose responsibility is it?

MR RAJESH SUNDARAM: It is the editors responsibility and it is the collective responsibility of the editorial team but I think the buck stops with the editor and I was frustrated, you know, and I was told more than one occasion that look, you have a fancy salary, you have a fancy chair to sit on, why don't you just sit there, you've already set up the station and you know, look the other way and I was quoted – I was also told that look at Moegsiem Williams you'll see him, you know, Atul Gupta has got a cell phone on which the movement of all the journalists in the New Age can be monitored 24hour basis. He knows how many minutes
 10 a journalist at the New Age is taking a cigarette break or has gone out to have coffee or if he's gone out on an assignment, how long has he taken to come back. That is the kind of monitoring that Atul Gupta used to do of the team and he had people within the newsroom, including Mr Aslim whose job it was to report back to him on each and every development that was happening in the newsroom. What were the editors – he went to the extent that, how long is the toilet break that people are taking or something that he knew, he had CCTV cameras all around. If Mr Moegsiem Williams could live with that at New Age why couldn't you live with whatever was happening, you know,
 20 let them micromanage for you.

ADV THANDI VICTORIA NORMAN SC: Yes, would you then say that having given that – you've given some justification for it as to why you would have, perhaps turned a blind eye to what you were supposed to do but would you agree with me then that by doing so you might have compromised what came out of that news station because of the

various reasons that you've given that you've got someone interfering with the editorial matters and also there's threats that look, if you don't do what you've been told to do you might have to leave. Was there a point where you felt you know that, look, here I allowed myself to be put in a position where any editor shouldn't be put in?

MR RAJESH SUNDARAM: Well you know, one of the reasons why I decided to come to South Africa was, the kind of romance that I associated with South Africa. Growing up in India, we – I used to read the papers everyday about the struggles that were happening, the
 10 leaders like, Nelson Mandela, the kind of – the various actors I was very inspired by that, it was part of the textbooks when we were studying the garment if India was very much, you know, part of a band that was there on the apartheid regime here. I still remember the first passport that I got had printed on it, you know, that on this passport you cannot travel to the Republic of South Africa which is part of the garment of India's policy on the apartheid regime. So for me, coming to South Africa and working with the young team of South Africans was a dream of sorts, you know, so I thought it was worthwhile for me to leave my young daughters and family to come for this project and
 20 convince my family about it but I have regret right now that I was part of a team that I set up a television station for what I see was the mafia for purposes of propaganda which is not something that I wanted to do and I think this is the biggest regret that I have in my life and one of the reason why I wrote the book, you know, if I wanted I could have just started on with my life and gone on but I took a few months off to write

the book immediately after I came back, because I knew that it was not enough for me to just have run away from there, I had to tell the story to the others. Even now, after the book was written I went through a kidney transplant just a few months ago, and you know, after writing the book, if I did not come and testify here, the regret that I had would have stayed with me. So this is, in some senses, a kind of closure for me, you know, that I can come and testify here and tell you the circumstances in which I served, the circumstances in which I quit, the circumstances in which they became very hostile and almost had to run, 10 you know, I feared for my life and the future of my children in the last days here. So yes, I do regret the fact that I set up a station for the mafia which was to be used for propaganda and – but to be honest I had thought – you know because I wasn't a (indistinct) at that time because if I had quit a few days after I had joined, I would put the careers of the colleagues that I'd got with me in jeopardy, that already got their kids out of school and it's very difficult to get admission in schools in India, once you've taken them out you know, and then they had relocated here, they put their kids in schools and for me to quit and leave without the channel settling in any way would have been unfair 20 but I had taken a decision very early that I would quit the station, this is not the place I want to work but allude after I launch it, you know, I was the captain of the ship I wouldn't desert it in the middle I would take it to a particular conclusion which is the launch (indistinct) I do not agree with any of this and I would quit and I would go.

ADV THANDI VICTORIA NORMAN SC: So can we then – just to

summarise that, can we accept that whatever came out, during the time just after the launch, until you left, was compromised news which happened under your watch?

MR RAJESH SUNDARAM: I would agree with that, I would say yes.

ADV THANDI VICTORIA NORMAN SC: Yes thank you

CHAIRPERSON: You have told us about the first meeting and you've told us about the second meeting.

MR RAJESH SUNDARAM: Yes.

CHAIRPERSON: You told us about the people who attended these two
10 meetings, as far as I recall you didn't include – you didn't say that Mr Duduzane Zuma was present at any of these first two meetings.

MR RAJESH SUNDARAM: No he wasn't as a matter of fact he was not involved in any of the decision making it was his father who was – who would act like a shareholder in this, he did make a few appearances...(intervention).

CHAIRPERSON: Had you met him by the time of the second meeting, had you met Mr Duduzane Zuma?

MR RAJESH SUNDARAM: No I haven't.

CHAIRPERSON: And this was what – the second meeting happened
20 when you were in your second month in South Africa or what?

MR RAJESH SUNDARAM: Yes in July.

CHAIRPERSON: In July, that you arrived in...

MR RAJESH SUNDARAM: In June.

CHAIRPERSON: In June.

MR RAJESH SUNDARAM: Yes.

CHAIRPERSON: Early June?

MR RAJESH SUNDARAM: Yes it was the 3rd of June, so today is the sixth year...(intervention).

CHAIRPERSON: Oh ja first week of June?

MR RAJESH SUNDARAM: Yes.

CHAIRPERSON: So it was now July, so it was your second month.

MR RAJESH SUNDARAM: Yes.

CHAIRPERSON: You had not met him yet?

MR RAJESH SUNDARAM: No.

10 **CHAIRPERSON:** You had met – had you met all the other Directors of the company in (indistinct) media as you understood them at that stage, other than him?

MR RAJESH SUNDARAM: Yes I'd met Laxmi Goel, I'd met the Gupta brothers, I'd met Moegsiem and I'd met Nazeem Howa. I did not meet Duduzane until the day of the third meeting.

CHAIRPERSON: So was he the only Director of your employer that you had not met by the time of the second meeting?

MR RAJESH SUNDARAM: Yes.

CHAIRPERSON: Yes okay, alright.

20 **ADV THANDI VICTORIA NORMAN SC:** Thank you, Mr Chairman I'm told that it's 1 o'clock, may we then adjourn for lunch until...(intervention).

CHAIRPERSON: Yes okay we'll adjourn for lunch now and we'll resume at 2 o'clock. We adjourn.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Yes you may proceed Ms Norman.

ADV THANDI VICTORIA NORMAN SC: I beg your pardon. Just to bring to your attention during the lunch or the long adjournment we were furnished with an affidavit which is deposed to by Mr Moegsien Williams together with letters and some annexures to it. We beg leave to simply hand this up for your information at this stage and that we propose that we would like to deal with it in the morning if that is possible?

10 **CHAIRPERSON:** I think read – have time to read unless you say you have read it?

ADV THANDI VICTORIA NORMAN SC: I have read it but because the Chairperson and Mr Sundaram have not had time to have a look at it I was going to propose that maybe we deal with it in the morning or would you like me to read it into the record?

CHAIRPERSON: But what is the affidavit about? Is it an application for anything?

ADV THANDI VICTORIA NORMAN SC: There is no notice of motion. It is just an affidavit but the letter from the attorneys makes this
20 statement which I think...

CHAIRPERSON: I think reflect on it exactly what should happen ja.

ADV THANDI VICTORIA NORMAN SC: And let you know in the morning.

CHAIRPERSON: Ja because...

ADV THANDI VICTORIA NORMAN SC: Thank you. Thank you Mr

Chairperson.

CHAIRPERSON: You cannot just send a statement.

ADV THANDI VICTORIA NORMAN SC: No.

CHAIRPERSON: An affidavit without indicating what the purpose is.

ADV THANDI VICTORIA NORMAN SC: Yes that is what is also puzzling us. Thank you. Thank you.

CHAIRPERSON: Ja you need to – to examine it and – and we take it from there.

ADV THANDI VICTORIA NORMAN SC: Thank you very much. Thank
10 you Mr Chairman. Thank you may we then proceed? Mr Sundaram
could you just go back...

CHAIRPERSON: Maybe I must just check this. Mr Sundaram is available in South African for how long?

ADV THANDI VICTORIA NORMAN SC: He is available tomorrow. He is leaving tomorrow at – in the evening. Yes.

CHAIRPERSON: Now the implicated persons got enough time to apply for leave to cross-examine and the time expired and there was no application.

ADV THANDI VICTORIA NORMAN SC: Yes that is correct.

20 **CHAIRPERSON**: Okay.

ADV THANDI VICTORIA NORMAN SC: Yes that is correct.

CHAIRPERSON: Well maybe make sure that when we adjourn I do get that affidavit informally.

ADV THANDI VICTORIA NORMAN SC: Yes.

CHAIRPERSON: And then you can deal with it formally tomorrow

morning.

ADV THANDI VICTORIA NORMAN SC: As you please Chair.

CHAIRPERSON: So that to the extent that it may contain a version that should be put to Mr Sundaram.

ADV THANDI VICTORIA NORMAN SC: Yes.

CHAIRPERSON: That can be explored.

ADV THANDI VICTORIA NORMAN SC: Yes. We will do that. Thank you Mr Chairman.

CHAIRPERSON: Okay alright.

10 **ADV THANDI VICTORIA NORMAN SC:** Thank you.

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: Thank you. We – on page – page 20? Yes.

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: You wanted to highlight...

CHAIRPERSON: Also – so we – we need to check whether the person who has given – who has deposed to that affidavit as indicted that he or she is available to take the witness stand.

ADV THANDI VICTORIA NORMAN SC: Tomorrow.

20 **CHAIRPERSON:** Not necessarily tomorrow.

ADV THANDI VICTORIA NORMAN SC: Okay.

CHAIRPERSON: If and when required to by the commission.

ADV THANDI VICTORIA NORMAN SC: Yes we will do that.

CHAIRPERSON: You know when they apply for leave to cross-examine.

ADV THANDI VICTORIA NORMAN SC: Yes.

CHAIRPERSON: They deal with that.

ADV THANDI VICTORIA NORMAN SC: Yes.

CHAIRPERSON: Now he or she is not applying for leave to cross-examine.

ADV THANDI VICTORIA NORMAN SC: No.

CHAIRPERSON: But it might be helpful to know that the person is making his or her version on the understanding that if required they have no problem coming to testify to that version.

ADV THANDI VICTORIA NORMAN SC: Testify. We will do that Mr

10 Chairman. Thank you.

CHAIRPERSON: Okay.

ADV THANDI VICTORIA NORMAN SC: Thank you very much. Yes thank you Mr Sundaram there is one – you wanted to highlight something in 25.11 at page 9 – 21 I beg your pardon yes?

MR RAJESH SUNDARAM: Yes – oh yes I – the part of the meeting you know he – President Zuma had given us an example of how the coverage should be. So he was telling us that in a few days from that meeting he would be going to Mpumalanga and that he would expect that ENCA and the other stations would give him a bad publicity about
20 it and he also said that they would go there to the local area and get sound bites from the people about how the policies and the programmes of the government were not working and that is what they would highlight when they do a story on that. So that is when Ajay Gupta suggested that we would send a team with you on that – on the flight that you going to and we do a positive coverage. To which he

said...

CHAIRPERSON: Was that coverage be that of the New Age the newspaper?

MR RAJESH SUNDARAM: No for the television station which was still being...

CHAIRPERSON: Had it started?

MR RAJESH SUNDARAM: No it had not started there.

CHAIRPERSON: Oh.

MR RAJESH SUNDARAM: But he wanted to get it into a practice and
10 [indistinct] that is the time when we were – when we were – we had our
teams out and they were going out and filming. So – but what the
President said that if you come there with me on the flight it would be a
very shallow kind of a report that you can put out and it may not – it
will seem like propaganda because you will go and talk to people and
sound bites of how things are working and all of that. But what he
wanted instead was an advanced team of reporters to go before each
visit that he made to various provinces and to do stories about how the
programmes were working indeed and then follow it up with a visit so
that overall you know it was not just a report on that particular day but
20 a series of reports that came before his visit and which – you know so
the viewer was reinforced when the President came there and he gave
a speech and put that out. So – so to which Ajay Gupta said that yes
you know we will send a team with you and we will send an advanced
team as well because we have got various bureaus across the country
and they could do – be the advanced team that sends us these visuals.

So it was planning down to that level that happened during the – during the second meetings in terms of the editorial approach that one was to take.

ADV THANDI VICTORIA NORMAN SC: Yes. Thank you. And you – do you want to highlight something on that page other than what you have just testified to?

MR RAJESH SUNDARAM: Oh you see also there was a brief that was given to the President about the technology that was available. For instance the satellite trucks that they had they – our broadcast vans
10 and also each of the bureaus had a live device which was – which primarily worked on the – on bandwidth. So he was told that these devices were available and that the station could go live with any of events from anywhere in the country. So those were the briefings that were given to him about he could use the technology that was available with the station for his own publicity and all of that and which is something that he listened to very – paid a lot of attention to.

ADV THANDI VICTORIA NORMAN SC: Okay.

CHAIRPERSON: But – were you – you were dealing with what is in 25.18.

20 **ADV THANDI VICTORIA NORMAN SC:** Point 11.

CHAIRPERSON: Is that right paragraph 25.18?

ADV THANDI VICTORIA NORMAN SC: Yes my apology yes.

MR RAJESH SUNDARAM: No 11, 12, 13.

CHAIRPERSON: Hm.

ADV THANDI VICTORIA NORMAN SC: He has compressed I think 11,

12 and 13.

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: He has summarised basically what is in 20 – yes 11, 12 and 13.

CHAIRPERSON: Oh yes.

ADV THANDI VICTORIA NORMAN SC: Mr Chairman.

CHAIRPERSON: I see that in paragraph 25.13 you – you have I think within quotes among others this statement that you attribute to Mr Ajay Gupta at the meeting ‘we can send reporters with you and we will also
10 send reporters in advance’.

MR RAJESH SUNDARAM: Yes.

CHAIRPERSON: ‘The positives of the government will surely be highlighted’ and then you say Ajay answered with folded hands. Could you remember all those details when you wrote the book?

MR RAJESH SUNDARAM: I wrote the book within...

CHAIRPERSON: Without any – any notes that you had made?

MR RAJESH SUNDARAM: No I wrote this book – the book was released in 2018 but I wrote this book within months of leaving there. You know I started as soon as I left I had – was in touch with Bridget
20 Impey from Jacana Media and I had started writing from my recollection. So I had started writing all of this immediately then and sending the chapters across to my publisher.

CHAIRPERSON: Let us say the – you started writing about what – about a month after you left, about two months after you left, about three months how long?

MR RAJESH SUNDARAM: No immediately as soon as I reached I had taken a break I decided that I will not take up any other assignment until the time I had the book out of my head. So I travelled to – I started writing in Delhi then I – you know I thought that I needed seclusion to write so I travelled to Nepal to Kathmandu to Pokhara then I came back. There was a conference I had to attend in New Jersey...

CHAIRPERSON: Hm yes but I am trying to get the time...

MR RAJESH SUNDARAM: So within days.

CHAIRPERSON: That I – that lapsed since you left and you started
10 writing the book?

MR RAJESH SUNDARAM: I think it was a matter of days. You know as soon as I came back to Delhi I had immediately started writing the book and I think even in the interviews that I was giving at that time to the media I had told them that I am writing this book and that I would have – it will be a tell all book and it will have all the details that I have.

CHAIRPERSON: But of course the second meeting was during your – the second meeting that you have testified about had – took place during your second meeting – second month in South Africa which was July?

20 **MR RAJESH SUNDARAM:** Yes.

CHAIRPERSON: And as I understand your – your statement you only left around September is that right?

MR RAJESH SUNDARAM: Yes.

CHAIRPERSON: So between the date of that meeting in July – second meeting to the time that you left you had not written any notes that

recorded to what had happened at the meeting?

MR RAJESH SUNDARAM: I had not recorded any notes but I did remember because these were very important meetings during my – [indistinct] there the meeting with the President and I had remembered all the details also very vividly because there were not usual meetings and usual conversations. They were very unusual and a lot of the things really stuck in my head because...

CHAIRPERSON: No I am just – I am just – think about remembering that when he said – made a certain statement he had – his hands were
10 folded.

MR RAJESH SUNDARAM: Hm.

CHAIRPERSON: Was – were his hands folded throughout the whole meeting?

MR RAJESH SUNDARAM: No you see whenever he said something like this where he needed validation you know he would fold his hand and say that.

CHAIRPERSON: Ja.

MR RAJESH SUNDARAM: You know in a sign of sincerity that he was saying it with all sincerity.

20 **CHAIRPERSON:** Ja.

MR RAJESH SUNDARAM: But that is something that I remembered because – because here was somebody who was trying to sell an idea to the President.

CHAIRPERSON: Yes

MR RAJESH SUNDARAM: And he wanted to appear and he did that.

CHAIRPERSON: Yes.

MR RAJESH SUNDARAM: You know in those meetings and that is something that I remember because these were characters and these were you know the kind of gestures that they make which really sticks to one's mind.

CHAIRPERSON: Yes.

MR RAJESH SUNDARAM: And when I was writing that book I just put all of that in together. Because I remember these things very vividly.

CHAIRPERSON: Yes.

10 **MR RAJESH SUNDARAM**: Like I remember them because they were very unusual because I had never been part of such meetings ever before where such things were discussed. And I do remember the mannerisms, the body language that were there.

CHAIRPERSON: Hm. In meetings that did not involve the President was Mr Ajay Gupta in the habit of folding his arms like that maybe or is it something that you only saw at these meetings with the President?

MR RAJESH SUNDARAM: Only in these meetings with the President because other meetings I see basically it was Atul Gupta who was the hands on person from the family.

20 **CHAIRPERSON**: Hm.

MR RAJESH SUNDARAM: Who was looking at this. Ajay's interest in this would come when you meeting the President or he would have an occasional visit with his – you know half a dozen body guards that he would come from time to time. But apart from that he was not directly associated with the day to day operations there. It was more Atul

Gupta.

CHAIRPERSON: Yes./

MR RAJESH SUNDARAM: Who was the [indistinct] because you know hands on.

CHAIRPERSON: Yes.

MR RAJESH SUNDARAM: Almost on a 24/7 basis on this.

CHAIRPERSON: Okay.

ADV THANDI VICTORIA NORMAN SC: Thank you. Thank you Mr Chairman. And then you in paragraph 25.15 because you have already
10 dealt with the names that the President had given you of persons that you were supposed to approach. You deal with that in 25.14. Then 25.15.

MR RAJESH SUNDARAM: Yes so I thought that this was getting into an internal HR meeting as well because you know he allocated to us of a time on a Sunday where he was supposed to spend time with his family with the ANN7. And like I have said before you know his interest in the meetings was like a full shareholder. He wanted to know the details, he wanted to help out. There were issues that the other directors could not resolve that were being brought to his notice being
20 the President for him to resolve and one of the issues that was brought also was about – and I have written there about how the commercial aspects of all of this really intrigued me at that time. And also the statements that were being made you know like how the DA – somebody said there was – we had a very effective PR machinery and they would churn out press releases every day twisting facts and turning them

against the government. So this is the kind of statements that were being made there. And also the fact about who to hire you know which was – something which was an internal decision was also taken to the President. Like the – so that was something that was also discussed there during that time.

ADV THANDI VICTORIA NORMAN SC: And then you seemed to have posed a question with Nazeem and what he told you?

MR RAJESH SUNDARAM: Yes you see because I had asked him you know because until that time it was not very clear to me on why we
10 were giving these presentations to President Zuma we were just told and we were doing it. So we had a very hectic schedule you know it was almost working from morning until late in the night in the process of setting up the station. All of us were actually even the young reporters, young team that had come in there were putting in 12, 13, 14 hours some days. They would come in very early and go back in a dropping that they got from the office which was well after ten o'clock in the night. So I thought it was a little funny that we spending so much time there you know hours giving a briefing to the [indistinct]. You know why we were doing that so he told me that oh do you not
20 know already that his son is a shareholder in this and that is when I got to know about it – about his direct involvement in the project. And also about the potential conflict of interest. I was also told about around that time that why the President was involved in this project was because he would then influence commercial decisions as well in terms of the advertising that they will get from the various [indistinct]

agencies and ministries and since his son was a shareholder in it he would get a portion of that. So this is something that was acknowledged very openly by the team that including Nazeem and it was something that was very valuable to the staff there you know to the senior management that that was the arrangement we had – the president would help get the government advertising and the influence in other ways using his high office and whatever commercial benefits that came of it a portion of that would go back to his son and which I thought was a clear conflict of interest which everybody seemed to be

10 very happy about at that point. So the whole idea was that Mr Laxmi Goel who was in the joint venture would bring in the - you know since he came from a family of broadcasters he would make the investments and the technology. The actual real estate the office and the influence would be the Gupta family and Duduzane was there because then he would use his father's office to get commercial benefits for the television station which would then be shared by all the three partners. And Mr Duduzane would get to the extent of ownership that he had in the station a share of the profits.

ADV THANDI VICTORIA NORMAN SC: And all of that – that is not

20 something that was discussed at any of the meetings is what you heard outside the meetings where the President was – was present. Because my understanding is that you were not part of the meetings that we dealing with business.

MR RAJESH SUNDARAM: No I was not – I was not part of that. That was you know we were – Arum Aggarwal and me we were asked to

move out and only then those things took place. But how we found out about that was whenever there was what is known as an executive committee meeting which was all the executives meetings in the morning to discuss what are the challenges, what are the issues, what are the achievements. Some of those issues which were discussed in the second half were brought in there. That is how I knew about the independent collection commission how you know the New Age had to speak with the President to get a share of the – the millions of dollars that they had – millions of rands that they had in advertising. Or the

10 kind of influence you know for instance in that executive committee there will be somebody from – from the marketing team who would come and say well we want such and such a minister and we also want his ministry to pay for the venue and the breakfast that is provided there but they seem a little reluctant so probably we should take it up in the next meetings and – with President Zuma and he would use his influence to get that minister to come for this. And any of the other challenges that they had would be discussed there and that is how I came to know about what was happening in the second half of the meetings.

20 **ADV THANDI VICTORIA NORMAN SC:** Alright okay. Thank you. And then – so is there anything else in 25.18 that you want to highlight before we move onto the third meeting?

MR RAJESH SUNDARAM: Ja so this is how it was you know. But they had a similar model which was working for the New Age and that is the model that they want to replicate here. The difference being that they

would have Laxmi Goel here who would bring in the investments that would go into setting up the infrastructure and this was pretty much the routine that was there. The utility of each of the partners was Laxmi Goel would bring in the money that would make the infrastructure the Gupta Brothers would have the real estate and you know they will provide the infrastructure in terms of the situation in South Africa and President Zuma through Duduzane would ensure that there was a healthy flow of commercials that came in from the government side and each of them got a share of that money through their ownership as
 10 dividends as {indistinct}.

ADV THANDI VICTORIA NORMAN SC: Okay thank you. And then could you then tell the Chairperson about the third meeting that you say took place and when did it take place and where?

MR RAJESH SUNDARAM: Oh this was in the first week of August 2013 I do not remember the exact date but unlike the other meetings this took place in the evening. I remember that... I am sorry.

CHAIRPERSON: I am sorry. Ms Norman.

ADV THANDI VICTORIA NORMAN SC: Yes.

CHAIRPERSON: It will be important to – for the commission to look at
 20 the – at government advertisements that went into both the New Age and ANN7 over a certain period of time and to see how it grew.

ADV THANDI VICTORIA NORMAN SC: Yes.

CHAIRPERSON: If it did grow. I know that there was evidence given I think last year or even early this year.

ADV THANDI VICTORIA NORMAN SC: Yes.

CHAIRPERSON: In relation to GCIS.

ADV THANDI VICTORIA NORMAN SC: That is correct yes.

CHAIRPERSON: But it is important to have a clear idea of all government departments and parastatals to what extent there may have been government advertisements that went there and to what extent if any.

ADV THANDI VICTORIA NORMAN SC: Yes.

CHAIRPERSON: It might have been different from government advertisements that go – that went to any other TV station.

10 **ADV THANDI VICTORIA NORMAN SC**: Yes.

CHAIRPERSON: Or newspapers and compare. I know that when I was – I had evidence in relation to GCIS I was shown grafts.

ADV THANDI VICTORIA NORMAN SC: That is correct yes.

CHAIRPERSON: As to how it grew from a certain level to a certain level in regard to certain departments including certain premier's offices and so on. I still have a recollection of that

ADV THANDI VICTORIA NORMAN SC: Yes.

CHAIRPERSON: But it would be important to have a look at that with reference to the dates of the meetings that the witness is talking about.

20 **ADV THANDI VICTORIA NORMAN SC**: Yes.

CHAIRPERSON: What was the position before? What was the position after? Does it appear like there was a change an increase or not?

ADV THANDI VICTORIA NORMAN SC: Yes.

CHAIRPERSON: As a matter of fact.

ADV THANDI VICTORIA NORMAN SC: Yes thank you Chair.

CHAIRPERSON: And then what one can make of that is another matter.

ADV THANDI VICTORIA NORMAN SC: Yes there is a bit that we have done with the one witness.

CHAIRPERSON: Ja.

ADV THANDI VICTORIA NORMAN SC: That we intend to call.

CHAIRPERSON: YEs.

ADV THANDI VICTORIA NORMAN SC: Where she has only concentrated on the SABC and all the other TV stations.

CHAIRPERSON: Ja.

10 **ADV THANDI VICTORIA NORMAN SC**: And yes but it is limited. But I hear you Chair we could perhaps just expand on that before we call that witness.

CHAIRPERSON: Yes.

ADV THANDI VICTORIA NORMAN SC: Yes.

CHAIRPERSON: Ja.

ADV THANDI VICTORIA NORMAN SC: Thank you. Okay.

CHAIRPERSON: Okay.

ADV THANDI VICTORIA NORMAN SC: Thank you. Thank you. Yes Mr Sundaram you said you cannot recall the date it was in 2013 and in
20 relation to the launch of the ANN7 when exactly do you think it took place? Was it a day before the launch or was it...

MR RAJESH SUNDARAM: No this was about a few weeks before the launch.

ADV THANDI VICTORIA NORMAN SC: Yes.

MR RAJESH SUNDARAM: So because the launch was in – a few

weeks before because I think this is in August some time.

ADV THANDI VICTORIA NORMAN SC: Yes.

CHAIRPERSON: I would not recall the exact date but the last meeting which is the fourth meeting was one day before the launch that is when the President came to the Midrand office of ANN7.

ADV THANDI VICTORIA NORMAN SC: Yes.

MR RAJESH SUNDARAM: But this happened in – at the residence, the same place in Pretoria at his residence. We first went to the room on the right.

10 **CHAIRPERSON:** This is now the third meeting?

MR RAJESH SUNDARAM: The third meeting yes.

CHAIRPERSON: Yes, yes,

MR RAJESH SUNDARAM: So we first...

CHAIRPERSON: I think start from how it came about that you were told about the meeting and so on.

MR RAJESH SUNDARAM: Ja I was told in the morning you know while I was busy with production of the drive [indistinct] bulletins that we were making. I was told that we have to go in the evening to meet the President and that we have to take samples of the best bulletins that
20 we produced. So I was not proud of the bulletins we were making at that time because half the equipment had not come, the training was not complete and this was just something that we were doing for internal consumption. So I was not very happy with showing that as a proof of what the quality of the station would be at that time. But I was told that oh you do not worry about that the President would not know

about quality and production and all of that. You bring whatever is there and we will show it to him. Because I think there was a thought that you know you can show him a lot of presentations on paper but if he actually sees a bulletin – if he actually sees a graphic that will convey much more to his mind than just seeing empty presentations. So they were very – very eager to show what was being produced. And this was also the first meeting in which Duduzane was present. So I remember the – we were ushered into the room – meeting on the right where Duduzane had come in and he was told by the Gupta brothers

10 that you know we have a surprise for you today and we have a bulletin which we have produced and all of that. And in preparation for the meeting Ashu Chawla was asked to arrange for a player you know we had recorded the bulletin on a chip and that chip was to be played before the President on a player. And also there was a broadcast monitor that was brought in for this particular meeting.

CHAIRPERSON: Hm before you proceed I am sorry. The first two meetings as I understand your evidence were at the President's official residence in Pretoria?

MR RAJESH SUNDARAM: Yes.

20 **CHAIRPERSON**: Was the third meeting at the same venue?

MR RAJESH SUNDARAM: Ja the same venue. It was the same venue.

CHAIRPERSON: And the same room?

MR RAJESH SUNDARAM: There were two rooms here you know. We initially started at the room to the right.

CHAIRPERSON: Ja.

MR RAJESH SUNDARAM: But then when we told Duduzane that we have these bulletins that we want to show him he said, why do we not come to the other room there is a large TV there.

CHAIRPERSON: Yes.

MR RAJESH SUNDARAM: And we can show it to him there.

CHAIRPERSON: YEs.

MR RAJESH SUNDARAM: And that was a room which had a lot of seating arrangements.

CHAIRPERSON: Yes.

10 **MR RAJESH SUNDARAM:** There was a large TV on one side on the wall.

CHAIRPERSON: Yes.

MR RAJESH SUNDARAM: And when we were trying to hook the wires we realised that the wire that we had got with us we were short on that – the cable was short. So then we decided to go with the plan even to show him on the small monitor that we got with us. So we were told that the President is coming into that room and we quickly put that together and showed him the bulletins. But this was the first time Duduzane – I had met Duduzane and he was actually looking at
20 something and he was excited about that the fact that bulletins had been produced and he was knowing that it actually got to a stage where we were making all of this.

CHAIRPERSON: Did you – before this meeting with that meeting had you in the meantime met Mr Duduzane Zuma or were you meeting him for the first time at this meeting?

MR RAJESH SUNDARAM: I was meeting him for the first time.

CHAIRPERSON: Okay.

MR RAJESH SUNDARAM: I was actually introduced to him for the first time.

CHAIRPERSON: Okay.

MR RAJESH SUNDARAM: In the room on the right.

CHAIRPERSON: Yes.

MR RAJESH SUNDARAM: You know because that is when he said we will go to the other room and he took us all to that other room.

10 **CHAIRPERSON**: Hm okay.

MR RAJESH SUNDARAM: Which was there.

ADV THANDI VICTORIA NORMAN SC: Thank you. And in paragraph 26 you mention that Mr Williams was not at that meeting?

MR RAJESH SUNDARAM: He was not at that meeting because he was in Cape Town on that day and also by that time there was serious differences that Mr Arun Aggarwal had with the Gupta family. This was a bit of a tough war you know because we had two joint venture partners who were deeply suspicious of each other. Laxmi Goel and the Gupta family. So the reason why they were upset with Arun
20 Aggarwal was because he was brought in head of business and he represented Mr Laxmi Goel. But he was not given access to the financials of the company. As a matter of fact it was the CFO of the Gupta family who was running the whole operations and every time Mr Aggarwal wanted to meet her she would deny him an appointment, keep hanging. If he wanted some information that was not given to him and

that is when I realised that there was some kind of a tussle going on between the joint venture partners as well you know in terms of sharing financial information. In terms of sharing where the money that was invested or brought into the project was being invested and put out. So there was reluctance on the part of the Gupta's to share that with them. And they also would snub Mr Arun Aggarwal at every occasion that they could get to the extent that they would deny him access. He would come and sit in the office the whole day with no work. He had an accountant who was reporting into him and that accountant who was a

10 young boy of – in his early twenties was also getting direct instructions from the CFO from the Gupta side and also from the Gupta family directly. So they were giving him an – a sense that he was not required anymore and there and that he is not welcome. And in that meeting I was told very bluntly when I asked Nazeem whether Mr Arun Aggarwal should be informed about it. He said no we do not really need to involve him anymore in the project. So they had decided unilaterally to just get rid of him and true enough I think in a few weeks they created such conditions that he had to go back to India and – because they had clipped his wings and made him ineffective in the operations.

20 **ADV THANDI VICTORIA NORMAN SC:** Yes. So then at that third meeting minus the two.

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: It would have been yourself who else was there?

MR RAJESH SUNDARAM: There was Ajay Gupta, Atul Gupta, Nazeem

Howa and me and Duduzane who also [indistinct] up and the President who came directly to the room on the right of the entrance.

ADV THANDI VICTORIA NORMAN SC: Yes.

MR RAJESH SUNDARAM: On the left actually, to the left of the entrance.

ADV THANDI VICTORIA NORMAN SC: Yes and when you say it was held in the evening what time more or less was it?

MR RAJESH SUNDARAM: I would not remember correctly but this was – this – it would be about four or five you know early evening.

10 **ADV THANDI VICTORIA NORMAN SC:** Early evening.

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: Alright thank you. And then could you then tell the Chairperson what happened what was discussed at that meeting?

MR RAJESH SUNDARAM: Well at that meeting they showed the President the – you know the bulletins that had been produced. Like I said I was not very keen that they show those to the President because those were not produced very well. We did not have a fully operational production control room and most of these bulletins had been produced
20 on a nonlinear editing system you know which is basically on a timeline. And it had a lot of rough edges. Also the angles there were very – very raw and you know there were a lot of fumbles and hesitations in each of the you know multiple takes that were there which were not edited out properly. But they insisted that we show this to him. The President walked into the room and we had connected that

television with the small monitor and he saw the bulletin. I – I would have thought that – you know – the Head of State and the kind of other appointments that he would have he would just probably see if for two minutes and then just move on but to my surprise he saw a full 15 minutes of the bulletin that was produced very intently and that was before one of the Gupta brothers said okay. You have seen it. So we just forward to the next bulletin. So he said no I want to see the whole thing.

CHAIRPERSON: Hm.

- 10 **MR RAJESH SUNDARAM:** That is when Duduzane came in and said that oh - you know - probably daddy wants to – he is – he is impressed by the anchors and he wants to look at them. That is why he wants to watch it and not because of anything else and there was laughter in – in the room at that time. Also Duduzane was the one who introduced to his father the fact that these bulletins were made and he said you know dad we have got these bulletins but then a few minutes before that he did not even know that – you know – what the status of the project was or whether the bulletins were being introduced. He was just called a few minutes before by the Gupta brothers that they had got bulletins to
- 20 show his father. So yes and the Gupta brothers were just smiling indulgently when he was doing all of that – you know – that charade in front of us and his father.

CHAIRPERSON: Now if the first two meetings were on a Sunday was this one also on a Sunday?

MR RAJESH SUNDARAM: This was a week day. To the best of my

knowledge ...

CHAIRPERSON: A week day?

MR RAJESH SUNDARAM: Yes.

CHAIRPERSON: Okay.

MR RAJESH SUNDARAM: And also – you know ...

CHAIRPERSON: In the evening, during the day?

MR RAJESH SUNDARAM: No this was in the evening.

CHAIRPERSON: This was the evening?

MR RAJESH SUNDARAM: Yes.

10 **CHAIRPERSON**: During ...?

MR RAJESH SUNDARAM: Between four and five – if I remember correctly.

CHAIRPERSON: A working day?

MR RAJESH SUNDARAM: Yes.

CHAIRPERSON: Okay.

ADV THANDI VICTORIA NORMAN SC: Yes.

CHAIRPERSON: Thank you.

ADV THANDI VICTORIA NORMAN SC: Yes. Anything in 28.3 and four that you want to highlight?

20 **MR RAJESH SUNDARAM**: So this is – you know – I have given details about how when I was in the production control room with the bulletin that is when I got a call saying that we have a President – an appointment with the President in the evening. He wants a quick review of the project. So this is something that was sought by the President. That was the impression that I was given by Atul Gupta that

the President had sought a review – a meeting and that – that he would like to see bulletins that we have produced over the last few days. We have to make him happy to make sure that we take the bulletins to him. The majority of the stories show him in good light. I do not want the bulletins to be filled with Malema. This was around the time when Malema had just left the ANC and his – he had started his own political party and that was the time also where the – the brothers wanted us to have bulletins that were – that were full of good images of the President and had very little – but this was the time when we were

10 producing bulletins without any putting pressure on the team and they had made these bulletins based on the news priorities of the day and it was not something that showed the President in good light or Malema in bad light or whatever. So – so when we – when we took this – also – you know – the presentation was very raw. It was not very professional but – but I think even this nobody took advantage – you know – the President was watching it. There was just one clip by that time they had got from the SABC which was of Julius Malema travelling in a helicopter. So – which Ajay Gupta knew nothing about but he – he created a story right in front of the President there because (indistinct)

20 seen the bulletin. There was a story on Malema that he was in a chopper. So he asked me pass the bulletin and told the President look – you know - we are showing Malema as somebody who is – you know - he is somebody who is corrupt who likes to live in luxury who likes to travel in helicopters. So without saying a word in the voiceover the people who – because these are the visuals that they are using of him

but the truth is that that was the only visual that we had of Julius Malema and that is what the team had used there – you know. So there was no intention to do that but he turned it around and he said like you said last time that we should use subtleties like this and that is what we have done. He said that. He made it up and said that to impress the President. So that is something ...

ADV THANDI VICTORIA NORMAN SC: Yes. In 28.4 you mention that there were a group of models that were hired and were trained. Were these models trained to read the news? What were they doing?

- 10 **MR RAJESH SUNDARAM:** Again you know this is something that we had to contend with because you know of many of the professional presenters were reluctant to join ANN7 at that time because of its association with the Gupta Family. Many of the credible journalists would not want to have anything to do with it and even those like for instance Nazeem would suggest that we could get a few of the prominent journalists but the Guptas then would have resolutions about hiring them – you know. They would call them all kinds of obnoxious names which I cannot mention right now and say but no we do not want that – you know - because that they will be against this or against that.
- 20 So that put us in a – in a situation where we did not have presenters. So the only option then was to hire at a higher salary journalists but I think also they were very suspicious of the journalists. They thought that they would not draw the line that they wanted to. So – so then that is when Atul Gupta got up one day and suggested that let us hire models and he asked Aslam or there is a modelling agency that is –

something that we have used in the past – asked them to send a dozen models and we will train them to be presenters. You know – I had objections at that time not because I did not think those young ladies would be able to do it but you know news is something that acquires experience. A sense about what is being read. Journalism is not just a pretty face reading the news but it is much more than that. It requires a deep understanding of the issues. You are supposed to ask questions – you know – especially when it is live television when you have live sources that are coming out. You have to ask questions or
10 you end up becoming the laughing stock. You know if those questions are not sharp enough or if they are not focused enough by my objections were overruled like many others before that and he insisted that these anchors come in. That they be trained by a professional and will be important and to their credit they worked really hard, they worked long hours but they were not being paid much. I think the only incentive for them was that they would get to feature on the station and very much - not very much more than that and they did put on a brave face because – you know – here was a time when the technology was very, very basic. Most of the equipment had not come in and – and
20 they were still out there and they were struggling to put things together. So – so yes most of the – you know – with the fumbles and things were getting into the bulletin because the anchor is not fully trained yet and those are not professional journalists but they were models who were really struggling and trying hard to fit into the – the slot that they were given.

ADV THANDI VICTORIA NORMAN SC: Yes. Okay, thank you and then you – you then in that very paragraph – 28.6 – I beg your pardon. You then – it appears if this was the end of the meeting because you left at 07:00 pm. Were you leaving the official – the President's official residence or were you leaving – where were you leaving at 07:00pm?

MR RAJESH SUNDARAM: Which point is this?

ADV THANDI VICTORIA NORMAN SC: 28.6 – that – the last sentence there.

MR RAJESH SUNDARAM: Okay. So we were leaving from 07:00 pm.

10 Sorry.

ADV THANDI VICTORIA NORMAN SC: Yes.

MR RAJESH SUNDARAM: I would correct myself. It was not four to five but we left at seven so it was more like 07:30/08:00 that the meeting started or 07:30 to ...

ADV THANDI VICTORIA NORMAN SC: Oh, so this is the evening back to the time when you left ...

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: For the meeting?

MR RAJESH SUNDARAM: Yes, yes.

20 **ADV THANDI VICTORIA NORMAN SC:** Okay, thank you.

MR RAJESH SUNDARAM: I can correct myself.

ADV THANDI VICTORIA NORMAN SC: Yes.

MR RAJESH SUNDARAM: It was not four to five. It was in the evening ...

ADV THANDI VICTORIA NORMAN SC: Yes.

MR RAJESH SUNDARAM: But later.

ADV THANDI VICTORIA NORMAN SC: Alright, okay. Alright, thank you and then you – then you deal with the conversation in the car. I would imagine ...

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: 28.7.

MR RAJESH SUNDARAM: *Ja*, because they were very agitated about the fact that the Independent Election Commission had not given the New Age any advertising. They knew that there was a multimillion
10 Rand budget that the IEC had which was not allocated to the – to New Age and they said that they wanted to bring it up and the conversation going to the – and it is like the last time I was travelling with Ajay and Nazeem.

ADV THANDI VICTORIA NORMAN SC: Yes.

MR RAJESH SUNDARAM: And they said that we should bring this up and we should make sure that the IEC gives us our share of the money that they have. So they were – there was almost a sense of (indistinct) both of them that they were obsessed about this topic and they said that they will go and talk about this and make sure that we get our
20 share of this. So it was almost like how dare the Independent Election Commission not pay us – not pay this newspaper and – you know – we have to make sure that they do it – we have to make sure that they toe the line and any Government Agency that has any amount of allocation for advertising they very well gives us a share – you know. So this was a point that they wanted to prove with the IEC.

ADV THANDI VICTORIA NORMAN SC: Yes and then ...

CHAIRPERSON: Well ...

ADV THANDI VICTORIA NORMAN SC: I beg your pardon, sorry.

CHAIRPERSON: What you have just said maybe quite important for the evidence of another witness how has given evidence before me. As I understand you - and you must just tell me if I understand you correctly - you are saying that - was it Nazeem? You are saying he was insisting that you - that is they - must get their share of the advertising revenue that the IEC had. Is that right?

10 **MR RAJESH SUNDARAM:** Yes.

CHAIRPERSON: Yes and did you use the word “obsessed” as well or did I hear something you did not say?

MR RAJESH SUNDARAM: Obsessed.

CHAIRPERSON: Obsessed, huh-uh. In the context of how they wanted it.

MR RAJESH SUNDARAM: No Chair. *Ja*, what I meant by that was they were very agitated about it and - you know - they almost felt like that how dare this Government Agency would do it because why this stays in my head is that in India the Election Commission is supposed to be a
20 constitutional body which is independent of the Government and no amount of influence - I mean the political parties - of course now we have all kinds of allegations that it is a compromised organisation but to - to think that the - you know the Head of State there or the Prime Minister's Office in India could influence a decision of the IEC is something that goes against the very character of the constitution. So

I was a little intrigued there – you know – about how the President could actually influence the IEC because these are two different bodies namely democracy. So and they were very clear that they would talk to him and that they would get a share because they were assured later on that the President would look into and speak with the (intervenes).

CHAIRPERSON: Yes, yes. No that is fine. I am trying to under – to make sure that I understood you correctly. I thought you used the word obsessed. So I am just checking whether I heard you correctly.

MR RAJESH SUNDARAM: I think I said obsessed ...

10 **CHAIRPERSON**: Yes.

MR RAJESH SUNDARAM: But what I meant was that they were very agitated and they were ...

CHAIRPERSON: Yes.

MR RAJESH SUNDARAM: Very clear that they would go after this meeting and (intervenes).

CHAIRPERSON: That they wanted to get their ...

MR RAJESH SUNDARAM: Yes.

CHAIRPERSON: Their share of the revenue?

MR RAJESH SUNDARAM: Yes, yes.

20 **CHAIRPERSON**: Advertising revenue?

MR RAJESH SUNDARAM: Yes and they believed very formally that if they took it up with the President they would get what – what was there ...

CHAIRPERSON: Hm.

M RAJESH SUNDARAM: And then this was also a point – a case in

point – you know – so that any other agency in the future forgot or deliberately kept the New Age of their advertising campaign or – or – you know – kept them out of the budget that they are advertising.

CHAIRPERSON: Yes.

MR RAJESH SUNDARAM: This would be a case to point to say even that the IEC kept us out and we got them in. So you – you know ...

CHAIRPERSON: Yes.

MR RAJESH SUNDARAM: You can deny us but then finally you will have to give (intervenes).

- 10 **CHAIRPERSON:** Yes well you see that is interesting because one – one would have to look at Mr Themba Mashego's evidence. You might not know Mr Themba Mashego. He was one of the first witnesses who gave evidence before this Commission last year. He was Director-General of a Government Department then called GCIS and he gave evidence here to the effect that Mr Ajay Gupta approached him and his evidence was in part more or less to the effect that Mr Ajay Gupta was aware that GCIS or Government had set aside a certain of money. I think 600 ...

ADV THANDI VICTORIA NORMAN SC: Million.

- 20 **CHAIRPERSON:** I do not know – 600 million or whatever – had set it aside for advertising and Mr Mashego told me that in his discussion with Mr Ajay Gupta Mr Ajay Gupta seemed to feel very strongly that they should be – that is I think the Gupta brothers or their business or businesses – should get a certain portion of that revenue and on the evidence – on the version that I was told by Mr Mashego Mr Mashego

was resistant to that attempt and according to his version Mr Ajay Gupta did not – was not too happy about that and said certain things but if you describe the conversation that you had with Mr Nazeem and how he conveyed or expressed how much they wanted what you call their share of everything it maybe that there are some similarities with how Mr Ajay Gupta according to Mr Mashego described how much they wanted a certain share of that revenue but the Commission will look at that and compare. Okay, thank you.

ADV THANDI VICTORIA NORMAN SC: Thank you. Thank you

10 Mr Chairman. In paragraph 28.7 a suggestion is made there that apparently this issue had been raised with the President and that on that evening you were going to get the results.

MR RAJESH SUNDARAM: Yes and I think – if I remember correctly – I had a conversation with Ajay Gupta and he said that they had had a breakthrough. He did give me some figures which I do not remember right now, but he told me that there was a breakthrough in that – in that meeting. They had managed to get - I do not know if all of that was from the IEC but from others. He gave me a figure of – of some Rands and he said that that was how much they had been able to get post that

20 meeting. So ...

ADV THANDI VICTORIA NORMAN SC: And – and was this part of the discussion also held in your presence?

MR RAJESH SUNDARAM: No that was a discussion that I had ...

ADV THANDI VICTORIA NORMAN SC: Yes.

MR RAJESH SUNDARAM: I think the next day when he come to the

studio. So I was just having a conversation with him and he said ...

ADV THANDI VICTORIA NORMAN SC: Yes.

MR RAJESH SUNDARAM: Oh you know – so I asked him about the meetings that they had just out of – you know – making small talk and he said we – we are already successful and you know in that meeting we had taken up a lot of these things and we got business worth X amount – you know - which I do not remember correctly but it sound - it sounded like a fascinating amount – fantastic amount to me.

ADV THANDI VICTORIA NORMAN SC: Yes, thank you. So now you
10 are moved to a bigger room where there is a bigger monitor?

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: And then what happens in that room?

MR RAJESH SUNDARAM: Well they (indistinct) and there is of course we could not use the big TV set which was there because the cable that we carrying was not long enough. So it was plan A which was just to connect it to the – to the monitor that we took with us and the President starts watching the bulleting and like I said he watched continuously for about 15 minutes where Mr Ajay Gupta forwarded it to the next bulletin.
20 He said no I want to watch the whole thing and then we had Duduzane coming in and making this comment which made everybody laugh and then – you know – there were visuals of Malema which Ajay Gupta pointed out was done on purpose which he did not think about but he was just trying to fool the President to thinking that all the inputs that he had given them the last meeting were being followed already. So

that is ...

CHAIRPERSON: And was that still the third meeting? Was that still the third meeting?

MR RAJESH SUNDARAM: *Ja* that was – that was the third meeting yes.

ADV THANDI VICTORIA NORMAN SC: Yes.

CHAIRPERSON: Okay, okay.

ADV THANDI VICTORIA NORMAN SC: Alright, thank you and then 28.15 you simply relating to how these visuals were obtained. That is
10 what you are saying?

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: Okay. Then what was the President's response after he had watched the bulletin – if any?

MR RAJESH SUNDARAM: Well he seemed to be happy. He thought that we were going in the right direction like – you know – (indistinct) he had told me more and I had expressed my resolutions about the fact that you know this may not be best bulletins for us to show. Let us wait for some more time and - you know – the bulletins evolve. That is when we should show it to him but I think the plan seemed to work
20 because the President was happy with this and that was the input I remember him giving us - you know. Saying that he is happy with what he saw and this is the right trajectory that – that we are going in.

ADV THANDI VICTORIA NORMAN SC: You have a quotation in paragraph 28.15. Could you just read that out?

MR RAJESH SUNDARAM: *Ja*. 28.15:

“The team used these visuals because there were no visuals available in the archives bought from the SABC. He had just made that up to please the President and from the look of it - it seemed he was happy. President Zuma watched all the bulletins. You have a good thing on your hands. This is much better than the bulletins on SABC. Those are horrible. I like the way you have use the graphics. It reminds me of the international channels. If this is what you will look like on launch day you will be a hit President Zuma said with a smile.”

CHAIRPERSON: Well in that paragraph Mr Sundaram from the fourth line you quote – you put what you say President Zuma said in quotes. How is it possible that after a month after two months you could remember the exact words?

MR RAJESH SUNDARAM: I would not (intervenes).

CHAIRPERSON: Without having recorded ...

MR RAJESH SUNDARAM: I would not claim that these are the exact words. You know – I remember the gist of what he said and the emphasis that he had on the fact that you got thing on your hands here.

CHAIRPERSON: Well that I would understand but this is put in quotes.

MR RAJESH SUNDARAM: Huh-uh.

CHAIRPERSON: You see from where it says:

“You have a good thing on your hands this is much better than the bulletins on SABC.”

MR RAJESH SUNDARAM: These – these are things that he said but ...

CHAIRPERSON: As it is exact words because it is one thing if he made the following point – you know.

MR RAJESH SUNDARAM: *Ja*.

CHAIRPERSON: That is one thing and put it in your own words and maybe your own words is a mix of his words and your words but you are not putting them in – in quotes as if it is word for word what he said.

MR RAJESH SUNDARAM: *Ja*, I agree with you it may not be word for word what he said but then those are points that are there ...

10 **CHAIRPERSON:** *Ja*.

MR RAJESH SUNDARAM: Is what ...

CHAIRPERSON: *Ja*.

MR RAJESH SUNDARAM: Has been conveyed in this. You know like I remember he said that you have got them in your hands. It is much better than the SABC.

CHAIRPERSON: Yes, yes.

MR RAJESH SUNDARAM: Those are things that he had said.

CHAIRPERSON: Yes, okay. You must just have a look at that. Maybe overnight if there are any ...

20 **ADV THANDI VICTORIA NORMAN SC:** Huh-uh.

CHAIRPERSON: Statements which you have put on quotes ...

MR RAJESH SUNDARAM: Yes.

CHAIRPERSON: But which you did not intend to say that is word for word what he said ...

MR RAJESH SUNDARAM: Sure.

CHAIRPERSON: Or whether it is him or anybody.

MR RAJESH SUNDARAM: Sure.

CHAIRPERSON: It needs to be clear.

ADV THANDI VICTORIA NORMAN SC: (Intervenes).

CHAIRPERSON: Where you are quoting you are saying that is what the person said word for word and I do remember.

MR RAJESH SUNDARAM: Huh-uh.

CHAIRPERSON: When you do not remember word for word but you remember the points you put that in your own words.

10 **MR RAJESH SUNDARAM**: Alright.

CHAIRPERSON: So – so do have a look overnight so that you do not necessarily give the impression that you remember word for word what he or anybody else said ...

MR RAJESH SUNDARAM: Huh-uh.

CHAIRPERSON: If that is not the case.

MR RAJESH SUNDARAM: Sure I will do that.

CHAIRPERSON: Okay.

ADV THANDI VICTORIA NORMAN SC: Thank you. Thank you Mr Chairman. Then in paragraph 28.16.

20 **MR RAJESH SUNDARAM**: Alright. So this is around the time that the SABC had launched their station and I think a day or two after that. So when they launched their station also you know it was not the best foot forward in that sense you know. They had a few glitches. So in that context is why he said this. So I am just giving a little of context to the statement that he did.

“The SABC had launched its 24/7 news channel a few days ago on 1 August 2013. This was the endorsement the Gupta brothers were looking for. They soften President Zuma before this meeting on commercials and they could hardly (indistinct). So you see the final product would be much better than this President Zuma asked looking at me. Yes. It will surely be better as we will have completed the integration then and we will have much – better –
 10 more equipment at our disposal and the bulletins will be sleeker.”

So I like I said before you know these bulletins were not produced in the PCR as far as I remember. They were made on a timeline. So and half the equipment in the studio had not even come. They came on the last day – the studio cameras, the robotic cameras, the jib. All of that came much, much later than this. They almost came two days, three days, four days before the launch. So – so this I said in all honesty that – you know - this is a product which I was not very proud of and I was surprised that he would like a product like this and actually say it
 20 is better than – you know – the SABC bulletin – channel that was launched.

ADV THANDI VICTORIA NORMAN SC: Okay and then the caution that the Chairperson has just made you will do the same those quotations as well.

MR RAJESH SUNDARAM: Yes, yes.

ADV THANDI VICTORIA NORMAN SC: And those paragraphs.

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: And then – then who was saying that he was not very happy with the bulletins. Is that yourself still?

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: Continuing in the next paragraph?

MR RAJESH SUNDARAM: Yes. So I mean – so I told him that you
10 know. We are not very happy with this – you know. These are just practice runs. So he said well I am happy with even these. You guys keep it up.

ADV THANDI VICTORIA NORMAN SC: Yes.

MR RAJESH SUNDARAM: So then he was asked to come and inaugurate the channel on the 21st. I know you will decline but – so this is what one of the Gupta brothers said that you know – but you must be – you must inaugurate the channel. You will have – let us do an exclusive interview with you at the venue. Atul said with a broad smile and folded hands. That will not – so this is what the President
20 said that that will not send the right message. It will not do you – your credibility any good. I am – I am a part of the project. I am always – I am always ready to give you an interview after a few weeks Zuma replied formally. So this is something which there in that meeting. They requested for an interview with him and for him to come and cut the ribbon on the day of the launch.

CHAIRPERSON: Hm.

ADV THANDI VICTORIA NORMAN SC: Which he flatly refused. He said that if – if that was to be done then everybody would know from day one that – you know – this is a station which – which I am leaked to (indistinct) or I came and inaugurated. They are going to have a soft – (coughing). So he did not want that image to go out but he did come a day before the launch.

CHAIRPERSON: Before that Mr Sundaram some months when you wrote the book did you remember that Atul – Mr Atul Gupta – said this
10 with a broad smile and his hands folded?

MR RAJESH SUNDARAM: I do remember distinctly you know because there was a lot of drama that was involved in – in the way the Gupta brothers attended to the President. So for instance they know that – you know – they were asking the President to come and inaugurate the station that was been set up and they are asking him for an interview but they would do that.

CHAIRPERSON: Yes. No, I understand that.

MR RAJESH SUNDARAM: Oh.

CHAIRPERSON: This is months later and you told me that you did not
20 record anything.

MR RAJESH SUNDARAM: I did not record but I have ...

CHAIRPERSON: So I am – I am just surprised that you could even remember that when Mr Atul Gupta said this he said it with a broad smile and with hands folded.

MR RAJESH SUNDARAM: No but I must submit that – you know - I do

remember all of this because just to be clear because I started writing the book within days of coming back from South Africa which is something that I reported to the media here since it got published. Also I remember these meetings very, very distinctly very, very clearly in my mind when I was writing the book. I do remember that when he was asking for that interview he – he was doing that with the mannerism that – that I have described here that you know – very sincerely we ask you to come and please inaugurate the station and all of that. So I did – I do remember the body language during that

10 meeting especially – you know – when it comes to these critical points during that meeting – you know – where they ask the President to come and inaugurate the station and also give an exclusive interview to (indistinct) and he did that with his hands folded and you know almost in - in a way that was pleading him to come. Although he knew that that is something that any politician will jump when get an opportunity but President Zuma was smart enough to say that no if I come there and do that it will be seen as something which is pro Zuma or you know a channel that is linked to me and I would not want to do it.

CHAIRPERSON: Well in the two sentences – two sentences later after

20 you said Mr Atul Gupta you quoted what Mr Atul Gupta said with a broad smile and his hands folded.

ADV THANDI VICTORIA NORMAN SC: Huh-uh.

CHAIRPERSON: Two sentences or three sentences later you say – no, no the following three sentences contain a quotation that you say was Mr Zuma's reply and it says:

“That will not send the right message. It will not do your credibility any good. I am part of the project and I am always ready to give an interview after a few weeks.”

Zuma replied firmly. You remembered all that, firmly with broad smile?

MR RAJESH SUNDARAM: Yes I did.

CHAIRPERSON: With closed hands after months?

ADV THANDI VICTORIA NORMAN SC:

MR RAJESH SUNDARAM: You see because I noted these – these kind
10 of – you know – the kind of body language very closely because this is something which – you know – was part of the drama that was there – you know – with the Gupta brothers because I did not see them use this kind of body language elsewhere.

CHAIRPERSON: Hm.

MR RAJESH SUNDARAM: There was a lot of arrogance. There was a lot of – you know – the attitude that they were some kind of feudal lords when it came to the other employees but when it came to the President also when it came to – to these kind of issues they would be all – you know – folded arms, folded hands and smile and things like
20 that which was – you know – which I thought was reserved for the President. It was reserved for him. We could not see that anywhere else. It was a very brash, arrogant rude face that we saw in the office. So I remember this because this is something that I observed at that time and made a mental note of and which stays with me – you know – when I wrote the book and even now when I read from one of this I get

a very vivid image of that meeting that took place. As far as the court from President Zuma is concerned (intervenes).

CHAIRPERSON: Hang on one second. We spoke earlier on about quotations. You have got a quotation here of what Mr Abdul Gupta said. You say – actually paragraph 28.17. It says:

“I am not very happy with these bulletins. They are just practice runs.” I replied.

So I guess that is you?

MR RAJESH SUNDARAM: Yes.

10 **CHAIRPERSON:** Then:

“I’m happy with even this, you guys keep this up.” President Zuma was beaming.

Do you remember all that?

MR RAJESH SUNDARAM: Yes I did at that time.

CHAIRPERSON: And then next sentence:

“Sir you must come and press the button to integrate the channel on the 21st. I know you have declined before but you must integrate the channel. We will have our editors do an exclusive interview with you at the venue.”

20 Atul said with a broad smile and his hands folded, and then of course:

“That will not send the right message, it will not do your credibility any good, I am part of the project and I am always ready to give an interview after a few weeks.”

Zuma replied firmly. All these quotations and the others, you said ... (intervention)

MR RAJESH SUNDARAM: The quotations I admit, the quotations I admit is you know from my recollection, I put those collections, to the best of my knowledge that is it, but as far as the mannerisms are concerned, the broad smile and the ... I remember those things and I put it there.

CHAIRPERSON: But in regard to the one that we started talking about I got the impression that you were conceding that was within quotations wasn't what was said word by word or word for word, but it was – you sought to articulate the point that was made, did I understand you
10 correctly?

MR RAJESH SUNDARAM: Yes.

CHAIRPERSON: In regard to that one.

MR RAJESH SUNDARAM: Yes.

CHAIRPERSON: The other ones that you – the one for Mr Atul Gupta here and the one for President Zuma, former President Zuma, that we have just talked about at paragraph 28.17 are those quotations proper or even with those – you sought to make points and not to say this is what they word for word?

MR RAJESH SUNDARAM: I would say this is not what they said word
20 for word, but I do remember the points that they made on this and this conveys what actually had happened, but I do agree that this is only to the best of my recollection within a few days of my coming back from South Africa, what I recollected at that time I've put it in there.

CHAIRPERSON: Mmm, but why would you want to put in quotations when you are attribute a statement to somebody if you don't remember

it as word for word, I mean you are an experienced journalist, you are an editor, you know exactly what it means when you put a statement in quotations, in quotation marks.

MR RAJESH SUNDARAM: Yes I agree you know, I agree with you there, and I would also say that you know I did this because I wanted to, when I was writing a book it was not like writing a news report, so I wanted to put it in an narrative style that I wanted to put in there.

CHAIRPERSON: No but you can't put in a narrative form by attributing to somebody words that that person did not utter, can you?

10 **MR RAJESH SUNDARAM:** I agree with that, I agree.

CHAIRPERSON: So why did you do it? Because you could make the same points without representing that those are the words that were said by that person.

MR RAJESH SUNDARAM: So what I've done is you know to the best of my recollection what I could remember I put it there but I think in hindsight I should not have put it in quotations, I should have looked at it otherwise.

CHAIRPERSON: No but it concerns me because you are a journalist, journalists write all the time, that's their job and they know the purpose
20 of quoting.

MR RAJESH SUNDARAM: Yes.

CHAIRPERSON: And the rationale for it.

MR RAJESH SUNDARAM: Yes.

CHAIRPERSON: And they know that when you can't remember that this is what the person said word for word you don't put it in quotes. You

make the point, you say this is what the person said or you say or words to this effect but you don't quote them, you quote them when you are sure that's what they said. Am I not right?

MR RAJESH SUNDARAM: You're absolutely right, absolutely.

CHAIRPERSON: But why would an experienced journalist like you attribute to people words in quotes that he knows he can't say that's what they said word for word?

MR RAJESH SUNDARAM: I agree with you, that you know I should not have done that, but while I was writing the book this was to the
10 best of my knowledge you know because I vividly remember each of the conversations that I had with ...(intervention)

CHAIRPERSON: Ja, I know but this ...(intervention)

MR RAJESH SUNDARAM: This is not the right way.

CHAIRPERSON: Mr Sundaram you don't quote when you say to the best of my knowledge.

MR RAJESH SUNDARAM: I agree.

CHAIRPERSON: When you recollection is to the best of your knowledge you try and write by putting it in an indirect speech you know.

20 **MR RAJESH SUNDARAM:** Yes.

CHAIRPERSON: Or if you do quote and you are – you want the reader to know that you are not certain then you do say that you are not certain but that's as your recollection that the person said that, but normally you only put a statement in quotes and attribute it to somebody if you are sure that that's what the person said word for

word, everything that is within the quotes is what the person said, isn't it?

MR RAJESH SUNDARAM: I agree with you, so here I mean the quotations that I've given may not be word for word, I do admit that, but it was you know the conversations were there in my head which I took out and put in quotes, in hindsight I think I should not have put them in quotes, but used another way of putting (indistinct) but like I said these are the points that I remember very clearly were being said and maybe I would say that I should not have put them in quotes, I agree with you
10 there.

CHAIRPERSON: And there are quite a number of quotes isn't it, that are made in your statement?

MR RAJESH SUNDARAM: Yes.

CHAIRPERSON: And part of the difficulty with quotes is – at least that's my experience, is that they convey to the reader that you are very clear about what that person said and the reader might think that you kept a record somewhere, if you were to be challenged with a – where did you get this from, you produced something in writing or a recording, and there are of course statements that just stay in your
20 mind, but there seems to be so many that would have stayed in your mind in this statement when you didn't record anything immediately.

MR RAJESH SUNDARAM: No these things, you know these things were very alien to me that I worked before so these things stayed in my mind and when I came back and I took myself out, I was not on any assignment, I went from the (indistinct) and that's when I wrote the

book in absolute solitude in the Himalayas, in Pechora, places like that, kept my you know shut my mind out for everything else that was there, left my family and wrote this book. Each and everything that is written here is to the best of my knowledge what I remembered.

Also the kind of body language that I am referring to here is something that I remember very, very distinctly, because that was very different from the – that they dealt with other people. Also when it came to President Zuma I had just these four meetings and everything that he said there has stayed on with me you know because it's not every day that you meet a Head of State, and you have this thing. I was absolutely focused on each and every word that was being said in that meeting, but like I said before you know I think in hindsight I should not have quoted them because while these are to the best of my knowledge this is what they had said, but it may not be word for word what they said, but the gist of it is contained in this. Of course like you said I worked the whole night to make these references in my statement at night and do that.

CHAIRPERSON: Mmm, but also this is not a case where you had one meeting, you had four?

20 **MR RAJESH SUNDARAM:** Yes.

CHAIRPERSON: And you don't think you may be mixing up what happened in the first meeting with what happened in the second meeting and third meeting and fourth meeting, your recollection of what happened in each meeting is quite clear, even though you may ...(intervention)

MR RAJESH SUNDARAM: Yes absolutely, because you know in a television station there is a sequential order in which things take place, you know for instance the first meeting was about the logo, the second meeting was about the animation of that logo, that comes in a sequential order, the bulletins come later, so I am absolutely clear that this is what happened in each of the meetings and because I've set up stations before this, I've set up stations after this as well, and this is the sequential order in which things come in, and I remember them very distinctly because this is the work that I do really and there's
10 absolutely no meeting up as far as the meetings are concerned.

CHAIRPERSON: Yes, okay no that's fine. Thank you. Ms Norman?

ADV THANDI VICTORIA NORMAN SC: Thank you Mr Chairman.

CHAIRPERSON: I'm sorry, can we take a five minutes adjournment.

ADV THANDI VICTORIA NORMAN SC: As it pleases Chair, thank you.

CHAIRPERSON: We will just take a five minute adjournment.

ADV THANDI VICTORIA NORMAN SC: Five minutes thank you.

CHAIRPERSON: We adjourn.

INQUIRY ADJOURNS

INQUIRY RESUMES

20 **CHAIRPERSON:** You may proceed Ms Norman.

ADV THANDI VICTORIA NORMAN SC: Yes thank you Mr Chairman, thank you. You had alluded to the fact that after this meeting, which is the third meeting, one of the Gupta brothers told you that they had succeeded in bringing in business and you mentioned a figure in paragraph 28.18, did they mention who are they going to be doing this

or getting this business from, in any ...(intervention)

CHAIRPERSON: What page are you on?

ADV THANDI VICTORIA NORMAN SC: I'm on page 29 Mr Chairman.

CHAIRPERSON: Oh, okay.

ADV THANDI VICTORIA NORMAN SC: Paragraph 28.18. Yes.

CHAIRPERSON: Yes, thank you.

ADV THANDI VICTORIA NORMAN SC: Oh sorry, it's page 29 on top, 29 on top and then paragraph 28.18. Oh thank you.

MR RAJESH SUNDARAM: So this was Ajay Gupta, I met him in the
10 studio the next day or a few days later and the conversation was
around the meeting that we had and we said, that's when he gave me
this figure that we had done, that meeting was very productive and at
the end of the day they got that amount of money from the business
that came. He didn't tell me where those – you know what was the
source of that money, I would think in light of the conversations that we
had like even some of it could have come from the IEC as well.

ADV THANDI VICTORIA NORMAN SC: How much is it, could you just
mention the figure for record purposes?

MR RAJESH SUNDARAM: I just need to refer this and then I will just
20 tell you.

ADV THANDI VICTORIA NORMAN SC: Alright.

MR RAJESH SUNDARAM: Could you please tell me about the page
number that you referred to before.

ADV THANDI VICTORIA NORMAN SC: Okay, oh sorry, sorry, let me
just see that you've got the correct bundle first. EXHIBIT CC1, just

check, CC1 A and B, is that the one?

MR RAJESH SUNDARAM: Yes, yes.

ADV THANDI VICTORIA NORMAN SC: Alright okay if you go under there would be a flag in between which is written CC1B.

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: CC1B, okay if you turn over you will see – look at page 29, two nine, on the top on your right hand corner.

MR RAJESH SUNDARAM: 29 yes.

10 **ADV THANDI VICTORIA NORMAN SC:** 29 you see that?

MR RAJESH SUNDARAM: Thank you.

ADV THANDI VICTORIA NORMAN SC: I was referring to paragraph 28.18.

MR RAJESH SUNDARAM: 18?

ADV THANDI VICTORIA NORMAN SC: Yes.

MR RAJESH SUNDARAM: I was told the next day when this – I was told that they had secured R20million worth of business the previous evening. By the time I had decided to resign as editor and go back to India after the launch.

20 **ADV THANDI VICTORIA NORMAN SC:** Yes.

MR RAJESH SUNDARAM: Ja, so ...(intervention)

ADV THANDI VICTORIA NORMAN SC: So you say you were not told how they were going to acquire this R20million and which department was going to fund or to do business with them.

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: To the tune of R20million.

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: Yes, and then you give the reason why you had to resign, or you felt that you had resign, and what were those reasons that you give in that paragraph?

MR RAJESH SUNDARAM: Well you know I've spoken about the dubious commercial dealings that I saw with my own eyes which I didn't want to be a part of, but there were a whole lot of other reasons you know. Right from the time, right from the – where that the last
10 (indistinct) not just the visa laws but also labour laws in terms of the way they were treating their employees, the way they had total disregard for any action that could come their way because they were breaking these laws, you know all of these things, you know the total, you know the editor's position was entirely compromised, the editor just had to take a spare and sit in a chair and you know everything else was done by this group and the fact that this was not a new station but what they wanted to set up was a propaganda station. Those were all, some of the reasons that made you know had me made up my mind very quickly, very early in the project that I did not want to be associated
20 with this in the long term because you know whatever reputation I had got for myself working you know since 1994 on various projects and media organisations would just, I would just throw it away if I continued any longer in this, but of course I was very uncomfortable with these kind of dealings that I was also part of and I was going to these meetings and I knew at the end of it they were getting these kind of

commercial benefits from it, and this is not what I would call a legitimate business deal that was being done. I have no issues with a newspaper or a television station making profits, but if they are done in a violation of laws, if they are done where there is a conflict of interest that's a condition where I do not want to have any part of that. It's what I am saying ja.

ADV THANDI VICTORIA NORMAN SC: So at this point that is what you are dealing with in paragraph 28.18 you had not formally resigned but you had formulated a view or made a decision that you were going to
10 leave?

MR RAJESH SUNDARAM: Yes, yes.

ADV THANDI VICTORIA NORMAN SC: And then before you did that then you had the fourth meeting?

MR RAJESH SUNDARAM: Ja, the fourth meeting was a day before the launch because you know there was President Zuma was under a lot of pressure from the Gupta's to give an interview and come (indistinct) and all of that which formally refused, but I think what he had agreed to is to come and visit the station and to see you know the studios and the PCR and all of that, which he did a day before the
20 launch.

Now this was kept very secretive you know because even within the team there were very few people who knew about the visit, for most of the editorial staff it came a surprise you know because they were going about their daily editorial functions and suddenly you have the President walk into the meeting, and it was supposed to be

supposed to be something which they wanted to keep confidential to the extent that there was a camera thing that was recording the President's arrival and departure that at the last he was told that you're not supposed to do that. The Head of Production had a whole camera set up, a chain of cameras set up to record the entire event, they were told that they should not do that.

Also there was instructions given to the staff that they should not be taking any pictures of the President you know using their cell phones etcetera, so there was an attempt at getting a high profile
10 public figure to come to a newsroom that was full of journalists and very foolishly there was also an attempt to kind of try and hide it, and to keep it confidential, which I found funny at that time you know.

You have journalists in the newsroom who will of course tell their friends and you know in other news stations that the president came, so there was no point not recording those events or allowing people to take pictures of the President at that time.

So yes the fourth meeting was a day before the launch you know when there were hectic preparations that were happening for the launch, when everything I could see was falling apart, you know
20 because half the equipment hadn't come, they were in the process of coming, the technical team was calling up the vendors to find out where in the world they were, they were trying to track the cameras, and you know once the equipment came in we didn't know what bugs would crop up when we're starting, or the integration wasn't done fully, so while all of this was happening the President came in and he was given

a picture of something which is at the highest level of preparedness and totally ready for a launch the next day.

ADV THANDI VICTORIA NORMAN SC: Yes so in paragraph 29 you say this was two days, are you making a mistake when you say one day, two days before the launch on the 19th of August.

MR RAJESH SUNDARAM: Well I would go with the written submission you know.

ADV THANDI VICTORIA NORMAN SC: It would be two days?

MR RAJESH SUNDARAM: Yes it will be correct so.

10 **ADV THANDI VICTORIA NORMAN SC:** Alright, and then you also extracted extensively from your book from page 151 to 153.

MR RAJESH SUNDARAM: Yes, yes.

ADV THANDI VICTORIA NORMAN SC: When you deal with those events.

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: So where you deal in paragraph 30 with the attorneys who attended that meeting, the fourth meeting that we're talking about.

MR RAJESH SUNDARAM: Okay.

20 **ADV THANDI VICTORIA NORMAN SC:** And where was it exactly at you say it was at the NN7 Studios, whereabouts there was it held?

MR RAJESH SUNDARAM: Well this (indistinct) had seven studios and the president arrived and he was received outside the building by the Ajay Gupta, who was the head, there was – I was called in, I wasn't in that whole meeting I was asked to come in quickly, it was a cold

morning remember and there was - Laxmi Goel had flown down from India, I was part of that team that welcomed him.

There was Nazeem and if I remember correctly Moegsien was also there but I don't know 100%, but Nazeem was definitely there, part of the team that received him at the gate and then he was brought in and he was given a tour of the entire office. I was asked to explain to him the various – the equipment and gear that was in the production control room, I explained to him the studios and the various aspects of it. He went to the graphics team, went to the video edit area, all of that
10 and then he came into a room where the senior team met with him. There was a request again to him for an interview which he declined again and then you know there was an (indistinct). I described the other details ...(intervention)

CHAIRPERSON: Sorry, so this wasn't this fourth meeting wasn't a meeting in the normal sense, was it? You were just showing the President was being shown around the studios and so on.

MR RAJESH SUNDARAM: Around, I would call it a meeting also because you know there was a holding room where the President had come in and you know the senior team was sitting there and they were
20 discussing with him, but it was not like the other meetings in the sense that there was no ...(intervention)

CHAIRPERSON: But the purpose was really showing him around?

MR RAJESH SUNDARAM: Yes, yes.

CHAIRPERSON: Whatever discussion happened ...(intervention)

MR RAJESH SUNDARAM: Yes, yes.

CHAIRPERSON: Was just normal discussion.

MR RAJESH SUNDARAM: Discussion yes and there was another request for him to give an interview which he said that he would give it later.

CHAIRPERSON: Yes, ja, ja okay, alright, thank you.

ADV THANDI VICTORIA NORMAN SC: And in that paragraph you mentioned in paragraph 30 that Mr Duduzane Zuma was also present?

MR RAJESH SUNDARAM: Yes, yes, that is correct.

ADV THANDI VICTORIA NORMAN SC: So I just want to just you will
10 tell me whether this is a discrepancy, if you go back to page 24,
paragraph 27, where you say this meeting was attended by Mr
Duduzane Suma, the first and last meeting I saw him attend.

MR RAJESH SUNDARAM: No so he was there because I would go
what was there in the book you know which I – which to the best of my
knowledge so yes in the meeting in the sense that like the Chairman
said you know the three meetings were a proper sit-down meeting
where strategies were discussed and all of that, this one was a meeting
which was generally we just show him the areas, you know the various
departments and the various the (indistinct) room and the studio and
20 things like that, so yes Duduzane ...(intervention)

ADV THANDI VICTORIA NORMAN SC: (Inaudible – microphone off)

MR RAJESH SUNDARAM: Because I made a record of that ja.

ADV THANDI VICTORIA NORMAN SC: Yes, so which 0 so what you
state in paragraph 27 would still be correct to say that the first and the
last meeting I saw him attend.

MR RAJESH SUNDARAM: Ja, because this was not a meeting in that sense you know so ...(intervention)

ADV THANDI VICTORIA NORMAN SC: So you distinguish between the two?

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: Alright, thank you. And then so you were showing the President around according to you and how long did he spend at the studio?

MR RAJESH SUNDARAM: That can you know I think I will go with what
10 is written in the book because as far as I – to the best of my knowledge he came in, he sat in the holding area for about ten odd minutes and then he spent some time in production control room while the bulletin was being rolled which was say about fifteen minutes, he asked me about the various equipment, you know the video switching equipment, the audio equipment and I gave him a description and he stood there watching the bulletin. Then he spent some time in the room where the video editing takes place. He was also taken to the room where the graphic production takes place, and he spent a substantial amount of time there, about ten minutes in each of those places.

20 Then he took – he went to the studio where he waited because you know it was a live studio so he couldn't cross and go so he waited for some time there, but he observed all the various elements of the studio. Then at some point he also decided that he would go to the various departments where the staff was seated, so he went to the place where the programming team was seated, he went you know right

across the newsroom, shook hands with a lot of people, asked them their names, you know engaged in small conversation with some of them, so it was almost like a celebrity visiting the newsroom where people were calling out to him and he was waving back at them and things like that, so in all I would say he spent about 40 maybe 50 minutes during that visit in the studio.

CHAIRPERSON: How much time?

MR RAJESH SUNDARAM: Between forty and fifty minutes.

CHAIRPERSON: Oh 40 and 50, five zero?

10 **MR RAJESH SUNDARAM:** Yes, five zero.

CHAIRPERSON: Okay.

ADV THANDI VICTORIA NORMAN SC: So I take it that according to what you state in 35.6 that you are the person who actually – because somebody had said look they didn't want this visit to be made public.

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: And you are the person who said to the camera crew no don't take any photos of this.

20 **MR RAJESH SUNDARAM:** Yes because you see I was called into a meeting, the Head of Production at that time was Karun Takoree, he came up to me and said that we've got the cameras, what should we – should we be filming this visit so I asked Nazeem and he asked Mr Atul Gupta and Atul Gupta clearly said that he did not want any recording on that so while the team was ready to record at the last minute they were told not to do a recording, and Karun had to then withdraw all the cameramen who had taken advantage positions to make sure that they

get a shot of the President moving in the various departments.

ADV THANDI VICTORIA NORMAN SC: And you are the one who told Karun not to do it?

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: Yes, I am just trying to understand for a journalist that would have been something that's quite exciting, if somebody says don't record this a journalist would have said record it, whilst they say don't make it public you would actually want to make it public because it's quite interesting news isn't it?

10 **MR RAJESH SUNDARAM:** Mmm you see because these were not ordinary (indistinct) this is not an ordinary newsroom, this was like a said almost like North Korean station that was being set up at that time, so you know for me it was clear that you know I either, I either led or I got out of the way ,but that time I decided that you know I wouldn't be allowed to lead here, this is a station which is not, you know I had a title and a position but I had no leadership role there at all, so would they want it to be recorded, I said no I can wait that because the production team was reporting in to me, I told them that if these guys don't want you to record it because if I said that he won't record it the
20 cameraman would have had the brunt of it, the Production Head would have got the brunt of it, you know they would have probably lost t heir jobs or gotten abused or worse you know so I just said if they've taken decision on not recording it just don' do it.

ADV THANDI VICTORIA NORMAN SC: Do you know whether immediately after the President had visited the studio whether that

came out in any of the news broadcasts?

MR RAJESH SUNDARAM: Of course it did, you know because I think it came out in all the papers, some websites as well, because like I said you know it was for want of any other word stupid on their part to actually believe that they could have a secret visit by a Head of State into a newsroom that's full of journalists who worked in other organisations, who have got friends in other organisations and keep it all under wraps. I believe at the end of the day there were questions asked of the President's office and the spokesperson of the
 10 Presidential Office at that time, Mr Maharaj, had given a statement by saying that this is part of the engagement with the media that the President gets into from time to time, he also spoke about how he had visited another newsroom recently and this was part of the series of that, so they did not deny it, the President's Office did not deny it, and many newspapers did carry that at this time, but I would want to say at this time that they were under the mistaken notion that they could have a very secretive meeting of the President where he interacts with the journalists and the staff there, and the technical team and those are – and it would remain under wraps.

20 **ADV THANDI VICTORIA NORMAN SC:** Yes, and thereafter was there any enquiry as to who would have leaked that information amongst the journalists that were there?

MR RAJESH SUNDARAM: I don't think so because you know that was something that was there and also there were a whole lot of other battles to be fought at that time you know because we were like I said

it was a train wreck waiting to happen, we knew we were on the same track as another train coming in the opposite direction at double the speed and for us to get into any other investigation at that time would have been suicidal because anyways we didn't have half the equipment in place, we didn't have the training that was required like I said the bugs hadn't been fixed and we were going to launch in 48 hours, so we had – so I would look at myself then as the captain of the Titanic at that time while it was sinking you know, so that was what was on my mind and even if they did conduct an enquiry and all of that, I am not
 10 aware of that you know because I cut myself off all of that and I was just focusing on how to get the first day right you know, because my immediate focus 48 hours before launch that we would despite everything that could go wrong how could I salvage the first few hours, how could I salvage the first day, which I knew at that time was a losing battle.

ADV THANDI VICTORIA NORMAN SC: Yes, alright, and then you deal in – now the President was moving around and then at the end of the tour what happened, there's somewhere where you mentioned where you actually spent a bit of time, was it in the silver room in paragraph
 20 30.10, yes and the reasons why they spent a period of time there.

MR RAJESH SUNDARAM: Ja so this is the movement that he spent some time in the server room he was told about you know because there is a fairly large server there which really is the heart of the operations where all the graphics and everything is integrated. He was explained that he went to the graphics room, the master control room.

The master control room is really the last board before the signal goes on air that is where the advertising and the promos are inserted so he was told what – about the functionality there. The video [indistinct] so that was the tour that was given to him.

ADV THANDI VICTORIA NORMAN SC: Yes.

MR RAJESH SUNDARAM: He was also shown a few promos that were produced by the graphics team. So those were the promos that were there and he seemed impressed on seeing that. But I thought that he most interested you know there was – there were a few technical
10 glitches that went on air in terms of the on air graphic system collapsed. The life sources started failing as well. So all of that was also happening while he was there.

ADV THANDI VICTORIA NORMAN SC: Yes.

MR RAJESH SUNDARAM: So he did spend a large part of the time in the production control room where he wanted to know about the equipment there you know especially the audio system because there were a lot of knobs and switches and lights that were there he wanted to know what the function of each of those machines were.

ADV THANDI VICTORIA NORMAN SC: Yes. And then you say after he
20 had had the tour then he left?

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: And you are one the people that saw him off and who else was in your company?

MR RAJESH SUNDARAM: I think the entire team that received him saw him off as well you know because there was a convoy of cars that

came in and he sat there and he left from there.

ADV THANDI VICTORIA NORMAN SC: Yes. This evidence that you have put up in the supplementary affidavit and as we have indicated to the Chairperson you extracted it most of it if not all of it from your book.

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: Am I correct?

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: And if I may just take you to
10 your book right at the outset you – this is something that you state. If you have a note – note to the reader.

MR RAJESH SUNDARAM: Hm.

ADV THANDI VICTORIA NORMAN SC: Oh you did not bring your copy?

MR RAJESH SUNDARAM: No I have not.

ADV THANDI VICTORIA NORMAN SC: Oh alright. Mr Chairperson we had a copy available to you might I just – just ...

CHAIRPERSON: Yes you want to refer to something.

ADV THANDI VICTORIA NORMAN SC: Yes thank you.

CHAIRPERSON: In the book?

20 **ADV THANDI VICTORIA NORMAN SC:** Yes to page – yes to note to the reader. It is unfortunately it is not a page number it is just after the title of the book and the author and then there is note to the reader which will show when was the book published and could we just refer the witness to my colleagues' book just that part so that he can read it. Yes could you just read into the record what you stated there?

MR RAJESH SUNDARAM:

“The events [indistinct] book took place as remembered by Rajesh Sundaram. We have tried to verify whether the meetings and conversations took place as described in the book. Former President Jacob Zuma was approached for corroboration as were brother Atul and Ajay Gupta. To date we have not received – we have received no response from them and they will – they may well have a different
 10 interpretation of events and by pointing this out we leave it to you dear reader to make up your mind.”

ADV THANDI VICTORIA NORMAN SC: Yes. And every time when you were quoting from or maybe before I – we leave the book. Sorry the date of publication of the book could you just read that into the record before we leave that

CHAIRPERSON: Well I am sorry Ms Norman.

ADV THANDI VICTORIA NORMAN SC: Sorry.

CHAIRPERSON: Is that a usual note to the reader?

MR RAJESH SUNDARAM: Oh you see the book...

20 **CHAIRPERSON:** To a reader in books?

MR RAJESH SUNDARAM: Oh you see because there is a history to this. I will tell you why because like I said I wrote this book in 2014 but there were circumstances then where you know much of the corroboration that was needed for this were people who were still working with ANN7 at that time and there was also the publisher

thought we had to be a hundred percent sure that the legal part of this – that we were on the clean. And there were issues there and we were advised by the lawyers that you know we cannot go ahead at this point. But what happened by 2018 was that we had the Gupta leaks that had become public. We had a whole lot of people who were working with me at that time had left ANN7 they had taken up positions with Al Jazeera. Some of them had gone to Turkey to work with DRD. Some of them had come back to India and they were working with the top stations there. And they – you know then corroboration was established at that time.

10 It was also the time when President Zuma was no longer in office. The Gupta brothers had left the country. The Hawks had gone to their Saxonwold home and they found that they were not there. And at that time the publisher sent them a notice saying that we are going to publish this book within fifteen days and this is the full manuscript of the book and could you come back if there is any objection? It is has about a year and a half right now approximately we have not heard back from them.

CHAIRPERSON: Hm.

MR RAJESH SUNDARAM: So – so that is why – you know while the
20 book was written I started writing the book in 2013 I gave the full manuscript about 2014. It was published in March 2018 much without any changes to the core of the book in 2018. And after the due process was followed.

CHAIRPERSON: You said you started writing the book about days after you had left South Africa?

MR RAJESH SUNDARAM: Yes.

CHAIRPERSON: Is that right?

MR RAJESH SUNDARAM: Yes.

CHAIRPERSON: So you left South Africa sometime in September 2018.

MR RAJESH SUNDARAM: Ja 2 September.

ADV THANDI VICTORIA NORMAN SC: 2nd.

MR RAJESH SUNDARAM: Yes.

CHAIRPERSON: So the book – you started writing the book within days thereafter?

10 **MR RAJESH SUNDARAM:** Yes.

CHAIRPERSON: And when did you finish writing the book?

MR RAJESH SUNDARAM: Oh I can check that and get back to you but it was in the first half of 2014.

CHAIRPERSON: You finished it about during the first half of 2014?

MR RAJESH SUNDARAM: Ja to the best of my knowledge.

CHAIRPERSON: Yes. And then you submitted to the publishers or what happened?

MR RAJESH SUNDARAM: I –you know I submitted it chapter by chapter by email

20 **CHAIRPERSON:** Oh as you were writing.

MR RAJESH SUNDARAM: Yes.

CHAIRPERSON: You were sending it yes.

MR RAJESH SUNDARAM: So as soon as a chapter was completed I would give it by email to the publisher.

CHAIRPERSON: Yes.

MR RAJESH SUNDARAM: [Indistinct]

CHAIRPERSON: Yes, yes. And – and then the publisher wanted to investigate the story in the book, the contents of the book before publishing, is that right?

MR RAJESH SUNDARAM: Yes. Because I think there was a process that they followed.

CHAIRPERSON: Yes.

MR RAJESH SUNDARAM: There is a legal vetting that happens and

CHAIRPERSON: Yes.

10 **MR RAJESH SUNDARAM:** This advice from the legal lawyers that were sought and there were certain things that they wanted corroboration to which we could not get.

CHAIRPERSON: Yes.

MR RAJESH SUNDARAM: Because of the fact that most of the people were still working there.

CHAIRPERSON: Yes.

MR RAJESH SUNDARAM: They were employment.

CHAIRPERSON: Yes. And they felt that they had enough corroboration to be able to publish it when? They published it in 2018.

20 **MR RAJESH SUNDARAM:** March.

CHAIRPERSON: But when did they...

MR RAJESH SUNDARAM: Oh.

CHAIRPERSON: As far as you know when did they feel that they had enough corroboration?

MR RAJESH SUNDARAM: I think...

CHAIRPERSON: To justify publishing?

MR RAJESH SUNDARAM: To the best of my knowledge it was about two or three months before that you know because then if you look at the events that were unfolding at that time.

CHAIRPERSON: Yes.

MR RAJESH SUNDARAM: Especially some of the corroboration came from the Gupta leaks and the emails that were there. And then

CHAIRPERSON: Yes.

MR RAJESH SUNDARAM: Right around that time most of the people
10 who have been mentioned in this book are no longer working with ANN7
and you know they are available for – to be – to come and
independently verify some of the things that have been said in this
book.

CHAIRPERSON: Hm. So do you...

MR RAJESH SUNDARAM: Because if you had launched – you know
one of the things was also about the safety of those people you know.
Because if I – if this book comes out and you know there are people
who had moved to South Africa with their families and things knowing
the way the Gupta family operated we thought it was the right thing to
20 do to just hold onto the manuscript until we could find a better
corroboration to the facts of the book.

CHAIRPERSON: No I just thought that I am not used to seeing that
kind of note to the reader in a book so I was wondering. Is this
something you are used to with other books yourself?

MR RAJESH SUNDARAM: No but I think – thought it was fair to tell

the people this you know because here this is my version of the facts.

CHAIRPERSON: Ja.

MR RAJESH SUNDARAM: This is something which the Gupta family would not agree with. This is something that President Zuma would not agree with. To bring that to the notice of the viewers is something that was very important which the publisher said that we should do and I agreed one hundred percent. As a journalist I believe all sides of the story should be told. This is my story. This is – this is...

CHAIRPERSON: Yes.

10 **MR RAJESH SUNDARAM**: This is you know to the best of my knowledge and recollection these are the facts that I know.

CHAIRPERSON: Ja but I – what I am asking is a different question. Whether it is your own experiences that it is normal to have this kind of note to the reader in a book, is that something that you are used to? I am just saying I do not remember having come across any book that has got this note.

MR RAJESH SUNDARAM: No it is – it is – I trust it is not normal but there are – you know so it is very unique circumstances in which this book was written and released over a period of time, over a period of
20 years.

CHAIRPERSON: Because it is like – it is like the publisher does not have enough confidence in what is said in the book.

MR RAJESH SUNDARAM: Okay.

CHAIRPERSON: And therefore feels that they must alert the reader to say I case what is in the book here turns out to be not true do not

blame us.

MR RAJESH SUNDARAM: Hm. No I see of course the publisher would be in a much better position to tell that but I think...

CHAIRPERSON: But do you – is that your own understanding of this note to the reader or do you have a different understanding of this note?

MR RAJESH SUNDARAM: No you see my understanding of this note and why I think it is important to put that out is that this is the – a narration of events as per my – you know to the best of my knowledge
10 and this may be disputed by others. We have – the publishers has given them adequate notice to respond to the manuscript. They were given a reasonable period of time to respond. They have chosen not to respond. Even after the publishing of the book it is – you know it was published in March last year it is already June now. They have not responded. None of the people who were sent notices about this have responded. So clearly if they had something to oppose here – if they had compelling evidence against what I have written they would have done so.

CHAIRPERSON: Yes okay.

20 **MR RAJESH SUNDARAM:** That is my belief I could be wrong but..;

CHAIRPERSON: Yes. Okay no thank you.

ADV THANDI VICTORIA NORMAN SC: Thank you Mr Chairman. And then maybe just on the book still. If you could just turn to page 160 of the book.

CHAIRPERSON: 160?

ADV THANDI VICTORIA NORMAN SC: 160 Mr Chairman yes.

CHAIRPERSON: Okay.

ADV THANDI VICTORIA NORMAN SC: There you deal with the reasons why you decided to resign and you deal with how you crafted your letter of resignation. Could you just testify to that quickly as to how?

MR RAJESH SUNDARAM: Okay so this after a few months of setting up the station which had been extremely traumatic. It had taken a toll on my health. It had left me totally exhausted and you know and the
10 final unkind blow was the actual launch. Like I said I had – you know – it stressed me a lot to think of the launch that would be and it was my worst nightmare come true the way the station launched. And I had decided to quit like I said weeks before I actually did. And when I wrote the resignation letter I wanted to part on very good terms you know. Of course I would probably never want to work with the Gupta's again. I probably won't never to be associated with Nazeem Howa or Laxmi Goel for that matter but I wrote a very polite letter thanking them and telling them that you know this was a good team that I worked with and all of that. Because I wanted to part on very good terms with them
20 you know but I knew that I was tot – I was leaving because I was totally fed up. I did not agree with the idea of the station. Like I said I was also conned into coming in and setting up a station for what I believe was a mafia like operation for setting up a propaganda station which I did not want to in the first place. I had to stay there because of the reasons that I explained because there were colleagues that were

coming there with their families. I had decided to launch the station and go. But I did not want the parting of ways to be bitter in any way you know. I would – I just thought a resignation which was very polite which thanked them. Because I thought that was the right thing to do and then of course I would then once I left this organisation would have nothing to do with ever again that was my intention.

ADV THANDI VICTORIA NORMAN SC: Yes. And then your letter would not have articulated any of the things that you have raised as evidence before the Chairperson today?

- 10 **MR RAJESH SUNDARAM:** No because the resignation letter when I wrote that I just wanted it to be a final parting document you know before I left and I did not want to have any bitterness in there. I never thought that – that is a document that would come to me after six years you know before a commission. It – to me you know I had joined a lot of organisations, left a lot of organisations. Some were extremely happy things you know as I was always going for a much better opportunity when I resigned from an organisation but here for the first time in my life you know I was resigning with no other opportunity or offer in my hand. Of course I knew that when I went back there would
- 20 be many more opportunities that would present themselves and I just had pick and choose but I was not satisfied with the way this came about. I was not happy at all with the fact that there was so much micro-management that you know the professionals were not allowed to work it ended up the way it did. But I did not want any of the bitterness to get into the – to my resignation letter. I wanted to write a polite

letter and just move.

ADV THANDI VICTORIA NORMAN SC: Yes. And I would imagine you also had to be careful because in the event you wanted another job then you would have to mention this that look I launched ANN7 in South Africa and I – they might want to use it as a reference, is it not?

MR RAJESH SUNDARAM: Hm.

ADV THANDI VICTORIA NORMAN SC: Would that have been one of the reasons that you...

MR RAJESH SUNDARAM: That could have been one of the reasons
10 but I was very confident you know. Although after the resignation had been given the last conversation that I was having with Mr Laxmi Goel he said that you know when you get back we will make sure that you do not get another job and things like that. I was always confident that if I got back to India I had enough of a reputation to find more assignments. But that could have also been a thought that went into my mind that you know just part ways amicably there is no point lobbing grenades and leaving that was my idea at that time you know. Just part ways amicably just give the you know say the right things and move on. That was my idea.

20 **ADV THANDI VICTORIA NORMAN SC:** Yes. And then you – in your epilogue at page 161...

CHAIRPERSON: Well before the epilogue.

ADV THANDI VICTORIA NORMAN SC: Sorry – yes.

CHAIRPERSON: On that same page at 160.

ADV THANDI VICTORIA NORMAN SC: Yes.

CHAIRPERSON: Where you talk about the reasons for your resignation you say in the last sentence “I do sincerely hope ANN7 finds in its future editors the force that will break this mind-set and I unshackle the channel from the bonds that pin it down.” What were you talking about there?

MR RAJESH SUNDARAM: No all the things that I – the challenges that I faced I thought you know what I meant in this that I really sincerely hoped and prayed that they found a South Africa editor at some point in the future who would help them break free from the legacy of the
10 Gupta’s, the legacy that they brought of the corruption and all the dealings and the associations. President Zuma and the [indistinct] and them and all of that you know and would then be able to lead the editorial team into a new era which would be what good journalism should be about.

CHAIRPERSON: Oh this is not what you said in the letter this is what you say in the book?

MR RAJESH SUNDARAM: Ja in the letter – you see I could have said a lot of things you know but I...

CHAIRPERSON: No I understand what you have said.

20 **MR RAJESH SUNDARAM**: Yes.

CHAIRPERSON: But I – I when I read it I thought you were recording what you said in the letter.

MR RAJESH SUNDARAM: No, no. This is just a common...

CHAIRPERSON: So do you have the letter of resignation somewhere?

ADV THANDI VICTORIA NORMAN SC: Yes in fact it is in the...

CHAIRPERSON: Can we have a look.

ADV THANDI VICTORIA NORMAN SC: Yes Mr Chairman. It is in the papers that I mentioned just before we started after lunch.

CHAIRPERSON: Yes. Okay.

ADV THANDI VICTORIA NORMAN SC: Could I just hand up – thank you. Mr Sundaram you recall the bundle that I gave you during the lunch break.

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: Yes. Thank you. It is – would
10 appear..

CHAIRPERSON: Ms Norman

ADV THANDI VICTORIA NORMAN SC: Yes Mr Chairman.

CHAIRPERSON: These pages are part of this other file or not?

MR RAJESH SUNDARAM: No, no this is the application I mentioned Mr Chairman from Mr Moegsien ...

CHAIRPERSON: Oh that you mentioned oh yes okay alright.

ADV THANDI VICTORIA NORMAN SC: But he has attached the letter of resignation.

CHAIRPERSON: Yes, yes.

20 **ADV THANDI VICTORIA NORMAN SC**: It would be – the pages are not numbered unfortunately it would be page 5. 1, 2, 3, 4, 5 it is actually page 6.

CHAIRPERSON: Yes where it says subject resignation?

ADV THANDI VICTORIA NORMAN SC: Yes.

CHAIRPERSON: 27 August 2013.

ADV THANDI VICTORIA NORMAN SC: Yes thank you.

CHAIRPERSON: Okay you want to [indistinct].

ADV THANDI VICTORIA NORMAN SC: Thank you Mr Chairman. Could you then just read out the letter Mr Sundaram.

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: Is that – is that in fact what is – did you send that letter on the 27 August at 18:18?

MR RAJESH SUNDARAM: Yes I did, I did as far as I recall I think this was what I had written and this is...

10 **ADV THANDI VICTORIA NORMAN SC:** What you have written? Yes could you please read it into the record?

MR RAJESH SUNDARAM: So...

20 “Dear Laxmi Goel and [indistinct] I have had the most exhilarating three months working within Infinity Media it has been by far the best phase of my career. Working with the launch team and taking to from shell to wonderful gold flush channel has been an honour and a privilege. I have gained a lot from the wonderful management team both as a journalist and as a manager. The passion and determination I have seen and learnt here will remain with me throughout my life. However at this point I would like to part ways with Infinity Media and spend time with my ailing mother. While I would like to be relieved at the earliest I assure you that I will stay with the

project for as long as I am needed. Please treat this communication as a resignation letter. I have the highest love, regard and respect for the two of you and leave with the satisfaction of having played my small role in launching a wonderful institution and I am sure will – that I am sure will outlive me. Thank you for your love, support and help at every step of the way. I seek your blessings for my future – for my journey ahead. Rajesh Sundaram.”

10 **ADV THANDI VICTORIA NORMAN SC:** Yes. Thank you. So a reader of this letter would say look you really parted – you even sought blessing from them so you were quite happy interacting with them over the three month’s period.

MR RAJESH SUNDARAM: Well I would agree with that – disagree with that because I wrote this letter because you know I was filled with a lot of anger. Like I said I had decided to leave much earlier but I had always known that you know when you leave and you part ways there should not be any of that bitterness...

CHAIRPERSON: No, no, no. No Mr Sundaram. Listen to the question.

20 **ADV THANDI VICTORIA NORMAN SC:** Yes thank you Mr Chairman.

CHAIRPERSON: Ms Norman is not talking about what you felt.

MR RAJESH SUNDARAM: Hm but what I have...

CHAIRPERSON: She is talking about what somebody reading this book what impression they would get of how you felt. So that is what she is asking?

ADV THANDI VICTORIA NORMAN SC: Yes thank you Mr Chairman.

MR RAJESH SUNDARAM: Okay.

CHAIRPERSON: Ja.

MR RAJESH SUNDARAM: Well I agree with...

CHAIRPERSON: So in other words the question is would you agree that a person reading this letter of resignation would have thought that you left [what is the word you used?] but effectively you ..

ADV THANDI VICTORIA NORMAN SC: The Gupta's you were happy with them and even sought their blessings.

10 **CHAIRPERSON:** Ja you were happy with them.

MR RAJESH SUNDARAM: Well I would think that if they read my book and the circumstances under which this resignations came they would understand.

MR RAJESH SUNDARAM: No, no, no.

MR RAJESH SUNDARAM: What I am talking about. But ja if...

CHAIRPERSON: Somebody who has not read your book but just reads the letter.

MR RAJESH SUNDARAM: Well they would very easily tend to misunderstand they would think I was happy when I quit and all of that
20 but you know what puts this letter in context is the book, is the book.

ADV THANDI VICTORIA NORMAN SC: Yes.

MR RAJESH SUNDARAM: Because I like I said I am not somebody who would take bitterness to my grave you know. Of course I had differences with them. Of course I would never work with them again but I just wanted you know a severance of ways, a parting of ways

which was amicable and just move on you know so that time I meet Luxmi Goel somewhere in Delhi it would not be like I am avoiding his gaze or what you know or moving in the other direction. Uncomfortable because we had a – these serious differences.

ADV THANDI VICTORIA NORMAN SC: Yes.

MR RAJESH SUNDARAM: So my intention in writing this letter was to write a very kind, polite letter which is that is the kind of person I am. Put that in their hand and go and I think that is how it would have ended unless they had their body guards chase after me, unless they
10 had all the other events that happened between the time I gave my resignation and you know my exit from South Africa. So things will have to be taken into context. But like I said you know in terms of by relationship with Atul Gupta or Laxmi Goel they had been decent in their conduct with me and the way the spoke with me they were respectful until the time I had resigned until the time the things changed when I saw the rude side, the side which was not polite. Because this was before I had those bitter experiences. Before Laxmi Goel said that you know you have a two year contract with us you cannot leave before that.

20 **CHAIRPERSON:** But Mr Sundaram.

MR RAJESH SUNDARAM: Hm.

CHAIRPERSON: Please hold on. You have told me the conditions under which you were working there ahead of the launch. Having few hours of sleep. You did say of course the salary was great. That you said. So you had that situation you know and then you did say that you

had no – effectively you were not going to play any role in the editorial policy of the channel because you were told that had been already been decided. You had – you formed a view quite soon if I understood your evidence correctly quite soon after you started working in South Africa that this was not a place you wanted to be in for a long time.

MR RAJESH SUNDARAM: Yes.

CHAIRPERSON: And that must be because you were unhappy with what you saw happening there?

MR RAJESH SUNDARAM: Yes.

10 **CHAIRPERSON:** But your letter seems to suggest that you were very happy. So in the process of wanting to leave amicably did you misrepresent what your true feelings were about this work place?

MR RAJESH SUNDARAM: I would not say misrepresent you know because the kind of person that I am when I write a letter I – even if there is a lot of bitterness and even if there is a lot of things that I did not agree with I would not let that reflect in a resignation letter. I would write that in a decent way. But having said that yes.

CHAIRPERSON: Yes.

MR RAJESH SUNDARAM: Yes you know my feelings at that time are
20 not reflected in the resignation letter. I was angry I was ...

CHAIRPERSON: Yes.

MR RAJESH SUNDARAM: I was conned into this project. Also you know I could have written all of those things and gotten into a fight with them which I wanted to avoid I was too tired by that time. My health had – I had serious issues with my health by which time. I was

basically tired and I was – I knew that this project had taken off and it was a butt of a lot of jokes on social media because of the way the launch took place and I just wanted an exit. I agree with you that this – this resignation letter did not reflect my mood at that time. It did not reflect my anger. It did not reflect all the things that I wanted to say but it was a conscious decision on my part that I wanted to write a letter which was – which did not – which did not have any bitterness in it which thanked them for the opportunity they gave me but which told them very firmly that this is where I – that I want to part ways. This is
10 a resignation letter and I just want to move on.

CHAIRPERSON: Must I understand what you have just said to mean that you took a conscious decision that you must write – you should write a letter that did not correctly represent how you felt at the time?

MR RAJESH SUNDARAM: Yes. Yes that is true.

CHAIRPERSON: And there may have been different ways of writing the letter and I just want your comment. One way would have been to ventilate your unhappiness and the reasons why you were unhappy that would be one way. You did not want that because you wanted the parting of ways to be amicable. Another way would have been to say
20 you know what okay I will not ventilate all the reasons why I am unhappy but at the same time I am not going to misrepresent how I feel or I am not going to praise these people after what I have experienced here. I will just say I have decided that it is time to move on and I would be leaving and that is it.

MR RAJESH SUNDARAM: Hm you see...

CHAIRPERSON: And not say much but this letter seems to me to – to heap praises on your employer.

MR RAJESH SUNDARAM: Sure see I did not see any reason to give them reasons why I am quitting they knew about it because I raised each and every one of them with that – the laws that they were breaking. The violation of the labour laws, visa laws. Whether it was about the compromising the editorial integrity that was happening. All of those issues I had raised and I had found no solution to those. So I did not think it was right and about to bring those issues up because
10 that is something that they knew already and they had already made up my mind that they did not want to address it in the way that I wanted it so the only way for me was to go out and at that time the mental condition in which I was I thought the best thing would be to write a polite mail, thank them, say that you know I had – this was one of the best opportunities that I got and just soft soap myself out of the situation you know without – because if I told them the [indistinct] reason why I am quitting then they will say that it is probably I am trying to angle for them to better the conditions so that I can continue to stay on that was not my intention. I had decided to snap my ties
20 with them, snap it for good. Or course I had said here that until they find a successor I was willing to continue because I did not want to leave them high and dry in the sense that you know just pack my bags and move overnight. I had given them that opportunity if they want it which I thought was the fair thing to do – you know – and the kind of person who I am even today if I had to do – if I worked in a similar

situation I would do the same thing which is to thank them, to politely say that I seek your blessings on my journey forward and not – you know – look forward not look back to what had happened because those things have already been done and dusted and I was very clear that they did not want to improve on any of that or make conditions better that I stayed on or things like that.

CHAIRPERSON: Yes.

MR RAJESH SUNDARAM: I just – I just (intervenes).

CHAIRPERSON: But as at that time when you wrote the letter were the
10 three months that you had spent there working there the most exhilarating three months and was that the best phase in your career as at that time?

MR RAJESH SUNDARAM: Well I would answer that question in two ways. Was it exhilarating when it came to working with the Guptas and interacting with President Zuma and all the dirty tricks and all of that was happening absolutely not but was it exhilarating working with the young team that I was working with absolutely it was? Was it exhilarating working with the passionate young people the passion that they had for learning new techniques, the passion that they had – you
20 know - to work according to the high standards of production and journalism absolutely. So to answer your question it was exhilarating working with the team who was there ...

CHAIRPERSON: Hm.

MR RAJESH SUNDARAM: And interact with the young South Africans
...

CHAIRPERSON: Yes.

MR RAJESH SUNDARAM: Who I was working with ...

CHAIRPERSON: Yes.

MR RAJESH SUNDARAM: And I am still very proud to say that I am still

CHAIRPERSON: Yes.

MR RAJESH SUNDARAM: Friends with most of them. I continue to be in touch with them also (indistinct).

CHAIRPERSON: Yes.

10 **MR RAJESH SUNDARAM:** And in terms of the – I have set up about five stations so far in my life ...

CHAIRPERSON: Hm.

MR RAJESH SUNDARAM: And when it comes to the people who I met here ...

CHAIRPERSON: Hm.

MR RAJESH SUNDARAM: The youngest who we had hired I have not found that calibre or that passion anywhere else.

CHAIRPERSON: Yes, okay.

MR RAJESH SUNDARAM: That I have set up.

20 **CHAIRPERSON:** Okay.

MR RAJESH SUNDARAM: So yes but not – not in the sense that *ja*.

CHAIRPERSON: Yes.

MR RAJESH SUNDARAM: That I think was ...

CHAIRPERSON: In relation to your team?

MR RAJESH SUNDARAM: Yes.

CHAIRPERSON: That was true only in relation to (intervenes).

MR RAJESH SUNDARAM: Yes, because you know what they did was nothing short of a miracle.

CHAIRPERSON: Yes.

MR RAJESH SUNDARAM: In terms of – you know – despite all the challenges to set up a station ...

CHAIRPERSON: Hm.

MR RAJESH SUNDARAM: That was fit enough to go on air.

CHAIRPERSON: Hm.

10 **MR RAJESH SUNDARAM:** Of course whatever deficiencies that were there but the very fact that 60 to 70 percent of the staff ...

CHAIRPERSON: Hm.

MR RAJESH SUNDARAM: The people who were – it was their first job.

CHAIRPERSON: Hm.

MR RAJESH SUNDARAM: To be able to train them.

CHAIRPERSON: Hm.

MR RAJESH SUNDARAM: To be able to – I do not know – use their passion, to launch the stations as soon as possible because if we have got experienced they will just say it is not possible. You cannot launch
20 a station at this short notice ...

CHAIRPERSON: Hm.

MR RAJESH SUNDARAM: But those were young people who put their ...

CHAIRPERSON: Hm.

MR RAJESH SUNDARAM: You know I remember some of them would

come in early in the morning – six/seven – and stay on late in the night and even then there was one (indistinct) vehicle which was provided which would go in the opposite direction and then come back pick these people up and they would spend one hour extra in the office because the Gupta family could not find it in their pockets to put an extra vehicle to take the people (indistinct) but they would expect them to be in the office at six in the morning and most of them did not do it grudging. All of them as a matter of fact – I do not know anybody who worked that hard for those many hours with full dedication grudgingly.

10 They did it with their passion ...

CHAIRPERSON: Yes.

MR RAJESH SUNDARAM: And like I said I have never (indistinct) such a young team which is passionate about the work like I found in South Africa.

CHAIRPERSON: Thank you.

ADV THANDI VICTORIA NORMAN SC: Thank you.

CHAIRPERSON: You may continue.

20 **ADV THANDI VICTORIA NORMAN SC:** Thank you Mr Chairman. I did not establish the time that the Chairperson would want to adjourn today.

CHAIRPERSON: Well if you – if you wish to finish what you want to finish today you can continue ...

ADV THANDI VICTORIA NORMAN SC: Yes.

CHAIRPERSON: For some time.

ADV THANDI VICTORIA NORMAN SC: Thank you.

CHAIRPERSON: I do not know what you have in mind.

ADV THANDI VICTORIA NORMAN SC: Hm.

CHAIRPERSON: Otherwise we can continue tomorrow. So there is still time if you want

ADV THANDI VICTORIA NORMAN SC: There is still time?

CHAIRPERSON: If you want to wrap up or ...

ADV THANDI VICTORIA NORMAN SC: Yes. Maybe I should wrap up ...

CHAIRPERSON: Ja.

10 **ADV THANDI VICTORIA NORMAN SC:** With the issues relating ...

CHAIRPERSON: Okay.

ADV THANDI VICTORIA NORMAN SC: To the letter as well. Thank you Mr Chairman. So – and as the Chairperson has indicated to you then your letter you also leave a window that looked inasmuch as I am putting this to an end but I am still open to assist with the project. It is a wonderful project.

MR RAJESH SUNDARAM: You see because as I a professional I think I cannot just pack my bags and go especially when I am leaving the team.

20 **ADV THANDI VICTORIA NORMAN SC:** Yes.

MR RAJESH SUNDARAM: So what I meant by saying that was that of course they would – they do not have a succession plan because it was very early in the project and it was all haphazard. So you – you decide on getting another person and till that person comes in there I am ready to hold fort – you know – but as of today please take this as my

resignation letter ...

ADV THANDI VICTORIA NORMAN SC: Yes.

MR RAJESH SUNDARAM: But I will continue for as long as it takes for you to find a new person who is suitable and who can replace me.

ADV THANDI VICTORIA NORMAN SC: Okay.

MR RAJESH SUNDARAM: But I was very clear that this is my resignation letter. That is clear.

ADV THANDI VICTORIA NORMAN SC: Yes, yes and then when you left on 2 September had they found a replacement?

- 10 **MR RAJESH SUNDARAM:** No, because then by that time the whole sequence of events had changed very quickly and they had gone very hostile and there was – they were trying to cause me to stay first and then they wanted me to sign a document. Like I said for the first month that I worked from 1 May 2013 to 1 June 2013 I still have not been paid for that. The work that I had did in India – I have not been paid for that (indistinct) but I have not pressed for that. You know – initially at that time I said that I want it but they said if you are leaving right now – if you have resigning right now we will not give you whatever is due to you. I also – you know – at that time we were working long hours. We
- 20 were working weekends. We were working public holidays all of that and I had a query that – you know – am I entitled to any overtime on this. I was told that I was not because I was on the management which I did not want to believe him. You know – I do not know whether it is true or not but I said that I would want to consult a lawyer to see if that is true. If that is true I would leave that claim but at least the one

month – the very first month – I have not been paid. My salary started from the time I came to South Africa and the salary was credited into the State Bank of India Branch at Johannesburg. So I am willing to give regards there as well. The salary was credited from the time I came to South Africa but the one month that I spent in India. I have not been paid for that ...

ADV THANDI VICTORIA NORMAN SC: Oh.

MR RAJESH SUNDARAM: And I am not claiming that as well. You know – I would not now say that I want that money. I have given that
 10 up. The larger issue here is you know – what happened after I resigned and – you know – then thinking that they could intimidate the editor by sending bodyguards after them and chasing me and all the events that happened that I have described in the book. My hotel room was burgled. I had – I have never been as scared as that in my entire life and believe I have covered several wars. I have covered wars and (indistinct) but those last few days and hours in South Africa were the scariest in my life. I actually thought that I would die. That I would not see my family again – you know – and the kind of influence that they had. You know – one day after giving the interviews my hotel room was
 20 burgled. When I went to the – to the police to file a complaint they said that - I told them that I am leaving for India. They said you cannot file the complaint. The hotel owner does it and the hotel owner filed the complaint at that time. Also I could not go to the Indian High Commission because Virendra Gupta was the High Commission at that time was very close – had very close ties with the Gupta family. So I

did not know how that would payout. So here I was all alone thousands of miles away from my family and I could not go to any of my colleagues because I would put them into trouble because they were there with their families and their children and the fact that I could sought refuge at their home. They would – they would be as much in trouble. So I was out there and that is when I called my wife and then she told me that why do you not go to the media and tell them that your life is in danger. That way and then the whole world knows that if anything happens to you it is because of the Guptas. They would
 10 probably stay off and then she booked me a ticket on South African Airways and even till the time I was at the airport and I cleared immigration while I was in the air I was scared that - you know – I will probably be brought back and – you know ...

ADV THANDI VICTORIA NORMAN SC: Yes.

MR RAJESH SUNDARAM: This would happen. So of course this happened after my resignation ...

ADV THANDI VICTORIA NORMAN SC: Yes.

MR RAJESH SUNDARAM: And things got worse.

ADV THANDI VICTORIA NORMAN SC: Yes, because I am just thinking
 20 because had you taken a different approach I am just trying to see what else could they have done to you because the media industry would – would have backed you up because what you say in your book if I may just refer you to that page – page 162 of your book. You say something there which I believe that the entire South African public would have supported you had you resigned and told them the things that you say

in the book. If you could just read that paragraph – those few paragraphs on page 162.

MR RAJESH SUNDARAM: “I consider objectivity ...”

This is 162 right?

CHAIRPERSON:

ADV THANDI VICTORIA NORMAN SC: Yes, yes.

MR RAJESH SUNDARAM: “...objectivity to be at the core of the journalism. I was unwittingly drafted and to be part of a sinister plan to build – in my opinion – a propaganda television station. I quit because I did not want to be part of this. I quit because I did not want to compromise the values that had guided me for 20 years as a journalist. I wrote this book to invite constant public scrutiny of this channel. I hope this vigilance will force the channel to be objective in the content it produces.”

ADV THANDI VICTORIA NORMAN SC: Yes. So this then you formulated at the point when now things – relations between you have become hostile but otherwise had they allowed you – I would imagine – to just exit in the manner in which you wanted to exit you would not have had to write the book. Am I correct?

MR RAJESH SUNDARAM: To be very honest probably not because you know what I – what I saw there was total contempt – you know - because regardless of me being Rajesh Sundaram and I was before them in my last meeting when they sent their bodyguards after me I was

the editor of a news station. So what I thought was that you know those insults that were being heaped at me was not at Rajesh Sundaram but at the – the office of an editor – at a journalist. That is what angered me and that continued. It was not just the bodyguards chasing me out but they were constantly trying to play mind games with me. They were constantly – you know – there was an attempt to burgle my hotel room. So that is what really – you know – made me think at that time that I – you know – it is not because they insulted me or because they chased me out (indistinct) but because of

10 the – of the kind of mind-set that thinks journalist or an editor is somebody that – that you can have your bodyguards chase and have their house burgled and intimidated. So I – I wrote this book because – you know – that is when I decided that this should come out in front of the South African public all these details should be known by then as well – you know. It is not just okay for me to not be happy with the situation not be happy with all the compromises that are happening and just quit and move out but it is also important for me to tell that story so that a large audience knows about this and like I said there is – if – if - we know that ANN7 was made – you know – this is the background

20 which you know the channel came into existence. There was to be a constant public vigilance that – you know – for any content that they put out there should be constant scrutiny to ensure that they did not violate any things that I have written about in this book because the people of South Africa need to know the circumstances and the reasons why the station was set up.

ADV THANDI VICTORIA NORMAN SC: Yes. Thank you. Mr Chairman maybe to just close off the resignation issue because there is a letter that is referred – that is attached to the bundle – EXHIBIT CC1A and B. I am sure you are familiar with that letter Mr Sundaram. Could you just turn to page 29? That is a letter from the lawyers of Infinity Media.

MR RAJESH SUNDARAM: 29?

ADV THANDI VICTORIA NORMAN SC: Page 29. Have you found it?

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: Thank you. In paragraph 2 of
10 that letter they are actually quoting from your – from your letter of resignation. Is that correct?

MR RAJESH SUNDARAM: Yes.

ADV THANDI VICTORIA NORMAN SC: And then they were saying that now you were the cause of whatever hiccups were there at ANN7 and they intended to serve you with documents supposing – maybe summons to claim damages from you.

MR RAJESH SUNDARAM: Well I responded to this notice that I got or an email and I told them that I would go ahead – you know – they were basically trying to tell me not to talk to the media or to interact with the
20 public in anyway and I wrote back in an email and I told them that I will continue to do that. Please go ahead file whatever – take whatever legal action you have to take against me and I would come to South Africa to defend myself because I am convinced about – you know – the interviews that I am giving in the media are based on facts that I know and I will – I stand by them. So this letter came to me in 2013. It is

2019 now. I have not heard back from the lawyers.

ADV THANDI VICTORIA NORMAN SC: Yes.

MR RAJESH SUNDARAM: So that is the background to this. Of course – you know – I have explained they – you know – I wrote this – I do agree that I did write this and - and like I said there were two aspects for setting up the station.

ADV THANDI VICTORIA NORMAN SC: Yes.

MR RAJESH SUNDARAM: It was working with the wonderful team and also with the (indistinct) management team which was there which was
10 not the best three years – three months of my life but working with a passionate team in setting up and doing the impossible - you know. Setting up a station in three months is something which is unheard of and which was done here and that was not because of me. It was definitely not because of the Guptas and Nazeem Howa. It was because of the passion and the hard work and the long hours the sweat, blood and toil of the – of the staff who are coming here. Most of whom - for whom it was the first job and most of whom gave everything that they had to launch the station and I do not think they have received a single word of thank you from anybody – you know. So of
20 course at this time I would want to place on record the hard work that they put in there to launch the station.

ADV THANDI VICTORIA NORMAN SC: Yes, thank you. Thank you Mr Chair we will be moving on to new areas tomorrow.

CHAIRPERSON: Yes. No that is fine.

ADV THANDI VICTORIA NORMAN SC: Yes thank you.

CHAIRPERSON: Before we adjourn.

ADV THANDI VICTORIA NORMAN SC: Yes.

CHAIRPERSON: Is my understanding correct that during the time when you were working for the station you or let me put it this way. At some stage you seemed to say you had raided your issues with the Gupta brothers. Is that correct?

MR RAJESH SUNDARAM: Yes.

CHAIRPERSON: The things that you were unhappy about?

MR RAJESH SUNDARAM: Yes.

10 **CHAIRPERSON:** And what had been their response?

MR RAJESH SUNDARAM: You know I remember like for instance the abuse of staff. There is this one time when he actually physically assaulted one of the employees and I took him aside and I told him that this is not acceptable. You know you are undermining the authority of the managers here if you go and do this. If you have any issues let us do it in a way things should be done in the office – you know. One is that he did not have any understanding of the broadcast. For instance if there was a bug in the system and the teleprompter he thought that it was sabotage. That somebody was trying to sabotage his news
20 bulletins or if there is – you know – the play out system suddenly had a glitch. He would think it is the guy who is sitting and doing the play out – you know who was being paid by his rivals to do that. He would to and abuse them – you know – call them things like monkeys and things like that. So I would take him aside and say you cannot do that – you know- because you do not understand that is happening here. So then

he would say oh I know I should not be doing that but I am diabetic – you know. So sometimes when I have low sugar or high sugar these things happen. I am sorry about it and the next day the same thing would happen – you know. He would go out and scream at somebody or also things like – you know – he could perch himself on the mezzanine floor and he would keep looking at what is happening. Who is doing what work without knowing – for instance you know there was a person who was on the output desk constantly making (indistinct) for the bulletin half hour after half hour, hour after the hour and he was

10 glued to his chair because that is what he was supposed to be doing and that is a very stressful job and he would be sitting from there not knowing what it was he would call me and say what is that guy doing there. I said he is making (indistinct). He is the guy who is the output head and you know he has got to make sure that all the stories are factually correct, the sequential order is okay and you know it has all the elements like the – the tags and all the factors there. So how do I know that he is working and not watching porn site because he has not moved from the chair. So – you know – as a professional you do not want to say to something like that you know because it was somebody

20 who had no understanding of what was happening but you know wanting to interfere in micromanage ...

CHAIRPERSON: Yes.

MR RAJESH SUNDARAM: And making sure that he prevailed.

CHAIRPERSON: Hm, and about your views about the involvement of Mr Zuma did you articulate your concerns about his – the role he was

playing?

MR RAJESH SUNDARAM: No, I did ask a few questions to ...

CHAIRPERSON: Hm.

MR RAJESH SUNDARAM: And people who were part of the marketing team. I do not want to name the person because I could get him into trouble but it was a well-established fact that that was the ownership baton.

CHAIRPERSON: Yes.

MR RAJESH SUNDARAM: As a journalist I know that if – that was the
10 decision I should have taken before I joined.

CHAIRPERSON: Yes.

MR RAJESH SUNDARAM: If I had known there was a conflict of interest I would not have ...

CHAIRPERSON: Yes.

MR RAJESH SUNDARAM: But after I come in as journalist join as an editor it is not my business to say the chance (intervenes).

CHAIRPERSON: Yes, yes.

MR RAJESH SUNDARAM: It was for me to quit which is what I did.

CHAIRPERSON: *Ja.*

20 **MR RAJESH SUNDARAM:** So ...

CHAIRPERSON: Okay and then in your book I was looking for this in your statement and it looks like I saw it in your book at page 85 somewhere in the middle you write:

“Atul ...”

This is in the context of the breakfast meetings and SABC and the New

Age. I see you write:

“Atul boasted to me once that he could get any
National or Provincial Minister he wanted for the
show.”

You see that?

MR RAJESH SUNDARAM: Yes.

CHAIRPERSON: Do you confirm whether that is indeed what
Mr Atul Gupta said to you?

MR RAJESH SUNDARAM: Yes, yes.

- 10 **CHAIRPERSON:** Yes. It is – that part of what you say is quite
interesting also because Mr Themba Mashego – I mentioned
Mr Themba Mashego earlier to you. Mr Themba Mashego if I recall his
evidence correctly testified before me last year and if I remember
correctly also said something to more or less the same effect as
something that was said by Mr Ajay Gupta to him that if there was any
Minister who was not cooperating and this was in this context of -
according to Mr Mashego – Mr Ajay Gupta wanting Mr Mashego as
Director-General of GCIS to “cooperate” with regard to the Gupta
brothers or their businesses getting a certain share of the advertising
20 revenue and Mr Mashego – if I recall his evidence – said that
Mr Ajay Gupta said that if there was any Minister who was not
cooperating he should tell him in fact which one and – I cannot
remember the words that he used – but whatever words he used
according to Mr Mashego – conveyed the impression to me that
Mr Ajay Gupta was saying that they would report him to former

President Zuma or they would say what to do with a Minister who was not cooperating. So here you have you have ...

MR RAJESH SUNDARAM: Oh yes, because also my introduction like it will be ...

CHAIRPERSON: Hang on Mr Sundaram, hang on hang on. You have in your book a statement which seems very similar which seems to resonate with what Mr Mashego said namely that – but now this was Mr Atul Gupta not Mr Ajay Gupta saying to you for those breakfast shows or briefings they could - he could - get any National Minister or
10 Provincial Minister that he wanted to the show.

MR RAJESH SUNDARAM: Yes.

CHAIRPERSON: Hm.

MR RAJESH SUNDARAM: Also you know I was told that these meetings were insanely profitable. That was the word Nazeem Howa would use because it was not just when the Minister came that it was – you know – they would sell the tables around it. The cost for the broadcast was of course with the SABC and the Ministers would come and sometimes the Ministers would also be (indistinct) to paying for the venue and the meal that was served as well. So clearly it was pure
20 greedy for the Guptas or the New Age because they did not have to spend for the broadcast. They did not have to spend for the venue in some cases and whatever – you know – whatever tables were sold at those meetings was a pure profit that went into (indistinct). I still remember there was one time when there was one of these meetings that was scheduled in Cape Town and I was asked to go with them to

Cape Town for that meeting and they actually flew in a private jet. So I just asked Nazeem about this. You know – do you actually enough money to fly down? Why do you not fly commercial because would that not make more business sense. So he said no. This is insanely profitable. We are going to Cape Town. I do not know the member the Minister who was there but the Ministry had paid for the venue. They had even got the stakeholders to buy tickets and come and see this – to be seated there. So all of that was happening. So it was like I said in most cases it was pure greedy for the Gupta brothers. They were

10 not doing anything. They were just – and it was most people who would come and buy the chairs there because that was an opportunity to network with the Minister and the high bureaucrats who came with them and that was what was being sold and - you know – and it was broadcast on SABC because that was another selling point for the – for the Guptas there. So this is something that they openly admitted and whenever there were problems that the marketing team had in getting any of the Ministers that would be reported in the Executive Committee Meeting and then Atul Gupta would make a note of it and it was taken up during these meetings with President Zuma.

20 **CHAIRPERSON**: Hm, thank you.

ADV THANDI VICTORIA NORMAN SC: Thank you.

CHAIRPERSON: Okay. We will – we will adjourn at this stage and then we will start at 10 o' clock tomorrow?

ADV THANDI VICTORIA NORMAN SC: Yes thank you Mr Chair.

CHAIRPERSON: Is there another witness that ...?

ADV THANDI VICTORIA NORMAN SC: There is.

CHAIRPERSON: There is?

ADV THANDI VICTORIA NORMAN SC: Yes there is.

CHAIRPERSON: Okay, alright.

ADV THANDI VICTORIA NORMAN SC: Thank you.

CHAIRPERSON: We will adjourn at this stage and tomorrow we will start at 10 o' clock. We adjourn.

ADV THANDI VICTORIA NORMAN SC: Thank you.

REGISTRAR: All rise.

10 **INQUIRY ADJOURNS**