

STATE CAPTURE INQUIRY
PARKTOWN, JOHANNESBURG

10 SEPTEMBER 2018

SESSION 1 – 2.

DAY 11.

Session 1

ADV PAUL PRETORIUS SC: Evidence today is Mr Jan Gilliland from National Treasury.

He will be led by Advocate Maleka.

CHAIRPERSON: Thank you Mr Pretorius. Mr Maleka.

ADV VINCENT MALEKA SC: Good morning Chair.

CHAIRPERSON: Good morning Mr Maleka, good morning everybody.

ADV VINCENT MALEKA SC: Chair, since last week Thursday there have been some welcome developments about one of the witnesses who previously intimated that he would not testify but we will communicate those details to you because there seems to be
10 a welcome change of heart yes.

CHAIRPERSON: That's good thank you.

ADV VINCENT MALEKA SC: Chair, the name of the witness before you [intervenes]...

CHAIRPERSON: I am sorry, before you proceed, I know Counsel for Mr Ajay Gupta and Mr Rajesh Gupta are not here but you will recall that during argument last week, you raised the issue that their stance that they were not prepared to return to South Africa and participate in the proceedings of this Commission within South Africa had not been made in an affidavit and Mr Hellens for Mr Rajesh Gupta and Mr Ajay Gupta said in reply that if necessary an affidavit or affidavits saying exactly what was in their written
20 submissions could be obtained. I would like him to make arrangements to have those statements put on affidavit. Obviously they are not here, may I ask that that be conveyed to him.

ADV VINCENT MALEKA SC: Yes.

CHAIRPERSON: I am sure that it could be done within a matter of days. It's just to ensure that the position that Mr Ajay Gupta and Mr Rajesh Gupta have taken which was set out in their written submissions in regard to not being prepared to come to South Africa that that is put in an affidavit.

ADV VINCENT MALEKA SC: Yes, Chair, we will convey your request immediately to the attorney of the Commission to action it without any delay.

CHAIRPERSON: Yes, thank you.

ADV VINCENT MALEKA SC: Chair, let me spell for the record now that we know the record has some difficulty.

10 **CHAIRPERSON**: I hope that something has been done to make sure that the concerns I was told about last week are no longer there.

ADV VINCENT MALEKA SC: Yes.

CHAIRPERSON: And that somebody is keeping an eye to make sure that the problems have gone away.

ADV VINCENT MALEKA SC: We have appointed one amongst us to quality control and quality check the records as and when it is transcribed. The name is Jan Gilliland [**G** pronounced as in **gin**].

CHAIRPERSON: Gilliland? [**G** pronounced as in **gin**]

ADV VINCENT MALEKA SC: Yes, Gilliland [**G** pronounced as in **gin**]

20 **CHAIRPERSON**: Okay alright, thank you.

ADV VINCENT MALEKA SC: Or Gilliland [**G** pronounced as in **go**]

CHAIRPERSON: Oh is it Gilliland [**go**] or Gilliland [**gin**]? Oh, he will correct us.

ADV VINCENT MALEKA SC: Yes. Chair, may I ask the Registrar to swear him in?

REGISTRAR: Please state your full names for the record?

MR JAN GILLILAND: It's Jan Johannes Gilliland.

REGISTRAR: Do you have any objection to taking the prescribed oath?

MR JAN GILLILAND: No.

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

MR JAN GILLILAND: Yes.

REGISTRAR: Please raise your right hand. Do you swear that the evidence that you will give today shall be the truth, the whole truth and nothing but the truth, so help you God?

10 **MR JAN GILLILAND**: So help me God.

REGISTRAR: Thank you.

CHAIRPERSON: Thank you.

ADV VINCENT MALEKA SC: Chair, if I may take a moment to explain the purpose of Mr Gilliland's evidence. You will recall when we started with the evidence of Mr Maseko, we intimated that we will present before you the story of GCIS in three parts. You have heard the first and the second parts through Mr Maseko and Ms Williams respectively. Mr Gilliland is going to complete that story. The purpose of his evidence at this stage Chair, is to introduce you to a concept called BAS, BAS Payment. BAS is an acronym for Basic Accounting System Payment.

20 **CHAIRPERSON**: Oh, B-A-S?

ADV VINCENT MALEKA SC: Yes.

CHAIRPERSON: Okay. BULK?

ADV VINCENT MALEKA SC: BAS, it's Basic for B.

CHAIRPERSON: Oh Basic, yes?

ADV VINCENT MALEKA SC: Accounting for A, System for S Payment.

CHAIRPERSON: Okay, thank you.

ADV VINCENT MALEKA SC: This is an accounting method, capped and applied by National and Provincial Treasuries to track and trace all or most of the Government payments made by National and Provincial Departments who are on that system. The concept become important in the context of your mandate for two reasons.

- 10 1. It will reflect all of the payments that have been made by our Government with reference to procurement of goods, services or other commodities including payments that are the subject matter of your mandate, either because they are underpinned by state capture, corruption or fraud and we thought it wise to introduce this concept to you now, fundamentally because of the key role Mr Gilliland has played with reference to the conception and implementation of that concept.
2. The reason why we have brought Mr Gilliland before you now beyond completing the story of GCIS, is to inform you how he tracked and traced payment of an amount in the order of R55 million to the combined print and television media houses of the
- 20 Gupta family. There has been some difficulty around whether, as a matter of fact, GCIS has made that payment because it was brought for the first time to the attention of the officials of GCIS, mainly Ms Williams, by the Hawks when they started to investigate that payment. It is in that context that Mr Gilliland will inform you how he

managed to track and trace that payment. We are going to present the evidence of Mr Gilliland by relying on a set of slides which we have captured in a bundle and I would ask for your permission to hand up that bundle and let it be admitted in record as Exhibit G1.

CHAIRPERSON: Thank you.

ADV VINCENT MALEKA SC: Chair, we will get to the slide presentation in order to capture the evidence of Mr Gilliland but this slide presentation have been informed and now educated, represent a statistical formulation, capturing and presentation of data in a format that we lawyers are unfamiliar with. They are useful statistical representation of huge amounts of data in a manner that is concise, readable and understandable. So for instance, you will see, if you go to page 18, the bar charts which are presented in a curve that is both vertical and horizontal. The horizontal section represents different National and Provincial Departments going from the left hand to the righthand and the vertical part of it represents different amounts beginning from R10 million up to R100 million and across each bar you will see that there is an amount indicated with reference to each of the provinces. Mr Gilliland will explain the meaning of all of these representations to you in order to make them fairly understandable to lawyers such as ourselves and so for instance, if you go backwards to page 13, you will see another statistical representation through a diagram which I am told is a pie chart.

CHAIRPERSON: Is a what chart?

ADV VINCENT MALEKA SC: Pie, like a meat pie. P-I-E, and that chart is divided into different portions represented in colour format. The smaller portion, the amount of R12 odd million represents payment in totality made to an entity called Infinity which

we now know is the television platform of the Gupta media house and the blue slice of the pie represents an amount of R248 odd million which is the total payments made to TNA which is the print media version of the media houses. And that is an illustration of how the statisticians such as Mr Gilliland do capture this information and present it before you in a manner that is concise and readable, otherwise it would mean that they have to track and bring before you, thousands and thousands of information for digitally you represent them into thousand and thousands of pages.

10 So if I may start Chair, Mr Gilliland I would like to talk to you firstly with reference to Exhibit G1 which is now before you and just to orientate you, Exhibit G1 is a bundle of documents which is paginated by a number write at the top of the top right-hand corner of each page. Do you follow that?

MR JAN GILLILAND: Yes.

ADV VINCENT MALEKA SC: Can I ask you to speak loudly and make sure that we all hear you. The Chairperson must hear you at least. If you go to page 2 of the documents, you will see that you collect your experience and responsibilities in the Department of National Treasury, previously called State Expenditure from 1987 to date. First of all, can I ask you to confirm that you have been a Government employee in National Treasury since 1987?

MR JAN GILLILAND: Yes.

20 **ADV VINCENT MALEKA SC**: Up to date.

MR JAN GILLILAND: Up to today, I am still there ja.

ADV VINCENT MALEKA SC: Yes, that's a long long stretch.

MR JAN GILLILAND: It's true. I actually started my career in Government in 1971 actually Sir.

ADV VINCENT MALEKA SC: So for all of your working life you have been a public servant?

MR JAN GILLILAND: Correct.

ADV VINCENT MALEKA SC: Why is that? Why did you choose to spend almost all of your working life in the public service.

MR JAN GILLILAND: I would say I have been fortunate to be able to do that and I am still enjoying it today Sir.

10 **ADV VINCENT MALEKA SC**: That's commendable.

CHAIRPERSON: I am sorry Mr Maleka. Mr Gilliland, I don't know whether it's simply how your voice is. I am not hearing you as clearly as I should so it may be that's just how your voice is, do the best you can please to make sure we can hear you.

ADV VINCENT MALEKA SC: Can I ask you to bring the mic closer to you.

MR JAN GILLILAND: I did that already.

ADV VINCENT MALEKA SC: Bring it close again?

MR JAN GILLILAND: Further? Even more closer.

ADV VINCENT MALEKA SC: More closer.

MR JAN GILLILAND: Like this?

20 **ADV VINCENT MALEKA SC**: Yes, I think that's much better.

CHAIRPERSON: That's much better ja.

ADV VINCENT MALEKA SC: I think by the time we complete the hearing, some of us would have acquired experience in technology. Mr Gilliland, you explain the position that you occupied in Treasury from 1 August 1997 as a Director Operations and Implementations, do you see that?

MR JAN GILLILAND: Yes I do.

ADV VINCENT MALEKA SC: And you do so with reference to some responsibilities that you identify on page 2. I would like to spend a bit of time with reference to that position and his responsibilities. The first you say you were the Project Leader for BAS and Vulindlela, do you see that?

10 **MR JAN GILLILAND:** Yes I do.

ADV VINCENT MALEKA SC: Can you in your own words explain to the Chairperson why did you become a Project Leader of BAS Vulindlela?

MR JAN GILLILAND: Well, it basically started in the early nineties when the National Treasury, Statistics in those days, decided to replace the existing applications at that stage specially with reference to the financial management system which was a batch type system used by a lot of departments. So then the Treasury nominated me to start the project and that was, I would say, round about 92/93, that's we actually started with the development of a Basic Accounting System with the intent to implement that across Government. All Provincial Departments as well as National
20 Departments.

ADV VINCENT MALEKA SC: You mentioned the concept of Basic Accounting System. What is the purpose of that concept?

MR JAN GILLILAND: The Basic Accounting System is a general ledger which capture all payment information, amongst others, into a proper data base which is easier to access afterwards. It is a online application so whenever you capture a transaction, we immediately populate the database so afterwards you can retrieve the information from that. Each department has got their own database as I have previously discussed with you we did reimplement the application a couple of times. We are currently on the 5th version of the Basic Accounting System. The reason why we reimplement is from time to time the Treasury did decide to change the Chart of Account supporting the information as captured in the data base. Mr Gilliland, were you tracking a language which we as lawyers don't understand and I will ask for your forbearance by asking you to explain some of the concepts mentioned. For now you have referenced a general ledger concept. For a non accountant like me, what is a general ledger?

MR JAN GILLILAND: A general ledger keep track of all detail transactions captured for that specific department including interfaces from other applications such as the payroll, the procurement application and potentially any other applications that feed into the general ledger from other departments.

ADV VINCENT MALEKA SC: Do I understand you to mean that a general ledger would reflect transactions by Government entities on the procurement of goods and services for which payment has been made?

MR JAN GILLILAND: Yes, a 100% correct.

ADV VINCENT MALEKA SC: And in general terms [intervene]

MR JAN GILLILAND: Can I just maybe just clear myself and that. We don't capture all the procurement information necessarily but we do capture the result of that like

the order information as well as the payment information, whether it's a final payment or a partial payment, we do capture that but not necessarily the whole process of procurement.

ADV VINCENT MALEKA SC: For the purposes of making sure we understand your evidence, let's use a practical example. Let's say you have a National Department such as the Department of Communications. It will procure goods and services, it will make payments, how does that department in accounting terms, capture the payments it makes in that regard?

10 **MR JAN GILLILAND:** For that particular department, they also implemented the Logos application which is not my responsibility, that is a typical procurement application. So they will capture all the information on that and once they order the service or goods or whatever, they generate that application or generate an order. That order will immediately process on the BAS side and we will do the commitment. We will commit the monetary value of that order against the available funds for the department and afterwards when they receive the service or the goods, they capture a goods receive voucher on the Logos application which is the procurement application, that information is not feed into the BAS application. Once they start with the payment process, they will capture the payment against the order, either partially or in full and the moment they do that, they payment information will feed into the
20 BAS application.

ADV VINCENT MALEKA SC: And that process of capturing means that the information you have identified, the order and the payment amongst others, will be secured in a data base.

MR JAN GILLILAND: Ja, in the BAS general ledger which is a departmental database.

ADV VINCENT MALEKA SC: And you as National Treasury, you would have access to that data base.

MR JAN GILLILAND: Yes, we do have access to the data base.

ADV VINCENT MALEKA SC: And it is that access which would enable you to monitor and have a feel of what payments each department on the BAS system has made.

10 **MR JAN GILLILAND**: Yes, if required, we can access the information and inform whoever has got a need for that type of information on what payments went through the database for a particular department or all departments across Government.

ADV VINCENT MALEKA SC: Before I get to the next topic, can I ask you to explain more or less what entries do you expect to capture from the data basis of the departments which will be part and parcel of the BAS system?

MR JAN GILLILAND: I am not sure I can cover all of them but if I mention the most important one's, for example.

ADV VINCENT MALEKA SC: And please take your time as you cover the most important one's.

20 **MR JAN GILLILAND**: As for example, first of all before you can do any payment you need to register supplier information on the application. I think it's worth mentioning that somebody that capture payments, any official that capture payments on the application, they should not have access to capture the supplier information as well because that's part of the segregation of duties we instruct the partners to follow. So

in other words, they need to capture all supplier information including the bank account details if applicable or if available. Then they can also capture invoice information which result into payment, multiple invoice may become a payment at the end of the day once it's authorised and then they can also schedule specific disbursement batches which is basically the physical payment when the cashflow from the departmental bank account to the beneficiary's bank account. They can also capture journals which are normally used to correct allocations like for example if they captured the wrong item for the specific payment, they can use a journal to correct it which is also a financial transaction. They can also record debts, they can also record bank statement information. That's normally an electronic interface which we receive directly from the commercial banks as well as the Reserve Bank which we interface into the application, that's also a transaction. We also record all payroll information which is processed on another application called PERSOL, that's the payroll for Government, so that information is also recorded in the GL so at the end of the day you end up with a complete set of expenditure as well as revenue. The revenue as well in the sense that they do capture receipts and deposit information into the application as well.

ADV VINCENT MALEKA SC: Thank you for that but can I highlight some of the entry functionalities that you have identified. The first is that it's important to capture the details of the supplier and the supplier would be a person who will run the services or sell goods or other commodities to the department.

MR JAN GILLILAND: Correct ja.

ADV VINCENT MALEKA SC: So the name of the supplier is important and you also mentioned the bank account, you remember that?

MR JAN GILLILAND: 100% correct.

ADV VINCENT MALEKA SC: Why is the bank account required?

MR JAN GILLILAND: In order to do a payment, recently in Government we don't really make use of cheque payments anymore. Well obviously not cash payments. So the method of payment is electronic payments into the beneficiary's bank account.

ADV VINCENT MALEKA SC:: What methods does our Government and its departments make use in order to effect payment?

10 **MR JAN GILLILAND**: As far as well currently, the majority of the payments via electronic transfers via the ACD application, Automated Clearing Bureau which is available to the whole country, not only to Government. Some files we send via the commercial banks, some other files we send directly to ACD. In some cases, the moment the monetary value of the payment is in excess of R1 million then they cannot do a normal ACD payment, the electronic fund transfer, they need to do a credit transfer. In the banking industry the limit is R5 million but National Treasury, quite a while ago in conjunction with the Minister of Finance decided that they are going to bring it down to a million for National and Provincial Departments so all payments in excess of R1 million rand is via credit transfer, in other words, an instruction to the bank, the sponsor date to transfer the money to the beneficiary bank account.

20 **ADV VINCENT MALEKA SC**: And why does National Treasury in conjunction with the Minister of Finance, why have they established a norm of R1 million which is something that is different to commercial entities. I mean, you say that commercial entities is R5 million and you say for the payments made by Government

departments is R1 million. Why is such a disparity compared to the world of commerce in private.

MR JAN GILLILAND: I assume the reason for that is that they want better control over the flow of Government money. In other words, the difference is if we send a file to ACD for example for those amounts less than a million, they simply process those amounts and transfer the money to the relevant bank accounts of the beneficiaries. The moment it's a million plus, then there is another process they need to follow where they instruct the bank to transfer the money into another bank account, in other words, there are some people involved in the payment process which need to approve it before they send it through to the commercial bank with the instruction to transfer to the relevant bank accounts of the suppliers.

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ADV VINCENT MALEKA SC: Mr Gilliland, can I take you back to page 2 of Exhibit G1.

MR JAN GILLILAND: Yes.

ADV VINCENT MALEKA SC: You say that another responsibility you have is to monitor the performance of BAS, do you see that?

MR JAN GILLILAND: Yes.

ADV VINCENT MALEKA SC: Can you explain to the Chair how do you effect that monitoring responsibility?

20

MR JAN GILLILAND: We have got an operations team in place and that team consist of operators which is responsible for the day to day operations of the application, those kind of things, but it also a team of DBA's who continuously monitor the performance of the allocation. You can imagine we are sitting with 30,000 plus

users which potentially capture on a daily basis so you need to monitor the performance application and if required, do the necessary changes to improve the throughput of the application at the end of the day because otherwise we won't be able to deal with the potential 2.5 million hits per day.

ADV VINCENT MALEKA SC: Just give us a sense in physical terms, where is your operation centre, where is it based?

MR JAN GILLILAND: It is in Centurion, SITA Centurion.

ADV VINCENT MALEKA SC: SITA Centurion.

MR JAN GILLILAND: SITA Centurion ja.

10 **ADV VINCENT MALEKA SC**: And are you able to tell us why are you placed in SITA Centurion and not in any of the well known buildings of National Treasury?

MR JAN GILLILAND: Well I think it's convenient for us due to the kind of business we are in to be as close as possible to the SITA people because they are hosting the applications on their main frames.

ADV VINCENT MALEKA SC: Yes. Chair, SITA is the State Information Technology Agency which provides at least in accordance with its statutory mandate all forms of information technology, applications and assistance to the state and that may well explain why Mr Gilliland's bus operation is located at SITA. Now, you are in Centurion and you are capturing all sorts of information. You talk about two million hits a day
20 which take place somewhere else across the country. Can you explain to us, how do you capture that information. What is the interface methodology between you and all of these different departments across the country.

MR JAN GILLILAND: Yes. First of all, we don't really capture any transactions as National Treasury, only the departments capture transactions. In other words, we don't capture a single transaction on behalf of any department on their general ledger. The way the department capture information, they sit all over the country. Might be Bisho, it might be Potchefstroom, wherever. They need a PC, a workstation on their desk which allow them access to the mainframe and the way they send information via from the workstation to the mainframe is via a network implemented in most cases by the SITA. SITA take also responsibility for the networks of Government so they need a link to the mainframe in order to be able to capture. If they haven't got that link they won't be able to capture.

10

ADV VINCENT MALEKA SC: Yes, just in practical terms Mr Gilliland, let's take the Bisho example. A department in Bisho will capture a transaction and it will enter the details of that transaction in a digital format and that will be kept in its database.

MR JAN GILLILAND: 100% correct.

ADV VINCENT MALEKA SC: And you will have access to it?

MR JAN GILLILAND: We will have access to that.

ADV VINCENT MALEKA SC: And you will be able to monitor that payment?

MR JAN GILLILAND: Yes, we can.

ADV VINCENT MALEKA SC: And you will be able to see precisely what that payment was for and for what amount and to whom?

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MR JAN GILLILAND: 100% correct.

ADV VINCENT MALEKA SC: Now you were asked by the Commission's investigators to assist the Commission by trying to establish what payments, if any,

different Government departments both at Provincial and National level have made to two million entities of the Gupta family that are known as Infinity and TNA. You recall that?

MR JAN GILLILAND: Yes, 100% correct.

ADV VINCENT MALEKA SC: Can I ask you to explain to the Chairperson what you did after you got that request?

10 **MR JAN GILLILAND**: Well, first of all, we create the SPL query which is a standard query language we use for relational databases. Maybe I must explain the word, relational database as well. Basically what it mean is we have got a property structure within the database. For example, there is multiple files which contain different types of information but there is also links between those files in order to be able to retrieve a complete set of information at the end of the day so what it mean for the normal people like me and yourself is, there is a file for example, which contain supply information. There will be another file which contain payment information. There will be a third file which contain disbursement information, those kind of things. All the detail with regards to that specific process.

ADV VINCENT MALEKA SC: You say bills details, I am sorry to interrupt you. Bills details in a file format and we will talk about what file format means will be captured in a database. The equivalence of a database is it is a strong room.

20 **MR JAN GILLILAND**: It's basically the place where the data resides at the end of the day.

ADV VINCENT MALEKA SC: Yes, captured in a digital format.

MR JAN GILLILAND: That's 100% correct ja.

ADV VINCENT MALEKA SC: It's a digital storeroom.

MR JAN GILLILAND: Ja.

ADV VINCENT MALEKA SC: And there you will have information. I mean in the past there will be files and files, physical documents that I kept in the storeroom.

MR JAN GILLILAND: Paper files ja.

ADV VINCENT MALEKA SC: The paper files has now been substituted by computer form of capturing information.

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MR JAN GILLILAND: Well I think the paper trail is still there in some cases because there are still invoices, it might be in an electronic format but in lots of cases there is still a paper trail, invoices, but the physical recording of the transactions, that's online on the application. You don't have a separate cashbook anymore where you manually capture all payment information, receipt information, whatever the case may be. You also don't have a general ledger in a manual format anymore, that's all computerised. It's in an electronic format.

ADV VINCENT MALEKA SC: Yes, I remember in the olden days they used to have what they called the tea accounts which was another accounting method to test the robustness of a general ledger but these days I take it that those sorts of tools are gone, you rely on computer applications which assist you to.

20

MR JAN GILLILAND: Not really, tea accounts are still applicable today because we are still sitting with the double entry application I think it's called. So for each single transaction there is two entries. It's normally in the case of a payment, there is an expenditure entry against the chart of account and another leg which is a control

account which facilitate processes further down the line, like for example, the physical capturing of the payment as well as the disbursement process.

ADV VINCENT MALEKA SC: Well, let's not go into complications because it might confuse us but the point is, someone behind a computer screen will punch in the transactions, the details, the payments, the supplier and the amount.

MR JAN GILLILAND: 100% correct.

ADV VINCENT MALEKA SC: Now, you have introduced another concept called SQL.

10 **MR JAN GILLILAND**: We didn't introduce this, that's basically a basic standard query language which we use to retrieve information from the database. For example, if we need information on a single department, it's easy to use a standard report which is also available to retrieve the information. That's the simple way to do it but if we need to provide information then that information cut across a hundred totally different departments and we prefer to use standard query language which is what we basically do with the standard query language. It's a set of parameters they set up in order to tell the application what information they need, in other words in this specific case we said we need supply information, we want to know who is the beneficiary, we want to know the bank account against which the payments were made, we want to know what payments we made, to which bank account, who captured the payment,

20 who authorised the payment, when did we pay, when did we disburse, all those kind of information you can capture within this query and run it on the mainframe. So the result of that will be a set of information that's not easily readable by people like yourself and myself. In addition to that, we have got another tool provided by the IBM environment which we call QF, Quality Management Facility for Workstations. We

use that tool to take the information from the mainframe, the result of the query and populate that into a document which is easily readable by people like us because I am not an IT guy, I am the government accountant so then I can read it easily. In this case we pull that into a spreadsheet which got nice columns with headings and all those kind of things for the people like us.

ADV VINCENT MALEKA SC: You deal with this concept of SQL from page 8 of Exhibit D1. Can I ask you to go there. You will see that at the top of that page you say, "currently two-ways National Treasury can access the financial information of department using the BAS application". Do you see that?

10 **MR JAN GILLILAND:** Yes.

ADV VINCENT MALEKA SC: I am going to skip the first bullet point which is the first method you identified and quickly jump over to the second method in the second bullet point. There you say, "secondly, by means of running SQL queries from each department's relational database where the data is stored on the SITA mainframe", and in brackets you say, "(SITA is hosting the best application on their mainframe)". We have talked about SITA, we have talked about its systems to you and to different departments. Now, can you again, please explain to us, how do you run the SQL query?

20 **MR JAN GILLILAND:** Like I said, SQL, it's a standard query language. What it basically means is the development team set up all the parameters based on what information you need from the application. I said previously that there is multiple files within the database, the one file might contain supply information, the other one payment information, invoice information, a disbursement information, those kind of things. What you need to decide when you set up the query is what information do we

need so based on the request we received from the Commission, we know that we need at least information like Supplier information with their bank accounts, with the payment information, the invoice information, the disbursement information, those kind of things so we set that up within the query and then we physically run it against the mainframe. You must remember there is 180 plus databases.

ADV VINCENT MALEKA SC: I understand but Mr Gilliland, in this case, let's be practical. What information did you require from the Commission to run the standard query language?

10 **MR JAN GILLILAND:** The Commission request us to provide them with information for example, TNA, the supplier TNA as well as Infinity.

ADV VINCENT MALEKA SC: So in this case they gave you the names of the suppliers?

MR JAN GILLILAND: They gave us the names of the suppliers.

ADV VINCENT MALEKA SC: And what did you do with those names?

20 **MR JAN GILLILAND:** What we did with those names, because we know in Government, because of the fact that each and every department capture their own supply information, we cannot really for example, if I can take TNA as an example, we cannot really request or retrieve information for TNA (Pty) Ltd because it might be, due to the multiple permutations captured by the department, that we won't get all the information back so what we do on our side, we mask the information. In other words, we are going to retrieve all payments for TNA and nothing else. We are not going to say TNA (Pty) Ltd, whatever the case may be so we do it against TNA.

ADV VINCENT MALEKA SC: Understand this, so in this case once the Commission conveyed the information of the suppliers to you, your developmental department took that information and typed it into their computer and started to run it against the databases of different departments and then information was spewed out on your computer screen.

MR JAN GILLILAND: 100% correct.

ADV VINCENT MALEKA SC: And that information or let me ask you without leading you here, what information was revealed after you have entered that query?

10 **MR JAN GILLILAND:** Well, once we receive that information then obviously we picked up a lot of the supply information including the bank accounts.

ADV VINCENT MALEKA SC: Yes, can I stop you there. We will go to the bank accounts shortly. Before I leave page 8, can I take you back to the first method of getting access to departmental information by Treasury that we skipped. You remember it's on page 8 the first bullet point. You say, "firstly by means of a NT centrally created maintenance user ID that is created on each department's database, this user ID only has access to reporting and cannot perform any transaction on BAS". It's up to you whether you want to canvass this part of the model of gaining access to information, do you think that is relevant, should we waste time on it for the purposes of your evidence?

20 **MR JAN GILLILAND:** I think if I may, I think it is important to understand that this user ID are not allowed to capture any financial information. We mainly use this user ID for capturing certain parameters and as well as we request the port. If we need to assist the department or for whatever reason need to retrieve information from the application and we deal with this single department, we normally use standard reports

because that's easy. We sign into the system, we log into the system, request the report for a specific entity or a supplier or whatever the case and the system will come back with all the relevant information for that particular item.

ADV VINCENT MALEKA SC: Give us an example, I mean, what sort of reports you would capture under this first model of access to information. Practical example.

MR JAN GILLILAND: Which I can request?

ADV VINCENT MALEKA SC: Yes.

MR JAN GILLILAND: It can be a trial balance, it can be detailed transaction report, it can be supplier information, it can be payment information for specific supplier.

10 **ADV VINCENT MALEKA SC**: Mr Gilliland, I am going to ask you to go to page 10. You have now told us that after you have received information from the Commission about the suppliers, in this case TNA and Infinity, your screen choice revealed a number of bank accounts?

MR JAN GILLILAND: That's correct.

ADV VINCENT MALEKA SC: Now, what is on page 10 of the document that is Exhibit G1?

20 **MR JAN GILLILAND**: Well, that's basically a list of bank accounts which we picked from the first query when we ran a query against all the beneficiary names, the supplier names, we identify a lot bank accounts. In this case it's a total of 11 bank accounts. There might be more bank accounts there because as you can see, in some cases we add a zero in front of the bank accounts and those kind of things which but it's basically 11 different bank accounts.

ADV VINCENT MALEKA SC: Yes, I have raised this issue with you why the entries are in this case almost 15 but can you explain to the Chair that these are in substance, 11 bank accounts and there is a duplication. For instance, let's deal with the first and second line entries. You see, bank account no 40 and thereafter you see the next bank account which starts with 04. The rest of the digital numbers there are the same?

MR JAN GILLILAND: 100% but it's actually the same bank account but it was differently captured at the departmental level potentially where the one department captured it without a zero and the other department captured it with a leading zero.

10 **ADV VINCENT MALEKA SC**: So it's a duplication, it's the same bank account.

MR JAN GILLILAND: It's the same bank account.

ADV VINCENT MALEKA SC: Can you identify the other duplications which we find on that page?

MR JAN GILLILAND: Ja, there is another one lower down. It starts with 1454095326.

ADV VINCENT MALEKA SC: Yes.

MR JAN GILLILAND: A typical example, we also added a zero there.

ADV VINCENT MALEKA SC: The one that follows immediately thereafter starts with a 0, so that's a duplication?

20 **MR JAN GILLILAND**: It's a duplication, it is a signed bank account. Lower down, the one started with a 251844218, the next line is we added one single zero so it's 0251844218 and there is also a third one with ten leading zeros, 11251844218 which they are all the same bank account.

ADV VINCENT MALEKA SC: So in total there is a duplication of about 4.

MR JAN GILLILAND: Ja, accounts.

ADV VINCENT MALEKA SC: But the result and the total unique bank accounts that you have identified are 11 in that bank.

MR JAN GILLILAND: There is 11 bank accounts ja.

ADV VINCENT MALEKA SC: Mr Gilliland, I would like you to identify the beneficiaries of these bank accounts with reference to these slides that appear from pages 27 and 28. Are you at page 27?

MR JAN GILLILAND: Yes that's correct.

10 **ADV VINCENT MALEKA SC**: You will see that that page represents several bank accounts and below each bank account there is a name or a set of names, do you see that?

MR JAN GILLILAND: Correct.

ADV VINCENT MALEKA SC: Now in your own words, let's begin with the first bank account we find on the left-hand column which is 4076462329. To start off, that bank account has already been identified on page 10, do you confirm that?

MR JAN GILLILAND: Yes, that's correct.

ADV VINCENT MALEKA SC: It is that bank account which at some point was a duplication because of the zero entry in the beginning, do you confirm that?

20 **MR JAN GILLILAND**: Correct.

ADV VINCENT MALEKA SC: Now, can you identify for the Chairperson the names that follow below that bank account?

MR JAN GILLILAND: Well the names that follow there, that's for example a summary of a specific supply description for that particular bank account and there is multiple variances there for example the first one is TNA Media (Pty) Ltd. The next one is just TNA Media. Lower down there is the New Age which is another variance of the same thing on the day. The second last one, New Age TNA Media (Pty) Ltd., that's another version of the same supplier. I don't know whether you want me to go through each and everyone of them?

ADV VINCENT MALEKA SC: No, for the purposes of your evidence, can I ask you to identify the total amount paid into that bank account?

10 **MR JAN GILLILAND**: The total amount for all those permutations of the same supply name is R173.6 million into the first bank account.

ADV VINCENT MALEKA SC: Can you repeat the amount again?

MR JAN GILLILAND: R173.6 million.

ADV VINCENT MALEKA SC: So your query that you ran against that name revealed that for the variation of TNA Media (Pty) Ltd., TNA Media and so on, there was a total amount of R173.6 million paid into that account.

MR JAN GILLILAND: 100% correct.

20 **CHAIRPERSON**: Mr Maleka, as you deal with figures in the various parts of the page, I do get left behind and I think that is partly because you don't say whereabouts in the page a particular figure or amount is or because there is nobody with a stick or something that tries to show us on the screen where that amount is. Okay, that is going to help.

ADV VINCENT MALEKA SC: Chair, I will ask the computer operator not from SITA but from here to make sure that he takes us along.

CHAIRPERSON: So maybe you can just go back to the total amount that you asked Mr Gilliland to specify which is specified but I couldn't see where the total amount is.

ADV VINCENT MALEKA SC: Mr Gilliland, let's recapture your evidence. You have identified the account number beginning with 407, correct?

MR JAN GILLILAND: 100% correct.

ADV VINCENT MALEKA SC: And you have confirmed that that's one of the accounts that was spewed out on your screenshot when you ran the query?

10 **MR JAN GILLILAND:** 100% correct.

ADV VINCENT MALEKA SC: And you have said that the screenshots showed a different variation of the supply name.

MR JAN GILLILAND: Sometimes it's TNA Media (Pty) Ltd., other times it's TNA Media and at some other times, you find the New Age, do you see that? Let's forget about the variation and concentrate on the account because all of the payments were made into one account, do you understand?

MR JAN GILLILAND: Yes.

20 **ADV VINCENT MALEKA SC:** Can you tell the Chairperson, in all the different variations of the supplier's names, you find under one account, how much in total was paid into that one account?

MR JAN GILLILAND: The total for all those variations, that's R173.6 million. If I can go into the detail of that, it's R173,665,211.03.

ADV VINCENT MALEKA SC: Yes, we will just use the rounded up figure, I think it is easier that way, it flows easily from the tongue. So you say the total in rounded form is R173.6 million.

MR JAN GILLILAND: 100% correct.

CHAIRPERSON: I guess, part of the problem is that there is no indication that this amount is now the money as opposed the account number. There is no R for Rands but you are telling us that's the money.

MR JAN GILLILAND: Sorry, it's Rands.

ADV VINCENT MALEKA SC: Chair is not so familiar with financial accounts.

10 **CHAIRPERSON**: They know these things.

ADV VINCENT MALEKA SC: You know these things better and they speak their language which is...

CHAIRPERSON: Some of us are disadvantaged but it's okay, thank you.

ADV VINCENT MALEKA SC: The next account which you will get, is the one which flows immediately below the 407 number and it's the one which is recorded as 20057820101, do you see that?

MR JAN GILLILAND: Yes.

ADV VINCENT MALEKA SC: Again that different variations of the supply names, TNA Media, TNA and it goes on and on, do you see that?

20 **MR JAN GILLILAND**: 100% correct.

ADV VINCENT MALEKA SC: Applying the same principal of focusing on the account number alone, accepting that there are different supplier names of different variation, what is the total amount that has been paid into that account?

MR JAN GILLILAND: The total amount paid into that account was R38.6 million.

ADV VINCENT MALEKA SC: If you go across to the top right-hand column, there is a different account and the account number there is 62282303321, do you see that?

MR JAN GILLILAND: Yes.

ADV VINCENT MALEKA SC: Again, different variations of supply name from TNA Media (Pty) Ltd., to the New Age newspaper, do you see that?

10 **MR JAN GILLILAND**: Yes.

ADV VINCENT MALEKA SC: What is the total amount that has paid into that account?

MR JAN GILLILAND: It's R19.7 million.

ADV VINCENT MALEKA SC: Then the next account is 10104327001, do you see that. Chair, I hope I am still with you.

CHAIRPERSON: Just repeat the figure?

ADV VINCENT MALEKA SC: It's account number 10104327001, it ends with 001, do you see that Mr Gilliland?

MR JAN GILLILAND: Yes I do.

20 **ADV VINCENT MALEKA SC**: Can you confirm the amount?

MR JAN GILLILAND: R8.1 million.

ADV VINCENT MALEKA SC: Chair, it goes on and on and I am not going to bid in the record by asking Mr Gilliland to go through each and every account but the point from your evidence, Mr Gilliland, is that all of these accounts reflect payments into the number of beneficiaries in different forms whether TNA Media or the New Age, you name it. Do you know why these beneficiaries would keep different accounts for payment by Government.

CHAIRPERSON: I am sorry Mr Maleka, it doesn't seem to me that to take much time for the sake of completeness just to testify all the amounts.

ADV VINCENT MALEKA SC: Thank you Chair. Mr Gilliland, we had completed that
10 payment of R81 million which was to account no 10104327001, do you see that?

MR JAN GILLILAND: Yes.

ADV VINCENT MALEKA SC: Now the next account that follows is 4480811352, do you see that?

MR JAN GILLILAND: Yes.

ADV VINCENT MALEKA SC: Now that was payment to a totally different entity. What is that entity?

MR JAN GILLILAND: The entity is Infinity and the total amount R7.5 million.

ADV VINCENT MALEKA SC: The only difference I have pick up in regard to that
20 beneficiary is that at some page he is Infinity (Pty) Ltd for instance that you will find with reference to the first payment of R3.6 million. Do you see that?

MR JAN GILLILAND: Yes, I do.

ADV VINCENT MALEKA SC: And the next one, that immediately follows. It's Infinity Media Networks, do you see that?

MR JAN GILLILAND: Yes I do.

ADV VINCENT MALEKA SC: And there the payment is R2.2 million and the remainder is Infinity Media Network (Pty) Ltd, do you see that?

MR JAN GILLILAND: I do.

ADV VINCENT MALEKA SC: Are these variations of any significance is even regard to the fact that there was only one account.

MR JAN GILLILAND: Not really because it is basically the same name.

10 **ADV VINCENT MALEKA SC**: And the total amount paid for Infinity, how much was it?

MR JAN GILLILAND: R7.5 million.

CHAIRPERSON: So Mr Gilliland, looking at this page and I don't know whether the same would apply to the next page, would it be correct to say it depicts two columns and in regard to the column on the left, each of the columns has got an account number at the top and at least of beneficiaries below it and that on the right-hand of that column, there will be an amount that is written in bold just as the account number is written in bold. The amount written in bold is on the same line as the account number and that below the amount written in bold, there is a list of various amounts and that therefore the amount in bold or the number in bold on the right-hand column reflects the amount paid into the account number which is on the left column to the beneficiaries listed under that account number. Would that principal make it easy for anybody who goes to this page to see what represents what.

20

MR JAN GILLILAND: Chair, that's 100% correct.

CHAIRPERSON: And that would be in regard to the column on the left but the same would apply when you go to the column on the right and for me the column is the two streams, you know, there is the account number at the top, there is a list of beneficiaries, there's the amount at the top, there is a list of amounts so the list of beneficiaries on the one side and the account number on the side and then the list of the amount and the list of payments at the total amount and the list of individual payments, represents one column and then the next the same thing. If one applies that, one would be able to tell what total amount was paid into which account and who were the beneficiaries into that account, is that right?

10

MR JAN GILLILAND: Chair, 100% correct. That the bulk figure in any case, in other words would tell you what's the total amount into that bank account.

CHAIRPERSON: Yes, as I said earlier, I just wish that there was R for the amount then I would know this is now money, it's not another account.

MR JAN GILLILAND: I am sure we would remember that for the next round.

CHAIRPERSON: But maybe because I am not an accountant.

ADV VINCENT MALEKA SC: Chair, we take the point, in the next round of presenting the payments and this is going to become key when you start dealing with amounts at all, they are in the order of billions and billions so there we will make sure that there is a Rand indicator to know that the digitised entries reflected the Rand amount versus the account numbers. Chair, I see that it is just past tea time, would this be a convenient time to adjourn?

20

CHAIRPERSON: It would be, before we do that, I just mention, I don't whether it is something that you were planning to deal with. I am wishing that this information could have included information about during what period these payments were made but probably something you would cover.

ADV VINCENT MALEKA SC: It is there, we will deal with it Chair, it is there.

CHAIRPERSON: Okay alright. Thank you, we will take the short adjournment and we resume at half past.

ADV VINCENT MALEKA SC: Thank you.

CHAIRPERSON: Thank you.

Session 2

CHAIRPERSON: Yes Mr Maleka?

ADV VINCENT MALEKA SC: Thank you Chair, Mr Gilliland I think we had completed Page 27. We were now going to move to Page 28 in line with the principle that the Chairperson has identified for you. Before we resume with Page 28, can I ask you to go back to, Page 8 and it occurs to me that I may have skipped something important with reference to Page 8 and we quickly dealt with the first method of access to information in the first bullet point on that page, remember that?

MR JAN GILLILAND: Yes I am.

10 **ADV VINCENT MALEKA SC**: Can I ask you to explain to us, the significance of the user ID Number?

MR JAN GILLILAND: In general, or the specific user ID?

ADV VINCENT MALEKA SC: I don't want to make assumptions. Firstly, explain it in general terms and later explain it in the context of access to this specific database?

MR JAN GILLILAND: Mr Maleka, I'm not 100% sure, we refer to the National Treasury Centre created maintenance user rights– is that the one I need to talk about?

ADV VINCENT MALEKA SC: Yes and what is the significance of ID user number?

MR JAN GILLILAND: Well first of all, each and every time, we implement the new department Chair, as part of that implementation process we create a maintenance user
20 ID which would give us as National Treasury, access to do certain maintenance and also to be able to retrieve reports, to request reports against the database. Like I stated previously, we cannot do any transactions, we are not allowed to do that. The profile linked to that user ID, won't allow any transactions.

In general, each and every user out there also needs a user ID. We don't create those user ID's, for each and every department, we create a user ID only for the departmental system controller and it is his or her responsibility then to go and create user ID's for each one of the individual users within the department and they also create a profile which allows them access to those functions that they need to perform at a departmental level. So they cannot go beyond that. If they are allowed to only capture receipts, that is all they can do and they probably will also be able to draw reports on receipts, but they won't be able to capture payments. Is that clear enough Mr Maleka?

ADV VINCENT MALEKA SC: Yes and if I become pedantic, you will let me know, but in
10 general terms, no one has uncontrolled access to a database?

MR JAN GILLILAND: Not at all.

ADV VINCENT MALEKA SC: You must have some key to gain access to a database?

MR JAN GILLILAND: 100%, that is what we referred to as a user ID as well as a password linked to that.

ADV VINCENT MALEKA SC: Indeed and the purpose of that, is to protect the integrity of the database?

MR JAN GILLILAND: 100% correct.

ADV VINCENT MALEKA SC: Okay, now, I was at Page 28 and you remember the principle that the Chairperson has now established. I would like to run through some of
20 the payments that are reflected. The first one is Account Number 10072344002, do you see that?

MR JAN GILLILAND: Yes.

ADV VINCENT MALEKA SC: How much was paid into that account?

MR JAN GILLILAND: The total amount paid into that account, is R1.9 Million.

ADV VINCENT MALEKA SC: To whom, was payment made?

MR JAN GILLILAND: Infinity Media Networks.

ADV VINCENT MALEKA SC: Good, the next Account is 62196465910, do you see that?

MR JAN GILLILAND: Yes.

ADV VINCENT MALEKA SC: How much was paid into that account?

MR JAN GILLILAND: Also R1.9 Million.

ADV VINCENT MALEKA SC: And to whom?

MR JAN GILLILAND: The beneficiary is New Age CC.

10 **ADV VINCENT MALEKA SC**: Then the next Account is 62567086768. How much was paid into that account?

MR JAN GILLILAND: A total amount of R1.5 Million.

ADV VINCENT MALEKA SC: And to whom was the payment made?

MR JAN GILLILAND: To Infinity Media Networks, that's the one permutation, Infinity Media Network (Pty) Limited, Infinity Media Networks with a numeric value of 166725000 and then Infinity Media Networks Pty Limited without the brackets and then total is R1.5 Million. Should I mention the separate amounts?

CHAIRPERSON: Before you do that Mr Gilliland, I think that in regard to some amounts, you have rounded them off to the nearest Million I am not sure am I right?

20 **MR JAN GILLILAND**: Correct.

CHAIRPERSON: I think that it is better that you read the exact amount because when somebody reads the transcript of the evidence and goes to this page and they find that in evidence, you have said a different amount from the amount appearing on the page, that might confuse them. Later on, when you talk, you can always say about, about such and such an amount, but I think when you are mentioning it for the first time, it's important to mention the exact figure.

MR JAN GILLILAND: I will do so Chair.

CHAIRPERSON: Thank you.

ADV VINCENT MALEKA SC: Then you have in regard to those entities, you have
10 mentioned the amount and do you want to confirm the total amount instead of rounding
up to the nearest decimal?

MR JAN GILLILAND: Whatever you want me to do, I will do. If I understand the Chair correctly, he wants me to go into the detail of the-

ADV VINCENT MALEKA SC: No, no to mention the amount in full?

MR JAN GILLILAND: Yes.

ADV VINCENT MALEKA SC: Yes, can you, the Account Number 62407086768?

MR JAN GILLILAND: Which account, are we still on Page 28 now?

ADV VINCENT MALEKA SC: Yes we are on Page 28. I just want you to round up the
figure to the fullest amount?

20 **MR JAN GILLILAND:** For which account, all accounts?

ADV VINCENT MALEKA SC: No, no, 62467086768, are you there?

MR JAN GILLILAND: Yes I am with you.

ADV VINCENT MALEKA SC: Total amount?

MR JAN GILLILAND: It's R1 598 000.01.

ADV VINCENT MALEKA SC: Thank you now you have a very intriguing entry, without reference to any account number, but it is identified as a cheque payment, do you see that?

MR JAN GILLILAND: 100%.

ADV VINCENT MALEKA SC: What was the amount that was paid through a cheque payment?

MR JAN GILLILAND: By means of cheque payment, it is R1 330 399.40.

10 **ADV VINCENT MALEKA SC**: We will get to the various entities who were the payees of the cheques. Can I ask you this? Why in this case, was their payment by means of cheques?

MR JAN GILLILAND: I think only the relevant department would be able to answer that question, I don't know.

ADV VINCENT MALEKA SC: Alright can you identify those payees?

MR JAN GILLILAND: Yes, should I mention them separately with amounts?

ADV VINCENT MALEKA SC: Yes.

20 **MR JAN GILLILAND**: The first one, was TNA Media (Pty) Limited R910 838.00 and then TNA Media is the second one R109 576.80 and then TNA Media (Pty) Limited R11 400.00 and TNA Media (Pty) Limited for R792.30 and another payment to the same monetary value for TNA Media R792.30.

ADV VINCENT MALEKA SC: What is intriguing about these payments, via cheques, is that the two lowest amounts paid, referenced by a code of some sort, do you see that?

MR JAN GILLILAND: I see that.

ADV VINCENT MALEKA SC: Why is that, are you able to shed any light on those codes?

MR JAN GILLILAND: I've got no idea why they did that, that is part of the entity description, the supplier name in other words.

ADV VINCENT MALEKA SC: Let's go to the next Account 1454095326. What is the total amount paid into that account?

10 **MR JAN GILLILAND:** R959 700.

ADV VINCENT MALEKA SC: And who were the beneficiaries of that payment?

MR JAN GILLILAND: Infinity Media Networks and the amount R461 700. Infinity Media Networks with the code 166725000 for R270 000 and then another payment for Infinity Media Networks (Pty) Limited and the value is R228 000.

ADV VINCENT MALEKA SC: And the last account is 55021137887, what is the total amount paid?

MR JAN GILLILAND: Total is R863 531.43.

ADV VINCENT MALEKA SC: And who are the recipients of payments?

20 **MR JAN GILLILAND:** The first one, TNA Media (Pty) Limited R805 223.04, New Age Communications CC, R30 894 and New Age Communications T/A Samsu for R27 414.39.

ADV VINCENT MALEKA SC: Chair we have now identified the various account numbers, the total amounts paid in each of the accounts and we have also identified the beneficiaries in respect of each payment and we have also identified the one different method of payment which is the cheque payment and who were the recipients of the cheques and that was important in order to show you how much was paid in each of the accounts. Against that background Mr Gilliland, I would like to take you to Slide 13. I am going to jump slides 11 and 12 and all I want you to confirm, before we begin with Slide 13, is that you are the person who collected information at the request of the Commission's investigators and represented in this slide format. Do you confirm that?

10 **MR JAN GILLILAND:** Yes.

ADV VINCENT MALEKA SC: Because that is what you say in Slides 11 and 12. Can I ask you to go to Slide 13 and you will see that we have two colours. The one is yellow and the other is dark blue and you explain that legend just above the pie chart, do you see that?

MR JAN GILLILAND: Yes.

ADV VINCENT MALEKA SC: The yellow represents Infinity and the blue represents TNA, do you see that?

MR JAN GILLILAND: I do.

20 **ADV VINCENT MALEKA SC:** Now you have sliced that pie in accordance with the colour. Can I ask you to explain why you have done so?

MR JAN GILLILAND: I think the reason for that is just to distinguish between payments, first of all to Infinity and the other payments in blue to TNA.

ADV VINCENT MALEKA SC: How much as reflected on that slide, was paid to Infinity?

MR JAN GILLILAND: The monetary value of payments made to Infinity, was R12 057 970.02 which represents 5% of the total.

ADV VINCENT MALEKA SC: How much was paid in total to TNA?

MR JAN GILLILAND: Total payments made to TNA, was R248 248 370.73 and that represents, 95% of all payments.

ADV VINCENT MALEKA SC: And you represent the total payment to Infinity as 5% of the total payment?

MR JAN GILLILAND: That's correct.

ADV VINCENT MALEKA SC: And that to TNA, as 95%?

10 **MR JAN GILLILAND:** That's correct.

ADV VINCENT MALEKA SC: So logically, TNA received the biggest chunk of payment?

MR JAN GILLILAND: 95% of the total payment yes.

CHAIRPERSON: I am sorry Mr Gilliland, I may have missed this you talk about 95% and 5%, that whole diagram that is 100% of what, the blue and the yellow together?

MR JAN GILLILAND: The blue and the yellow together, add up to the R260 306 340.75. That is total payments to Infinity as well as TNA.

ADV VINCENT MALEKA SC: Chair we have now represented the total payment bill in terms of the monetary value and the percentage. Now to your question Mr Gilliland, can you go across the pie chart you will see that there are several entries in several columns,
20 from the top going to the bottom? Identify the total amount in the bottom column?

MR JAN GILLILAND: The total amount at the bottom, is R260 306 340.75.

ADV VINCENT MALEKA SC: What does that amount in total, represent?

MR JAN GILLILAND: That's the total amount of all payments for the period to Infinity as well as TNA.

ADV VINCENT MALEKA SC: So this is the combined amount of the total payments which you captured that was made to both these entities?

MR JAN GILLILAND: 100% correct.

ADV VINCENT MALEKA SC: We will get to the period, believe you me, we will get there because the Chairperson has raised some issue, but for now, we are dealing with the total amount and the breakdown with reference to each of the entities. Chair I would like to take Mr Gilliland to the breakdown for each of the entities, bearing in mind that they
10 have been identified through different variations of the beneficiaries.

The first that I would like to deal with, relates to the Infinity Group and you have already said Mr Gilliland, that the total payment to that, group, rounded up, is in the order of R12 Million odd. Now can we deal with each of the variations of the beneficiaries under the Infinity and you explain that right that from the top on the right hand column do you see that?

MR JAN GILLILAND: Yes.

ADV VINCENT MALEKA SC: How much in total was paid to the beneficiary identified as Infinity Media Networks?

MR JAN GILLILAND: R12 057 970.02.

20 **ADV VINCENT MALEKA SC**: Yes that is the total payment to the entities under the name Infinity. I would like you to go through each of the variants of Infinity? The first is Infinity Media Networks, how much was paid to it?

MR JAN GILLILAND: R4 871 012.02.

ADV VINCENT MALEKA SC: The next is Infinity Media Networks (Pty) Lt, how much was paid?

MR JAN GILLILAND: R4 661 098.00.

ADV VINCENT MALEKA SC: And the next one is Infinity Media Networks 166725000, how much was paid?

MR JAN GILLILAND: R1 018 000.

CHAIRPERSON: Did he not give you the amount that appears above the name that you mentioned? As I see it here, it seems to me that the amount relating to Infinity Media Networks 166725000, which is the entity that I thought you mentioned is R555 000, but I
10 thought he mentioned another amount or did I misunderstand?

ADV VINCENT MALEKA SC: Mr Chair we mentioned the previous one, the one just on top of that.

ADV VINCENT MALEKA SC: Alright can you confirm that one that the Chairperson has just mentioned to you, how much was paid there?

MR JAN GILLILAND: To Infinity Media Networks with the code 166725000, that is R555 000.

ADV VINCENT MALEKA SC: Thank you and the next payment is Infinity Media Networks_(Pty) Lt, how much was paid there?

MR JAN GILLILAND: R498 000.

20 **ADV VINCENT MALEKA SC:** The last one is Infinity Media Networks (Pty) Limited in full, how much was paid there?

MR JAN GILLILAND: R450 860.

CHAIRPERSON: I'm sorry, R454 000 is what I see here, not R450 000, are you mistaken?

MR JAN GILLILAND: Can I just correct myself? It's R454 860.

CHAIRPERSON: Okay thank you.

ADV VINCENT MALEKA SC: Mr Gilliland we do have time, so don't rush. The next one is TNA. You have mentioned that the total amount paid to TNA, is R248 248 370.73, correct?

MR JAN GILLILAND: 100% correct.

ADV VINCENT MALEKA SC: Yes, now we can do it the long way and go through each
10 of the various recipients of the payment under the group TNA, or we can mention some of them in order to extract a principle. I would respectfully suggest Chair, that we go the short route.

CHAIRPERSON: That's fine, he can just confirm that the amounts which appear in the column are correct, he has had a chance to look at them, he has confirmed that they are correct and then you can ask him to highlight certain specific ones.

ADV VINCENT MALEKA SC: Thank you Chair. First, can I confirm that you have looked at these payments and that you confirm the correctness of those payments as far as you were able to extract them via the best query?

MR JAN GILLILAND: I had a look at the payments Chair and basically by means of
20 standard dash reports, I have validated each and every one of those figures 100% and I am satisfied that the information is correct.

CHAIRPERSON: Thank you.

ADV VINCENT MALEKA SC: I am just going to highlight the biggest payment under that category of the TNA entity and also identify the lowest payment in that category. Let me start with TNA Media (Pty) Limited. How much was paid to that entity?

MR JAN GILLILAND: That's the very first one, it was R69 538 832.44.

ADV VINCENT MALEKA SC: And then you will see the next one, as far as I can read without my 4 eyes, it is the same entity, do you see that?

MR JAN GILLILAND: 100% without the bracket.

ADV VINCENT MALEKA SC: Without the bracket and there, how much was paid to it?

MR JAN GILLILAND: It was R57 751 031.84.

10 **ADV VINCENT MALEKA SC:** It seems to me when I take the two figures together, that that entity received the biggest chunk of the payment under the TNA category of payees?

MR JAN GILLILAND: Definitely so.

ADV VINCENT MALEKA SC: Alright, let's look at the bottom one, TNA Medic (Pty) Limited, do you see that?

MR JAN GILLILAND: I do.

ADV VINCENT MALEKA SC: How much did it get?

MR JAN GILLILAND: R528.00.

ADV VINCENT MALEKA SC: Are you able to tell the Chair what that entity is all about, who it is other than extracting it via your SQL query?

20 **MR JAN GILLILAND:** Well its part of the TNA entities. You are referring to the R528?

ADV VINCENT MALEKA SC: Yes.

MR JAN GILLILAND: Yes it's the same beneficiary at the end of the day, I would say. More than that, I cannot really say.

ADV VINCENT MALEKA SC: Alright, Chair, we have asked the investigators to track and trace all of these different payees. For now, we simply identify the total payments made under the groups. Now the next slide that I would like you to look at and it begins to answer the question that the Chairperson has posed to you about the periods of the payments. Chair we are going to do it in terms of the annual payments and therefore, we are going to do them in terms of the monthly payments and the evidence on the monthly payments becomes important now that you have evidence of the leadership of the GCIS
10 through different periods and you recall it is the Maseko period, you will recall that it is the Mr Manye's period, Ms Williams and thereafter, Mr Lepoko and then the resumption by Ms Williams and that will identify the period.

There are trends that you will see in that regard, but for now, I deal firstly with the total payments annually beginning from Slide 14. You see Mr Gilliland, the heading of that slide, is yearly payments to TNA and Infinity, do you see that?

MR JAN GILLILAND: Yes.

ADV VINCENT MALEKA SC: You track and trace the annual payments from one financial year to the other. What is the beginning of the financial years that you trace?

MR JAN GILLILAND: The beginning of financial is 1 April.

20 **ADV VINCENT MALEKA SC:** Yes and the first payment you pick up, is in the year 2004, do you see that?

MR JAN GILLILAND: Yes.

ADV VINCENT MALEKA SC: How much did you pick up in 2004?

MR JAN GILLILAND: R399.

ADV VINCENT MALEKA SC: In 2005?

MR JAN GILLILAND: R28 080.59.

CHAIRPERSON: Did you say R28 000, mine seems to say R26 000.

MR JAN GILLILAND: Is it R26 000, sorry for that Chair, R26 080.59.

CHAIRPERSON: Okay.

ADV VINCENT MALEKA SC: And the year 2006?

MR JAN GILLILAND: R3 636.60.

ADV VINCENT MALEKA SC: I will skip 2007, the first amount that is approximately
10 almost R2 Million, begins at 2008, do you see that?

MR JAN GILLILAND: Yes I do, should I mention it?

ADV VINCENT MALEKA SC: Yes.

MR JAN GILLILAND: R1 921 595.40.

ADV VINCENT MALEKA SC: Thank you, I will skip 2009 and I go to 2011 and Mr
Gilliland you were not here, but the evidence before the Chairperson, is that attempts
were made by representatives of the Gupta family, to procure government outspend from
GCIS and later, other government departments, beginning at the end of 2010 in
December, when their first media platform was launched. That's the context, you were
not here, but I am just giving you the context in order to try and contextualise payments
20 that follow thereafter.

In 2011, what was paid to TNA and Infinity?

MR JAN GILLILAND: The total amount for the calendar year, was R6 109 042.88.

ADV VINCENT MALEKA SC: That is in excess of all of the previous annual payments made from 2004 to 2009 by some distance of two thirds, do you confirm that?

MR JAN GILLILAND: Yes more or less.

ADV VINCENT MALEKA SC: Then in 2012, the combined payment to those entities increases dramatically. How much was it?

MR JAN GILLILAND: It was R29 462 775.57.

ADV VINCENT MALEKA SC: How about 2013?

MR JAN GILLILAND: 2013 is R30 248 123.40.

10 **ADV VINCENT MALEKA SC**: I will go to the next payment and before I go to the next payment for 2014, Chair can I remind you that in the affidavit that was placed before you by Mr Ajay Gupta on Thursday, which is now part and parcel of Exhibit D3, he indicated from Page 101, Paragraph 13, that Mr Maseko was mistaken when he suggested that the discussion they had around October to December, remember they had two discussions, were not about the television platform. They were only about the print media, because the television platform was not yet launched and to that extent, he criticised Mr Maseko and Mr Gilliland, I am going to give you the context before I go to the 2014 payment, because it reflects a significant jump, but what Mr Ajay said Chair, if I may read, the idea of and I am reading from Page 101, Paragraph 13 of Exhibit D13 "the idea of launching a
20 television station came about in August 2012. A shelf company which had been purchased, had its name changed to Infinity Media Networks (Pty) Limited on 14 December 2012.

The building of the studio commenced in January 2013 and the studio was completed at the end of July 2013 and the channel started broadcasting in August 2013. We can assume that when it started to broadcast in August 2013, there could have been some revenue for Q4, which is the last quarter of a financial year in general terms. Ignore that for the moment and assume that annually, this entity Infinity would have started to earn revenue from 2014. On that assumption, can I ask you to deal with the payments that begin in 2014? Again, it is combined payments, we will get to the separate payments later, but for 2014, there is a significant jump of the total combined payments to TNA and Infinity. How much was it?

10 **MR JAN GILLILAND**: For 2014, it was R51 133 010.28.

ADV VINCENT MALEKA SC: So it jumps from R30 Million odd in 2013 to R51 Million odd in 2014, it is a significant jump of R20 Million odd in one single financial year difference, do you see that?

MR JAN GILLILAND: Correct.

ADV VINCENT MALEKA SC: If you are able to explain to the Chairperson, please do, but if you are not, then we will leave with your lack of understanding. Are you able to explain why there was this significant jump?

MR JAN GILLILAND: No.

20 **ADV VINCENT MALEKA SC**: The next financial year is 2015. There, the amount becomes significantly higher, do you see that?

MR JAN GILLILAND: I see it.

ADV VINCENT MALEKA SC: How much was it?

MR JAN GILLILAND: R66 203 122.18.

ADV VINCENT MALEKA SC: And then in the 2016 financial year, the amount drops.

How much was it?

MR JAN GILLILAND: R43 055 636.42.

ADV VINCENT MALEKA SC: So there was a combined revenue decrease of about R23 Million odd.

MR JAN GILLILAND: That's correct.

ADV VINCENT MALEKA SC: Okay and then in 2017, the amount drops further. How much was it for 2017?

10 **MR JAN GILLILAND:** Total spent for 2017, was R27 372 447.13, that's a drop of roughly R16 Million.

ADV VINCENT MALEKA SC: Right and then in 2018, the amount drops even significantly lower. How much was it?

MR JAN GILLILAND: R4 754 386.79.

ADV VINCENT MALEKA SC: Chair you will remember that Mr Maseko in his testimony, confirmed that as a result of these significant drops in revenue, there was taken a decision to liquidate the successor entitled to at least the television house and that explains the financial nature of this entity that there was a substantial increase between 2011 to 2015 and there was a substantial increase from 2016 to 2018 until the final demise of one of these entities.

20 **CHAIRPERSON:** Of course Mr Maleka, the one for 2018, obviously is not for the whole year?

ADV VINCENT MALEKA SC: Yes I understand that.

CHAIRPERSON: And therefore subject to the issue you raise about liquidation. We don't know what it would have been by the end of the year.

ADV VINCENT MALEKA SC: Thank you for that Chair, but we will raise this issue when Mr Manye comes and testifies, but what is quite clear and beyond dispute, was that there was a significant drop in revenue to both these entities into two and what we would like to do and in part, it will answer that question, is to take you through the revenue stream separately for each of the entities and you will see how the amount is divided thereafter.

We have dealt with the combined payments to the two entities from 2004 up to 2018. We now want to reflect on the separate payments to each of the entities. We start off with
10 TNA.

CHAIRPERSON: I'm sorry, in respect of the one for 2018, Mr Gilliland, shouldn't there be an indication of what months it relates to otherwise anyone who reads this in 2019/2010, might think it represents the whole of 2018. At this stage, we are able to say it doesn't, because we know that 2018 hasn't come to an end, or am I going ahead of Mr Maleka?

ADV VINCENT MALEKA SC: No, no it's a fair question Chair, but you will see if you go to Page 12, that Mr Gilliland reflects the cut-off date in 2018 that he has dealt with.

CHAIRPERSON: 6 July is that the date?

ADV VINCENT MALEKA SC: Indeed.

CHAIRPERSON: Okay I think for my own sake, I am going to make a note on Page 14
20 next to the 2018 shade, that that – would it represent January to 6 July, or only from April?

MR JAN GILLILAND: No it's January because they are all calendar years, so it's January up to 24 August 2018.

CHAIRPERSON: That one for 2018 based on the note that Mr Maleka has just drawn to my attention, would represent payments for the period January 2018 to 6 July 2018?

MR JAN GILLILAND: No, up to 24 August. Chair the last payment we picked up, was 6 July, but we ran the queries on the 24th of August, so in other words, between the 6th of July and the 24th of August, we didn't pick up any payments.

ADV VINCENT MALEKA SC: Chair if you go to Page 12, you will see that the slide begins with the file names as provided and you will see the file names identify Infinity and TNA Media as at 24 August 2018.

CHAIRPERSON: Okay.

10 **ADV VINCENT MALEKA SC**: In other words, the query which is a computer expression of locking information into a database using the names of the beneficiaries, was done up to the cut-off date of 24 August 2018.

CHAIRPERSON: But the last payment was 6 July?

ADV VINCENT MALEKA SC: That's the last payment that they picked up. In other words, there were no payments from the 7th of July to 24 August.

CHAIRPERSON: Okay now I understand thank you.

20 **ADV VINCENT MALEKA SC**: Chair if I can ask you to make a note to cross-reference Page 12 with Page 26? You will see that Page 26 is the granularity of monthly payments from 2011 to 2018 from the account of GCIS, so that is a detail of the monthly payments which relate to GCIS and it is those granular payments that we believe are vital arising from Mr Gilliland's evidence. They relate to that R55 Million odd which is still the subject matter of a mystery arising from the evidence of Ms Williams, but which we now know that the Hawks are investigating.

CHAIRPERSON: Yes.

ADV VINCENT MALEKA SC: So Mr Gilliland, we are at Page 18, remember the context is, we are dealing with annual payment for TNA and you have represented those payments through a bar chart or set of them annually by a colour legend blue and that is the TNA, remember that?

MR JAN GILLILAND: Yes I do, is it Page 15 Mr Maleka?

ADV VINCENT MALEKA SC: Yes. You will see that you as accountants work through curves, the, vertical and the horizontal curves. What is the vertical curve supposed to represent?

10 **MR JAN GILLILAND**: The Vertical curves, is the monetary value.

ADV VINCENT MALEKA SC: And the highest monetary value is R70 Million, do you confirm that?

MR JAN GILLILAND: Yes.

CHAIRPERSON: Mr Maleka I am not sure if I follow that, just repeat that question?

ADV VINCENT MALEKA SC: If you look at the whole graph, you have the vertical line going from top to bottom across the page and the entries there, reflect numerical numbers. What I wanted to confirm with Mr Gilliland, is that those numbers reflect something. For instance, the first entry line is R10 Million. They go up to R70 Million, do you see that Chair?

20 **CHAIRPERSON**: I see R100 Million the one right at the top and R90 Million? Are we at Page 18?

ADV VINCENT MALEKA SC: No Page 15.

CHAIRPERSON: Oh I'm sorry we're looking at different pages.

ADV VINCENT MALEKA SC: My apologies.

CHAIRPERSON: Okay now I'm here, yes yearly payments to TNA.

ADV VINCENT MALEKA SC: To TNA, that is one entity Chair.

CHAIRPERSON: Oh yes, that is the R70 Million you were talking about?

ADV VINCENT MALEKA SC: Yes.

CHAIRPERSON: Okay.

ADV VINCENT MALEKA SC: So the vertical curve represents the monetary value, correct?

10 **MR JAN GILLILAND**: Yes.

ADV VINCENT MALEKA SC: And the horizontal curve represents?

MR JAN GILLILAND: Calendar years.

ADV VINCENT MALEKA SC: Calendar years.

CHAIRPERSON: I'm sorry, they represent?

MR JAN GILLILAND: Calendar years, 1 January up to 31 December.

CHAIRPERSON: Okay.

ADV VINCENT MALEKA SC: Chair I am going to skip the calendar years 2004 to 2009.

I do so in the context of the evidence you have received, that the attempts to gain government advertisement spend, started in 2011 and that's the financial years that I
20 would like focus on with reference to TNA. For 2011, how much did TNA get?

MR JAN GILLILAND: R6 109 042.88.

ADV VINCENT MALEKA SC: And for 2012?

MR JAN GILLILAND: R29 462 775.57.

ADV VINCENT MALEKA SC: For 2013?

MR JAN GILLILAND: R30 248 123.40.

ADV VINCENT MALEKA SC: And the biggest payment comes in 2015, how much was it?

MR JAN GILLILAND: You skipped the previous one, 2014.

ADV VINCENT MALEKA SC: Alright let's go to it?

MR JAN GILLILAND: 2014 was R47 198 140.27.

10 **ADV VINCENT MALEKA SC**: And 2015?

MR JAN GILLILAND: R62 629 124.18.

ADV VINCENT MALEKA SC: And then the next one, 2016?

MR JAN GILLILAND: R40 995 936.41.

ADV VINCENT MALEKA SC: And then for 2017?

MR JAN GILLILAND: R25 872 047.13.

ADV VINCENT MALEKA SC: And the last one for 2018?

MR JAN GILLILAND: R3 765 384.79.

ADV VINCENT MALEKA SC: And the total is the one that you have set out on Slide 13.

You don't have to go there, it is about R248 Million odd, correct?

20 **MR JAN GILLILAND**: Yes.

ADV VINCENT MALEKA SC: Now that was for TNA. Let's go to Infinity and again, you have the vertical curve which is in Rand value, do you see that?

MR JAN GILLILAND: Yes.

ADV VINCENT MALEKA SC: Rounded off from R500 00 at the bottom to R4.5 Million at the top?

MR JAN GILLILAND: That's correct.

ADV VINCENT MALEKA SC: Then you have the horizontal curve which is the annual representations of the payments that have been made and you will see in regard to Infinity, you maintain the same colour coding which is yellow, correct?

10 **MR JAN GILLILAND:** Yes.

ADV VINCENT MALEKA SC: And the idea is to maintain consistency in the statistical representation of the payments, correct?

MR JAN GILLILAND: Correct.

ADV VINCENT MALEKA SC: Now unlike the payments to TNA, these payments to Infinity, take a particular shape and format, do you see that?

MR JAN GILLILAND: I do.

ADV VINCENT MALEKA SC: Let's explain the format. Let's start with 2014. Remember I have read out to you, that passage of Mr Ajay Gupta's affidavit when on his version, he explained when Infinity came on stream, remember that?

20 **MR JAN GILLILAND:** I remember that.

ADV VINCENT MALEKA SC: It's August 2013 and I asked you to ignore Q4 and get to 2014. How much was paid to Infinity in 2014?

MR JAN GILLILAND: R3 934 870.01.

ADV VINCENT MALEKA SC: Okay in 2015?

MR JAN GILLILAND: R3 573 998.

ADV VINCENT MALEKA SC: How about 2016?

MR JAN GILLILAND: R2 059 700.01.

ADV VINCENT MALEKA SC: And in 2017?

MR JAN GILLILAND: R1 500 400.00.

ADV VINCENT MALEKA SC: And in 2018?

MR JAN GILLILAND: R989 002.00.

10 **ADV VINCENT MALEKA SC**: Mr Gilliland, if I were to draw a curve that connects the vertical and the horizontal curves, the payments would reflect an annual decrease year in and year out.

MR JAN GILLILAND: 100% correct.

ADV VINCENT MALEKA SC: So that at the end of the day and that will be the ultimate argument that we will present before the Chairperson, that if you compare the payments to Infinity, as against the payments to TNA, those of Infinity were going down annually and yet, those of TNA, were going up until the biggest of 2015.

MR JAN GILLILAND: That's correct.

ADV VINCENT MALEKA SC: Is there any comment that you would like to make to the
20 Chairperson given that type of picture that I have presented before you?

MR JAN GILLILAND: Well if I speculate, the TNA payments represents printed media, so they obviously spend a lot more money on that than on their other media which is television.

ADV VINCENT MALEKA SC: Chair we will attempt to present evidence to show you that whereas in the ordinary course of business, television outspend is the most desirable form of platform to garner critical viewership which attracts various companies. In this case, you have the obverse, that is the print media that gained a lot of outspend revenue from the government, but the evidence that we are going to present, will show that most of these went to the so-called TNA breakfasts and that evidence will be presented before
10 you through one or other investigator.

Now, Mr Gilliland, I would like to round up the comparison between the annual payments to TNA as expressed in Slide 15 and those made to Infinity as expressed in Slide 16 by only reflecting on the payments for 2018. I hope that you have put the two slides side by side. If you do have them next to one another, you will see that for 2018, the payments to TNA was R3.7 odd Million.

MR JAN GILLILAND: 100%.

ADV VINCENT MALEKA SC: And the payment for the same year to Infinity was slightly shy of R1 Million.

MR JAN GILLILAND: Correct.

20 **ADV VINCENT MALEKA SC**: You will see there that the difference is that TNA got almost 3 times more than Infinity for that year.

MR JAN GILLILAND: Yes it is actually almost 4 times more.

ADV VINCENT MALEKA SC: 4 times more yes. Now I am going to canvas a different topic, again reflecting the payments to both of them, but divided this time Chair, into national government payment and provincial government payments and the aggregation of these payments, becomes important in the light of what Mr Maseko has told you.

CHAIRPERSON: Okay, have you told us what page?

ADV VINCENT MALEKA SC: I am at Page 17 Chair.

CHAIRPERSON: Okay.

ADV VINCENT MALEKA SC: And that slide represents the payments to both TNA and Infinity from national departments to provincial departments. Do you see that Mr
10 Gilliland?

MR JAN GILLILAND: Yes I do.

ADV VINCENT MALEKA SC: I would like you to run through this slide fairly quickly. How much was paid to TNA in total from the national departments?

MR JAN GILLILAND: R94.1 Million.

ADV VINCENT MALEKA SC: And to Infinity?

MR JAN GILLILAND: R5.5 Million.

ADV VINCENT MALEKA SC: And the total payments to both by the national departments?

MR JAN GILLILAND: It's R99.6 Million.

20 **ADV VINCENT MALEKA SC:** Chair we will give you the different departments who made this total later on. They come under a different slide. Then you will see that in the rest of the slide, there are payments by different provinces. They have been described in

acronyms that have become popular in our own diction. The first is FS, what does it represent?

MR JAN GILLILAND: FS is Free State provincial government.

ADV VINCENT MALEKA SC: How much was paid to TNA by that Free State province?

MR JAN GILLILAND: R75.2 Million.

ADV VINCENT MALEKA SC: And to Infinity?

MR JAN GILLILAND: R4.1 Million.

ADV VINCENT MALEKA SC: The total?

MR JAN GILLILAND: R79.3 Million.

10 **ADV VINCENT MALEKA SC**: The next payment is KZN.

CHAIRPERSON: Do you confirm Mr Gilliland that you are now rounding the figures up to the nearest whatever, but you confirm that the detailed amounts that appear on this page are correct?

MR JAN GILLILAND: Yes 100% correct.

CHAIRPERSON: Okay just to be consistent, because you had started to mention the exact amounts. I understand that that can be quite maybe boring even for an accountant to mention all these digits, but if you just confirm that the amounts appearing on the page, as they are, they are correct, but when you talk about them, you might just round them up to the nearest Million or whatever, just so that whoever reads the transcript, is not going
20 to say you gave evidence that differs from what is written here.

MR JAN GILLILAND: Yes Chair, the detailed amount, the full amount is definitely on the page and that is 100% correct. For this purpose, we refer to the Millions only.

CHAIRPERSON: Okay.

ADV VINCENT MALEKA SC: Thank you Chair. Then the next one is MW, what does it represent?

MR JAN GILLILAND: KZN.

ADV VINCENT MALEKA SC: Oh KZN I'm sorry. You had dealt with the payment of TNA by KZN and you have confirmed that KZN represents?

MR JAN GILLILAND: The Kwazulu Natal provincial government.

ADV VINCENT MALEKA SC: Thank you and how much was paid to Infinity?

MR JAN GILLILAND: Infinity was R228 000, or .2 Million if you take the shortcut.

10 **ADV VINCENT MALEKA SC**: .2 Million okay and to TNA?

MR JAN GILLILAND: R24.8 Million.

ADV VINCENT MALEKA SC: The total?

MR JAN GILLILAND: R25.08 Million.

ADV VINCENT MALEKA SC: Chair I am not going to deal with the rest, I have dealt with the biggest in order to show you provincially who paid more to these entities. You will see that Free State was the biggest payor in the order of R75 Million and then KZN, Kwazulu Natal follows next with R24 Million.

20 **CHAIRPERSON**: On this, the national government it appears Mr Gilliland, paid the highest amount R94 Million something and in terms of provinces, it appears that the Free State province paid the next highest amount namely R75 Million something and then the next province that comes after that amount, is R24 Million, there is quite some gap between them. Do you confirm those figures?

MR JAN GILLILAND: Chair your observation is 100% correct.

CHAIRPERSON: Okay.

ADV VINCENT MALEKA SC: Then Mr Gilliland, the next slide represents all of those by a combined bar charts' reflection. You will see that for national, for instance, you represent both TNA and Infinity, maintaining the same consistency of colour, do you see that?

MR JAN GILLILAND: I do.

ADV VINCENT MALEKA SC: And the biggest payment was by national governmental departments of something in the order of R94 odd Million.

10 **MR JAN GILLILAND**: Correct.

ADV VINCENT MALEKA SC: And for Infinity, it was less than R10 Million?

MR JAN GILLILAND: R500 000 roughly yes.

ADV VINCENT MALEKA SC: Yes and I am not going to waste time on it, but what we pick up from these payments, is that there was a representation of payments by both national and provincial departments in terms of percentages and those percentages, you will find them in Slide 20. Is that correct?

MR JAN GILLILAND: 100% correct.

ADV VINCENT MALEKA SC: And you will see that the payments as reflected in percentage forms, is in the order of how much for national government?

20 **MR JAN GILLILAND**: Are we talking about the same thing, because this is now premier offices?

ADV VINCENT MALEKA SC: Oh maybe I have referred you to the wrong slide, but if you were to round up the percentages of the national payments as against provincial payments, how much would they come down to? Look at Page 17, if you can't detect it quite quickly from Page 17, can you just during the lunchbreak, work the percentage difference and give it to us, because I would like your evidence on the percentage to be reflected as part and parcel of the record.

MR JAN GILLILAND: I can do so, because I can see it's less than 30%.

ADV VINCENT MALEKA SC: 30%, but please come up with a near accurate figure.

MR JAN GILLILAND: I will give you the accurate figure.

10 **ADV VINCENT MALEKA SC:** Thank you.

MR JAN GILLILAND: That's national versus total?

ADV VINCENT MALEKA SC: Indeed. In Slide 19, you begin to identify the different departments by name from which the payments we have talked about were made and again, you do so through the bar charts. You start off with offices of the premiers, are you there?

MR JAN GILLILAND: I am there.

ADV VINCENT MALEKA SC: Now you maintain the consistency for reference and identification of the payees and you say for the offices of the premier, the total amount was in the order of R110 Million, do you see that?

20 **MR JAN GILLILAND:** I do.

ADV VINCENT MALEKA SC: And that is for TNA?

MR JAN GILLILAND: That's correct.

ADV VINCENT MALEKA SC: And from the self-same offices of the premier, the total amount paid to Infinity, was in the order of R3.76 Million, do you see that?

MR JAN GILLILAND: Correct.

ADV VINCENT MALEKA SC: And then the next bar chart is vital for the reasons I have already discussed. You will see that it relates to GCIS, do you confirm that?

MR JAN GILLILAND: I do.

ADV VINCENT MALEKA SC: How much in total was paid by GCIS in total to TNA?

MR JAN GILLILAND: TNA was R51.8 Million,

ADV VINCENT MALEKA SC: How much was paid by GCIS in total to Infinity?

10 **MR JAN GILLILAND:** R3.3 Million.

ADV VINCENT MALEKA SC: The two put together, how much is it?

MR JAN GILLILAND: It was R55 Million.

ADV VINCENT MALEKA SC: Yes, Chair you will see that what follows thereafter is the payments by different government departments. They are significantly lower and I am not going to deal with them. For my purposes, I have identified the two biggest payments to these two entities from the offices of the premier, is almost R140 Million and from GCIS, it is almost half of that amount. Do you confirm that?

MR JAN GILLILAND: Yes I do.

20 **CHAIRPERSON:** Sorry Mr Maleka, the high amount in relation to offices of the premiers, when one looks at the fact that it's quite high, one would have to take into account that it is not one office of the premier, it is a number of offices of the premiers in various provinces, is that correct?

MR JAN GILLILAND: 100% correct, it's basically all 9 premier offices at the provincial level.

CHAIRPERSON: Okay.

ADV VINCENT MALEKA SC: Chair you are correct, the breakdown as you have already seen, is given on Page 17.

CHAIRPERSON: The point that I have just made with you and confirmed Mr Gilliland, what it might mean might be this – and you must tell me if I am wrong, that in regard to the various government departments listed there, you are looking at a particular department different each one, whereas with regards to the office of the premier, you are
10 looking at all the offices of the premier, or is the position that even with regard to some of the departments or maybe all of them, I see that under provincial treasuries, you say treasuries, would that all the 9 provincial treasuries?

MR JAN GILLILAND: 100% correct Chair.

CHAIRPERSON: But would that principle apply to all the departments, for example when you say Health, is that all provincial departments?

MR JAN GILLILAND: That will be all health departments.

CHAIRPERSON: Provincial and national, or just provincial, where it says health?

MR JAN GILLILAND: It's going to include national as well I believe.

CHAIRPERSON: Okay and for example, education, you say education it would be
20 national education and provincial departments?

MR JAN GILLILAND: Yes.

CHAIRPERSON: Okay I think that could be important that maybe this be amended to make sure that when one reads, one gets the correct picture.

ADV VINCENT MALEKA SC: Mr Gilliland, are you able to do that, are you able to amend the slide to reflect that, in so far as it references say health, it captures both provincial and national government payments?

MR JAN GILLILAND: We can change that. I haven't got the detail with me, but I can talk to Salomie, if she is available, then obviously we can do that.

ADV VINCENT MALEKA SC: Yes you can do that and in due course, submit an amended slide, or an additional slide.

10 **MR JAN GILLILAND:** Not necessarily today, is that what you're saying Mr Maleka?

ADV VINCENT MALEKA SC: Well if you can today, that's fine. I believe that I should be able to conclude your evidence in time for you to reconsider that point made by the Chairperson and give us an amended or additional slide.

MR JAN GILLILAND: I will do my level best to provide that.

CHAIRPERSON: If it's difficult because maybe you need to be in your office or check whatever, then I am sure an arrangement can be made for you to come back some other time and give us something that reflects the position more accurately.

MR JAN GILLILAND: Chair I will try to do it before we leave.

20 **ADV VINCENT MALEKA SC:** It's just in the interest of accuracy. If you think that you are in a better position to collect all relevant information from SETA, by all means do so. We don't want to rush you in order to commit you to a mistake.

MR JAN GILLILAND: We will see what we can do Mr Maleka.

ADV VINCENT MALEKA SC: Thank you and Chair, to your point, I just want to canvas one more slide before I go to VG's story. It is the slide at Page 21 and there, you deal with the offices of the premiers compared to the national department, do you see that?

MR JAN GILLILAND: Yes.

ADV VINCENT MALEKA SC: And for Free State for example and I don't ask you to draw any conclusion other than to place the numbers on record, for Free State, you indicate that it paid some amount to Infinity. How much was it?

MR JAN GILLILAND: R26.3 Million.

ADV VINCENT MALEKA SC: And how much was paid to TNA?

10 **MR JAN GILLILAND:** R53.025 Million.

ADV VINCENT MALEKA SC: And the combined amount is in the order of R91 Million odd?

MR JAN GILLILAND: No, no it was R79 Million.

ADV VINCENT MALEKA SC: Sorry how much?

MR JAN GILLILAND: About R79 Million.

ADV VINCENT MALEKA SC: R79 Million?

MR JAN GILLILAND: Yes R79.3 Million.

ADV VINCENT MALEKA SC: Oh I see.

20 **CHAIRPERSON:** But you're making an addition, it is not an amount that appears on the paper isn't it?

MR JAN GILLILAND: No it's the two together.

CHAIRPERSON: No I accept that, that is what I want to confirm, that you are just adding to the two together?

MR JAN GILLILAND: That's the figure for Free State Chair Infinity as well as TNA together, it is R79 Million, R79.3 Million.

ADV VINCENT MALEKA SC: Yes and that amount Chair you will get it, I thought we canvassed it already on Page 17. If you go to Page 17 and you look at the second entry after national, it's FS, you will see across the line Free State, the combined payment to Infinity and TNA, will be something in the order of R79 Million.

10 **CHAIRPERSON**: Well, when we were on Page 17, where it says FS which is Free State, the amounts given there, I thought they simply related to provincial departments in the Free State, various departments which obviously could include the office of the premier. In Paragraph 21, I am taking it that the amounts shown there, relate – I am not sure if it is FS meaning the office of the premier in FS, or whether it's FS all government departments that did make payments, plus the office of the premier, I don't have that clarity, or maybe the witness can explain?

MR JAN GILLILAND: Chair if I may, the purple is only the premier office of the Free State.

CHAIRPERSON: Okay.

MR JAN GILLILAND: Then the yellow is the rest of the province.

20 **CHAIRPERSON**: Okay thank you.

ADV VINCENT MALEKA SC: And that is on Slide 21?

MR JAN GILLILAND: Slide 21 yes.

ADV VINCENT MALEKA SC: Chair you will see the legend is described in the right hand top column, the explanation of the colours?

CHAIRPERSON: Yes I see it, but my query arose from the fact that you asked the witness to give the total amount in relation to the Free State on Page 21 and he gave a certain amount and I was saying to him, that is not necessarily an amount that appears on the page, but he is adding up the two amounts which he confirmed, but then you referred me to Page 17 in relation to FS and then my confusion was that maybe FS is wider, maybe Page 17 FS is wider than FS on Page 21, but I don't know if you are saying it's the same in terms of?

10 **ADV VINCENT MALEKA SC:** No I'm not saying it's the same. All I am saying is that you have the total amount paid from FS in Page 17 and the breakdown of how much of that amount comes from the premiers' offices, you will find on Page 21.

CHAIRPERSON: So am I right to think that in Page 17, that total amounts relating to FS, it includes the premier's office in FS?

ADV VINCENT MALEKA SC: Yes.

CHAIRPERSON: But also includes all or any other provincial department that made a contribution in terms of payments?

ADV VINCENT MALEKA SC: Yes Chair.

20 **CHAIRPERSON:** Okay and in Page 21, when it says FS, it's the premier's office in FS, but I mustn't apply the same thing?

ADV VINCENT MALEKA SC: Let's take for example FS you will see under FS, there are two bar charts. The one is yellow and the other is purple. We know that purple would be the offices of the premier, so from the premier's office in Free State, there has been a

combined payment of about R53 Million odd to TNA and Infinity. In the same province FS, there have been additional payments from other sources in the order of R26 Million and what we have asked Mr Gilliland to do, is to go and identify those specific departments by name and number, but if you take the combined amount on Page 21 of the payments from the office of the premier and other sources in that province, you will get to a figure and that figure is the one that you will find on Page 17.

CHAIRPERSON: Okay now I understand, so Page 17 represents whatever payments came from the Free State provincial government?

ADV VINCENT MALEKA SC: Indeed.

10 **CHAIRPERSON**: And Page 21 where it says FS, one, it particularises or specifies the office of the premier as among those departments?

ADV VINCENT MALEKA SC: Indeed.

CHAIRPERSON: And then in addition, it says there are others, but it is basically the same as in Page 17?

ADV VINCENT MALEKA SC: Indeed.

CHAIRPERSON: Okay now I understand.

ADV VINCENT MALEKA SC: So Page 21 is a breakdown as between the office of the premier and other provincial departments.

CHAIRPERSON: Okay.

20 **ADV VINCENT MALEKA SC**: Chair in the interests of time, the same principle applies with reference to KZN I am not going to waste time on it.

CHAIRPERSON: No that's fine.

ADV VINCENT MALEKA SC: Now Mr Gilliland, I have taken you to all of these slides and asked you to deal with the breakdown in regards to the substantial payments which came from the provinces that you have reflected on Slide 19. I have also indicated to you that there is the second biggest payment you find on Slide 19 and that relates to GCIS, you remember that?

MR JAN GILLILAND: Yes that's correct.

ADV VINCENT MALEKA SC: And I would like to explore the payment from GCIS in some detail if you don't mind. I would ask you to consider and Chair you can make a note of this, the payments reflected on Page 19 by cross-referencing slides on Page 25
10 and 26. If we could then go to Slide 25, you will see the heading of that slide is GCIS department spend, do you see that?

MR JAN GILLILAND: Correct.

ADV VINCENT MALEKA SC: And again you identify the payments with reference to the colour coded bar charts and this time, it is yellow and blue?

MR JAN GILLILAND: Yes.

ADV VINCENT MALEKA SC: And yellow we know its Infinity and blue we know is TNA.

MR JAN GILLILAND: Correct.

ADV VINCENT MALEKA SC: Now what was, the total payments made from GCIS to Infinity?

20 **MR JAN GILLILAND:** It's R3.3 Million.

ADV VINCENT MALEKA SC: And again, that is a rounded up amount?

MR JAN GILLILAND: Yes.

ADV VINCENT MALEKA SC: Without fractionalising it?

MR JAN GILLILAND: Yes, do you prefer the full amount?

ADV VINCENT MALEKA SC: No, no, I just want to confirm on record that it is rounded off. Then the next payment was to TNA, how much was it?

MR JAN GILLILAND: R51.8 Million.

ADV VINCENT MALEKA SC: So again, TNA received the bigger chunk of the payment, do you see that?

MR JAN GILLILAND: Yes.

10 **ADV VINCENT MALEKA SC**: And can you also do, me, a favour and reflect the difference in payments as expressed in percentage terms?

MR JAN GILLILAND: We can.

ADV VINCENT MALEKA SC: And if you could give us a separate slide. The next slide Chair it goes to the earlier questions you raised about the period and this is going to become important as we have previously indicated that it canvasses different periods of leadership Chair. Mr Gilliland, are you at Page 26?

MR JAN GILLILAND: I am.

ADV VINCENT MALEKA SC: Okay you will see that the presentation there begins from a particular month of a particular year.

MR JAN GILLILAND: Yes we start with February 2011.

20 **ADV VINCENT MALEKA SC**: February 2011 and then it cuts across horizontally to the end of a particular month in 2018. What is the last month?

MR JAN GILLILAND: April 2018.

ADV VINCENT MALEKA SC: Okay and that is the GCIS. You see the evidence we have, is that Mr Maseko was removed and I take it that you don't know who Mr Maseko is, or do you?

MR JAN GILLILAND: I don't.

ADV VINCENT MALEKA SC: Mr Maseko was the then Chief Executive Officer of the GCIS and he left that office on the 2nd of February 2011 and the evidence before the Chairperson, is that he left under circumstances where he was called upon to provide government media buying spend to TNA and he refused to do so. That's the evidence and that's the context and in so far as that context is concerned, can you look at your
10 monthly periods that you canvas? For 2010, there was no payment at all to either TNA or to Infinity by GCIS?

MR JAN GILLILAND: For the calendar year 2010 there was no payment.

ADV VINCENT MALEKA SC: Yes the first payment begins somewhere in February 2011.

MR JAN GILLILAND: That's correct.

ADV VINCENT MALEKA SC: Are you able to indicate to the Chairperson more or less how much would be the payment made in that regard?

MR JAN GILLILAND: Only for the month of February?

ADV VINCENT MALEKA SC: Yes for the month of February, we will go across the
20 various months.

MR JAN GILLILAND: I would say about R300 000.

ADV VINCENT MALEKA SC: Round about R300 000 alright and then there are various payments that are made from March, April, May, June, July and then there is nothing for August, September, October, November and December, do you see that?

MR JAN GILLILAND: Yes I do.

ADV VINCENT MALEKA SC: And then they continue in the next calendar year which is 2012, January, do you see that?

MR JAN GILLILAND: Yes.

ADV VINCENT MALEKA SC: How much would you say was paid in 2012 January?

MR JAN GILLILAND: I would say roughly R500 000.

10 **ADV VINCENT MALEKA SC:** And then in February, there is another payment, but the big jump comes in March 2012, do you see that?

MR JAN GILLILAND: Yes I do.

ADV VINCENT MALEKA SC: How much was made in that period?

MR JAN GILLILAND: It's probably R5.6 Million.

ADV VINCENT MALEKA SC: As far as I can pick up, across that graph, this is the biggest payment paid monthly by GCIS?

MR JAN GILLILAND: For a single month, definitely yes.

CHAIRPERSON: Mr Gilliland did you say based on that chart, is that the correct term for what we are looking at?

20 **MR JAN GILLILAND:** Yes that is correct.

CHAIRPERSON: Do you say that based on this chart, you would say that in March 2012, GCIS must have paid about R5 Million?

MR JAN GILLILAND: Yes I would say about R5.6 Million Chair.

CHAIRPERSON: Yes because it looks like it's much closer to R6 Million than closer to R5 Million, okay thank you.

ADV VINCENT MALEKA SC: Chair I know it's 1:00 I would like to ask 2 more questions to round up this topic.

CHAIRPERSON: That would be fine, I just want to find out how long you think we will be, you will still be with him, because it may well be that I would prefer that we finish with him
10 and then when we take the lunch break, then if there is no other witnesses, I understand there isn't, then we are done for the day.

ADV VINCENT MALEKA SC: Chair let me do that, I think I need about 10 -15 minutes.

CHAIRPERSON: That is fine.

ADV VINCENT MALEKA SC: Now Mr Gilliland, you have identified the month of March 2012 as the single biggest payment made and then there are others which are not insignificant which follow from April and can I ask you to identify them quickly, April more or less, what is your estimation?

MR JAN GILLILAND: April for the same period?

ADV VINCENT MALEKA SC: Yes.

20 **MR JAN GILLILAND**: Well I would say in April 2012, it's probably between R600 000 and R700 000.

ADV VINCENT MALEKA SC: And then in May, it is slightly higher?

MR JAN GILLILAND: It's R1.1 Million.

ADV VINCENT MALEKA SC: And June?

MR JAN GILLILAND: June is also about R1 Million and 50 000, I would say.

ADV VINCENT MALEKA SC: And you will see that in August it increases?

MR JAN GILLILAND: July?

ADV VINCENT MALEKA SC: July sorry.

MR JAN GILLILAND: July is R1.3 Million roughly.

ADV VINCENT MALEKA SC: And August?

MR JAN GILLILAND: It's down to I would say about R700 000.

10 **ADV VINCENT MALEKA SC**: Yes, you see all of those payments from February 2011 up to more or less September 2012, were made when the Director General, I think they had changed the description of the head of the GCIS, those payments were made when Mr Zwanele Manye was the head of the GCIS. What I would like you to do for us, is to round up all of those payments for that period under the leadership of Mr Manye and if you could provide us a slide reflecting the total as far as you can pick up for that period.

MR JAN GILLILAND: Yes can I just ask for clarification? What's the start and end date?

ADV VINCENT MALEKA SC: The start date is February 2011 and the end date is September 2012.

MR JAN GILLILAND: Thank you.

20 **ADV VINCENT MALEKA SC**: Sorry up to the end of August 2012 and then the next payment, start with 2012 and I would like you to cast your eyes across the monthly payments up to October 2014?

CHAIRPERSON: I am sorry Mr Maleka from when to when?

ADV VINCENT MALEKA SC: From September 2012.

CHAIRPERSON: Yes okay.

ADV VINCENT MALEKA SC: Remember Chair Mr Gilliland is going to give us the total payment up to August 2012 and the next period starts from September 2012 and I would like him to run across that period which would end at October 2014 and I will explain the reason in a moment, but are you there Mr Gilliland?

MR JAN GILLILAND: I am there Mr Maleka.

ADV VINCENT MALEKA SC: That is the next period I would like you to cover. For now
10 and purely out of illustration, what is the biggest amount that was paid during that period?

MR JAN GILLILAND: I would say that was July 2013 and it's roughly R2.5/R2.6 Million.

ADV VINCENT MALEKA SC: Yes and the next biggest amount that comes in that
period is?

MR JAN GILLILAND: That will be March 2014 and that is I would say R2.5 Million, just
slightly less than the previous one.

ADV VINCENT MALEKA SC: Chair this is a period during which Ms Williams was the
Acting Head of the GCIS, the first period we identified and what I would like you to do, is
to repeat the same exercise by giving us the total amount paid by GCIS for that period?

MR JAN GILLILAND: I will do so.

20 **ADV VINCENT MALEKA SC:** The next period Chair, begins from November 2014 and
again, I will explain the significance of this period, but please run through that period up to
March 2017 and that is a period Chair when Ms Williams was removed as the Acting DG

and one Mr Donald Depoko was acting in that period. What is the biggest payment made during that period as far as you can extrapolate?

MR JAN GILLILAND: The biggest payment during that period, it's December 2015.

ADV VINCENT MALEKA SC: And the amount?

MR JAN GILLILAND: I would say it's about R2.7 Million.

ADV VINCENT MALEKA SC: And then would you give us the total payment for that period and to confirm the period, it's November 2014 up to March 2017?

MR JAN GILLILAND: I will do so.

ADV VINCENT MALEKA SC: Thank you. The last period Chair, is from July 2017 to
10 April 2018, do you see that?

MR JAN GILLILAND: I see it.

ADV VINCENT MALEKA SC: And Chair that is the period when Ms Williams resumed her acting position. Now what is the biggest amount paid for that period?

MR JAN GILLILAND: That was during July 2017.

ADV VINCENT MALEKA SC: How much was it?

MR JAN GILLILAND: I would say about R1.2 Million.

ADV VINCENT MALEKA SC: And can you please give us the total for that period again?

MR JAN GILLILAND: I will do so.

ADV VINCENT MALEKA SC: Chair that gives you the sense of the amounts that have
20 been paid by GCIS and let me make it clear that at this stage, we do not invite you at all to make any finding about these payments. We merely present them before you because

we have come across a suggestion that GCIS did not pay any money to these two entities. What we have been to establish at least through the [BAS] payment system, how it is operated and how it is monitored through the evidence of Mr Gilliland, is that there was in fact payments made, the biggest chunk being to TNA and some being to Infinity and that's the evidence that we would like to present before you, because there is going to be some investigation relative to those payments. I say no more about them, other than Ms Williams was unaware of them and the Hawks have confronted her with them and there is an investigation around them.

10 That will be the evidence of Mr Gilliland and we have no further questions to him unless the Chair has further questions.

CHAIRPERSON: Thank you, no I don't have any questions for now. The clarifications of figures that he is going to work out, are you going to require him to come back to deal with that, or will you just secure if necessary, just a short affidavit saying this is what I have worked out and that will be handed up?

ADV VINCENT MALEKA SC: Yes Chair, we would prefer that the additional slide presentation be submitted by him via affidavit because his evidence is uncontentious. It does not at this stage, implicate anyone of wrongdoing, but of course if there are people who would want to clear up matters with him, they will be free to apply to you for permission to do so, but for now, I simply present the hard facts and the figures before
20 you, without drawing any conclusion about the proprietary of those payments. It is a subject matter that we will debate through other witnesses.

CHAIRPERSON: Okay that's fine, thank you very much Mr Gilliland for your evidence, you are excused for now. You do know the requests that have been made for you to do some work to clarify certain things, so you will do that and the legal team will talk to you

about how that will reach me. If later on, at some stage, you are required, you will be asked to come back, thank you very much.

MR JAN GILLILAND: Thank you very much Chair.

ADV VINCENT MALEKA SC: Chair what remains, is the way forward and I have been given a letter, but I would prefer that Mr Pretorius explain to you the way forward and the recent developments.

CHAIRPERSON: Okay alright.

ADV PAUL PRETORIUS SC: Mr Chair we have received a letter from the attorneys representing Mr Duduzane Zuma and if I may have, leave, to hand up a copy to you?

10 **CHAIRPERSON**: Thank you.

ADV PAUL PRETORIUS SC: It is perhaps appropriate to place the contents on record Mr Chair. The attorneys and counsel for Mr Duduzane Zuma have placed on record, at a previous hearing, that Mr Duduzane Zuma would not testify before the Commission as he is currently facing parallel criminal charges emanating from the same subject matter before the State Capture Commission in Johannesburg. That is what was put to you previously.

CHAIRPERSON: Yes but maybe we need to qualify it in terms of what his counsel said, he said that was the decision he had taken as at the time that he took it, but indicated that he may, once I have made my decision maybe make a different election.

20 **ADV PAUL PRETORIUS SC**: Yes, that's the purpose of placing this letter before you Mr Chair. The letter records that on your request Chair, counsel was asked whether or not Mr Duduzane Zuma would reconsider his position and it was undertaken by counsel that instructions were to be obtained. That has resulted in this communication received this

weekend. Paragraph 4 reads “since Thursday and after affording our client an opportunity to consider their arguments of 6 September 2018, we have now received instructions from Mr Duduzane Zuma to inform the Commissioner that he is prepared to give evidence as a witness before the Commission with reference to the subject matter raised by Mr Jonas in his evidence.”

We are then asked to place this before you as Commissioner.

CHAIRPERSON: Thank you Mr Pretorius, I think that it is good for the process of the Commission that Mr Duduzane Zuma has made the decision that he would be prepared to give evidence in this Commission and of course, that immediately places him in the
10 same position as some of the applicants for leave to cross-examine if I recall correctly.

ADV PAUL PRETORIUS SC: Yes it would Chair and it would require then the rules to be followed in relation to this undertaking.

CHAIRPERSON: Yes, so when I finalise my consideration of his application, I will take into account the latest developments.

ADV PAUL PRETORIUS SC: Thank you Chair.

CHAIRPERSON: Thank you. I didn't understand that there was anything else with which his application might not have complied at the time of the hearing of the application. I am just checking based on what you just said. Mr Maleka would be the one who might remember quite well. Okay would that be all from you?

20 **ADV PAUL PRETORIUS SC**: That's all thank you Chair.

CHAIRPERSON: Yes and then in terms of this week, I would then make my decision on the applications in respect of which I have reserved my judgement and other than that, are there any other witnesses lined up for this week?

ADV PAUL PRETORIUS SC: There is one witness who is planned to testify on Wednesday and that is Ms Barbara Hogan.

CHAIRPERSON: Okay.

ADV PAUL PRETORIUS SC: Thursday you have indicated that we won't be sitting and Chair depending on your rulings in respect of the various applications that were dealt with by Mr Maleka, we would then plan to recall witnesses to complete examination in chief and then set the further process in motion for cross-examination and possible re-examination, but that would depend entirely on the rulings that you make and that planning can only really be finalised once those rulings are known.

10 **CHAIRPERSON**: Yes, with regard to Thursday, the issue that would have made me unavailable to be here, or the matter that would have made me unavailable to be here on Thursday, is no longer an obstacle to me being here on Thursday. That may or may not help you in the light of the fact that we are only 3 days away from Thursday, but in case it does help, I thought that I must just mention that.

ADV PAUL PRETORIUS SC: Yes the time may be able to be used, but again that depends on your rulings.

CHAIRPERSON: Yes, now with regards to my further rulings in regard to the applications for leave to cross-examine that remain, I think that would be quite urgent, is just to get the affidavits from Mr Ajay Gupta and Mr Rajesh Gupta that I spoke about this
20 morning, so I think if there was a way of those being obtained tomorrow, there might well be a possibility of giving my decision on Wednesday, but the latest, provided they are received either tomorrow or Wednesday, the latest I should be able to give my decision, is on Thursday.

ADV PAUL PRETORIUS SC: It may be necessary to place authenticated copies before you to be followed up by a presentation of the originals just so that you know Chair what their attitude is.

CHAIRPERSON: Yes I don't mind if it's authenticated copies that are made available if the originals will come later, that is fine, but I would like to have that information on affidavit by the two applicants themselves.

ADV PAUL PRETORIUS SC: Thank you Chair.

CHAIRPERSON: Thank you, then Mr Maleka, was there any requirement in terms of the rules or anything that Mr Duduzane Zuma's application did not comply with that I need to
10 concern myself with?

ADV VINCENT MALEKA SC: No Chair, he will fall in the category of Mr Hlongwane type of application, so that is all that you can do, is to grant that application on the understanding that he will be entitled to cross-examine the witnesses who have implicated him and namely Mr Jonas. I am not too sure if anything arises from the evidence of Ms Mentor, we did not see it, but he can motivate that to you and therefore, that will be the significance of the letter.

CHAIRPERSON: Well as I say, the latest development in regard to him, does change his situation and places his application in the same category as the others that were dealt with, but I guess that I must deal with it formally when I give a decision in regard to the
20 others as well, because also, his lawyers are not here today. Thank you very much. We will adjourn now and then we are not coming back after lunch and the media will be informed if we meet or have to meet prior to Thursday. Mr Pretorius?

ADV PAUL PRETORIUS SC: The evidence of Ms Hogan is Wednesday.

CHAIRPERSON: Okay no I am sorry, I thought it's Thursday, so we will adjourn until Wednesday for today. How long is her evidence likely to be, do you know?

ADV PAUL PRETORIUS SC: If you don't hold me to it Chair, we should be finished by the long adjournment by 1:00.

CHAIRPERSON: Okay no that's fine, thank you very much, we therefore adjourn until Wednesday at 10:00.