

COMMISSION OF INQUIRY INTO STATE CAPTURE

HELD AT

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10

22 JUNE 2019

DAY 118

20

PROCEEDINGS ON 22 JUNE 2019

CHAIRPERSON: Good Morning Ms Hofmeyr on a Saturday morning, good morning everybody.

ADV KATE HOFMEYR: Good morning Chair.

CHAIRPERSON: Thank you. Are you ready?

ADV KATE HOFMEYR: Indeed Chair.

CHAIRPERSON: Okay thank you.

ADV KATE HOFMEYR: If I may just request then...

CHAIRPERSON: Good morning Ms Tlatsana

10 **MS BABADI SYBIL TLATSANA:** Good morning Chair.

CHAIRPERSON: Thank you.

ADV KATE HOFMEYR: Chair if I may request an opportunity just for the legal representative of Ms Viljoen to place herself on record?

CHAIRPERSON: Yes thank you.

ADV ESTELLE KILLIAN: Morning Judge Estelle Killian Johannesburg Bar instructed by Mouyis Cohen on behalf of Ms Viljoen.

CHAIRPERSON: Thank you very much.

ADV KATE HOFMEYR: Chair just one or two logistically matters if we may before we commence with Ms – well recommence with Mr
20 Tlatsana's evidence? Chair when we concluded fairly late yesterday evening we were anticipating the prospect that we may be able to get to Ms Viljoen's evidence today. Having looked at what still remains of Mr Tlatsana's evidence that needs to be covered today my suggestion is that in fairness to Ms Viljoen who may well not be reached in her evidence today she be released from attending today to return on

Monday morning. The idea would be then to ensure that we complete Ms Tlatsana's evidence today so that Ms Viljoen's evidence can be the first up on Monday morning.

CHAIRPERSON: Okay and they are agreeable to that?

ADV ESTELLE KILLIAN: We are Chair.

CHAIRPERSON: Yes okay thank you very much. Ms Viljoen you are released and please return on Monday morning. Monday we will start ten o'clock?

ADV KATE HOFMEYR: Ten o'clock should be fine.

10 **CHAIRPERSON**: Ja I think let us start at ten o'clock so be back at ten o'clock.

MS KALANDRA VILJOEN: Thank you.

CHAIRPERSON: Thank you very much.

ADV KATE HOFMEYR: Thank you Chair. If we may then continue with Ms Tlatsana?

CHAIRPERSON: Yes we may continue. The oath you took Ms Tlatsana will apply throughout until you have finished your evidence.

MS BABADI SYBIL TLATSANA: Thank you Chair.

CHAIRPERSON: Okay.

20 **ADV KATE HOFMEYR**: Chair one thing just as Ms Viljoen is leaving I do just want to mention that Ms Viljoen's lawyer was contacted yesterday about the fact that there is an aspect of Ms Tlatsana's evidence that may be relevant to Ms Viljoen.

CHAIRPERSON: Yes.

ADV KATE HOFMEYR: Does it require her to be in attendance

CHAIRPERSON: Yes.

ADV KATE HOFMEYR: At the hearing today.

CHAIRPERSON: Yes, yes.

ADV KATE HOFMEYR: But she should just be aware of that fact.

CHAIRPERSON: Yes no that is fine. Thank you.

ADV KATE HOFMEYR: If we then move Ms Tlatsana when we concluded yesterday we were at page 17, 17 of your affidavit and we were at the point...

CHAIRPERSON: That is the one that DD...

10 **ADV KATE HOFMEYR**: That is – apologies – DD8[a].

CHAIRPERSON: As in DD8[a].

ADV KATE HOFMEYR: Thank you Chair.

CHAIRPERSON: Ja thank you.

ADV KATE HOFMEYR: DD8[a] at page 17 and we were at paragraph 4.36 there where we were dealing with the R500 000,00 that was transferred out of Koreneke's account with – for a payment with a reference L Skakkel, do you see that Ms Tlatsana?

MS BABADI SYBIL TLATSANA: Yes Chair.

CHAIRPERSON: Just one second. Thank you, you may proceed.

20 **ADV KATE HOFMEYR**: Thank you Chair. Ms Tlatsana you also testified about an amount of initially R450 000,00 and then a subsequent about of R50,000,00 that was paid into the bank account of your other business Kenk Supplies and Facilitators and what I would then like to take you to is the next amount that comes into the Koreneke bank account as I have it from your affidavit in DD8[a] and

you will find that at paragraph 4.37 on that page. What amount was that and when was it received?

MS BABADI SYBIL TLATSANA: The amount is 8.5 million Chair it enter the account on the 27 August.

CHAIRPERSON: I am sorry, I am sorry, I am sorry, I am sorry. We looked at page 17 and then you referred to page 37?

ADV KATE HOFMEYR: No apologies Chair it is paragraph 4.37 on that page.

CHAIRPERSON: Oh okay thank you. Okay.

10 **ADV KATE HOFMEYR:** And Ms Tlatsana you were telling us 8.5 million was received into the account and what was the date?

MS BABADI SYBIL TLATSANA: The date was the 27 August 2015 Chair.

ADV KATE HOFMEYR: And then your affidavit progresses to track the amounts that then flow out of the account after the 27 August. If you go down to paragraph 4.38 when – when was the next amount that went out and what was its amount?

MS BABADI SYBIL TLATSANA: The next amount was 5 million that came out from Koreneke account on the 16 September 2015.

20 **ADV KATE HOFMEYR:** What explanation were you given for that payment out of the account?

MS BABADI SYBIL TLATSANA: Mr Van Wyk indicated to me that it is for other stakeholders, fire trucks and the security cameras in both airports.

ADV KATE HOFMEYR: How did he indicate that to you?

MS BABADI SYBIL TLATSANA: He called me to inform Chair.

ADV KATE HOFMEYR: And what did you understand other stakeholders, fire trucks and security cameras to relate to?

MS BABADI SYBIL TLATSANA: Other stakeholders to me by then it was yes the – like he said the fire trucks and the cameras in both airports that was my understanding Chair.

ADV KATE HOFMEYR: Well was your understanding of your agreement with South African Express Airways that you were going to be required to purchase fire trucks?

10 **MS BABADI SYBIL TLATSANA:** By that time I did not have the contract Chair to know what was entailed in the contract.

ADV KATE HOFMEYR: But Ms Tlatsana you did have an idea of the proposal and the type of work that you envisaged doing, did you not? As I understood your testimony yesterday you had a sense from him on the day that you were signing that you would be doing ground handling work. You would be maybe doing some gardening and some cleaning. So tell me why then fire trucks are a basis for R5 million exiting Koreneke's account?

20 **MS BABADI SYBIL TLATSANA:** I did not know Chair that was the information that I was given by Mr Van Wyk that they are going to purchase the fire trucks and the cameras.

CHAIRPERSON: Well the – the question is you were told that – you have said you were told that this amount was for other stakeholders. You were asked what you understood by the - and you said you thought it was for or you – or you were told it was for fire trucks. Now the

question was, was it your understanding that the business that your closed corporation was going to be involved in would involve trucks at any stage was that your understanding before this happened – before this amount of R5 million was taken out of your account.

MS BABADI SYBIL TLATSANA: No Chair.

CHAIRPERSON: Was it ever your understanding that your business included having anything to do with fire trucks?

MS BABADI SYBIL TLATSANA: No Chair, no Chair.

CHAIRPERSON: Okay.

10 **ADV KATE HOFMEYR:** And then the second explanation you were given security cameras for the airports. Did you understand that to be part of the business that you would be doing for South African Express?

MS BABADI SYBIL TLATSANA: No Chair.

ADV KATE HOFMEYR: Were you subsequently I understand from your affidavit you reference a later request to pay some money in relation to security cameras, is that correct?

MS BABADI SYBIL TLATSANA: Yes Chair.

ADV KATE HOFMEYR: Tell us about that please?

20 **MS BABADI SYBIL TLATSANA:** At a later stage in a – 2016 and I received a call from the Mafikeng securities that there have been cameras that they have put and I have to pay – Koreneke has to pay an amount of R495 or 65 if I am not mistaken.

ADV KATE HOFMEYR: If I can just give you the reference to assist Ms Tlatsana it is at page 20, 20 of your affidavit which is in Exhibit DD8[a] and you will find it at paragraph 4.50 on that page.

MS BABADI SYBIL TLATSANA: Yes.

ADV KATE HOFMEYR: What was that amount that you were required pay?

MS BABADI SYBIL TLATSANA: I was required to R495 000,00 Chair.

ADV KATE HOFMEYR: So can I just get clear on the chronology. This is after the 20 – the 16 September when an amount of R5 million goes out of the Koreneke account and you are told by Mr Van Wyk it is being used amongst other things for security cameras at the airport, correct?

MS BABADI SYBIL TLATSANA: Yes Chair.

10 **ADV KATE HOFMEYR:** But then later in 2016 as I have your testimony you were required to make a further payment of R495 000,00 for security cameras, is that correct?

MS BABADI SYBIL TLATSANA: Yes Chair.

ADV KATE HOFMEYR: And insofar as the fire trucks are concerned were you ever aware of any fire truck having been delivered to either the Mafikeng or the Pilanesberg airports?

MS BABADI SYBIL TLATSANA: There was never a fire truck delivered to any of the airports Chair.

20 **ADV KATE HOFMEYR:** And insofar as security cameras are concerned other than your testimony about the interaction in 2016 were you at any other point aware of security cameras being installed at either of the airports?

MS BABADI SYBIL TLATSANA: I have never seen any security cameras being installed in any of the airports Chair.

ADV KATE HOFMEYR: Can we just get clear because yesterday you

gave us testimony that you actually had not visited Pilanesberg airport until a date at the end of 2016. Can you tell us what the position is in relation to Mafikeng airport? When had you been there?

MS BABADI SYBIL TLATSANA: I started going to the – to both airports from the beginning of 2016 Chair.

ADV KATE HOFMEYR: Thank you. That is a correction then on my part. I had incorrectly record your evidence to say the end of 2016. So in both cases you went to both airports for the first time in early 2016, is that correct?

10 **MS BABADI SYBIL TLATSANA:** Yes Chair.

ADV KATE HOFMEYR: So when you give evidence about what was or was not at the airports the fact that there were not fire trucks and the fact that there not security cameras that you are aware of being installed I must take that and correct me if I am wrong to be evidence related to the period after early 2016, correct?

MS BABADI SYBIL TLATSANA: Come again with your question?

ADV KATE HOFMEYR: Apologies it was quite a detailed questioned. You have just given evidence Ms Tlatsana that you are not aware of fire trucks ever being delivered to either airport, correct?

20 **MS BABADI SYBIL TLATSANA:** Yes Chair.

ADV KATE HOFMEYR: You also as I understand your testimony said you also do not know of any security cameras having been installed at either of the airports until your interaction around the R495 000,00, correct?

MS BABADI SYBIL TLATSANA: Correct Chair.

ADV KATE HOFMEYR: What I am now trying to understand is to what period does that knowledge relate because you only visited the two airports as I understand your evidence from early 2016, correct?

MS BABADI SYBIL TLATSANA: Yes Chair.

ADV KATE HOFMEYR: Thank you. So it is from that date that you can say you are aware of no fire trucks and no security cameras, correct?

MS BABADI SYBIL TLATSANA: Correct Chair.

ADV KATE HOFMEYR: If fire trucks had been delivered prior to that do you think they would have still been at the airports?

10 **MS BABADI SYBIL TLATSANA:** No Chair.

ADV KATE HOFMEYR: No. Well let me be clear about my question. You did not ever see fire trucks, is that correct?

MS BABADI SYBIL TLATSANA: I only saw an old fire truck in Mafikeng airport which when I asked Mr Kalisilira he said it is coming from Mpumalanga it is being hired to come and assist.

ADV KATE HOFMEYR: So the question still remains. Remember you have been told in – on the 16 September 2015 that the R5 million as I understand your testimony was going to be used to purchase amongst other things fire trucks, is that correct?

20 **MS BABADI SYBIL TLATSANA:** Correct Chair.

ADV KATE HOFMEYR: And your evidence is that no fire trucks were delivered to either airport, correct?

MS BABADI SYBIL TLATSANA: Correct Chair.

ADV KATE HOFMEYR: But you only visited the airports in early 2026, correct?

MS BABADI SYBIL TLATSANA: Correct Chair.

ADV KATE HOFMEYR: So what I am probing is, is it possible that fire trucks were delivered between September and early 2016 then never to be seen again from early 2016?

MS BABADI SYBIL TLATSANA: No, no, no Chair.

ADV KATE HOFMEYR: Thank you.

MS BABADI SYBIL TLATSANA: Thank you.

CHAIRPERSON: What is the basis for your answer for saying no it is not possible?

10 **MS BABADI SYBIL TLATSANA:** There were no...

CHAIRPERSON: Why do you say no it is not possible that the fire trucks could have been delivered between September 2015 and early 2016?

MS BABADI SYBIL TLATSANA: The new, the new truck they were talking about it was not there and if it was delivered I would – I would have known I would have seen it.

CHAIRPERSON: Yes but you could only have seen it early in 2016 because you – I understood you to say you did not go to the airports before early 2016.

20 **MS BABADI SYBIL TLATSANA:** That was not a new fire truck according to...

CHAIRPERSON: Hm.

MS BABADI SYBIL TLATSANA: That was not a new fire truck Chair.

CHAIRPERSON: No, no, no am I correct in understanding your evidence to be that you only went to the airports in early 2016 – early

in 2016?

MS BABADI SYBIL TLATSANA: Yes Chair.

CHAIRPERSON: Between September 2015 and January 2016 did you go to the airports?

MS BABADI SYBIL TLATSANA: No Chair I did not.

CHAIRPERSON: So how would you know if trucks did arrive during that period and were – and disappeared?

MS BABADI SYBIL TLATSANA: No I – I did not know Chair.

CHAIRPERSON: Ja.

10 **MS BABADI SYBIL TLATSANA:** I would not have known Chair because I have never been there.

CHAIRPERSON: Oh but I thought you – your answer was that they could not have been there.

MS BABADI SYBIL TLATSANA: No, no.

CHAIRPERSON: Maybe I misunderstood you.

MS BABADI SYBIL TLATSANA: No, no Chair.

CHAIRPERSON: You would not know?

MS BABADI SYBIL TLATSANA: No I would not know Chair.

CHAIRPERSON: Okay.

20 **ADV KATE HOFMEYR:** Did you...

CHAIRPERSON: Did I misunderstand something Ms Hofmeyr?

ADV KATE HOFMEYR: No Chair it is the clarification we are indebted to you for.

CHAIRPERSON: Okay, alright.

ADV KATE HOFMEYR: Ms Tlatsana if that is so did you have

somebody working for you that was on sight in Mafikeng airport and Pilanesberg airport in that period September 2015 to early 2016?

MS BABADI SYBIL TLATSANA: Yes Chair there were facilities manager as well as the staff – the ground handling staff, the cleaning and the gardeners.

ADV KATE HOFMEYR: Who was the facilities manager?

MS BABADI SYBIL TLATSANA: It was Ms Nothandu Dube.

ADV KATE HOFMEYR: Did you make any enquiries of her as to whether fire trucks were being delivered or cameras were being
10 installed?

MS BABADI SYBIL TLATSANA: No I did not enquire from her.

ADV KATE HOFMEYR: But she would have been on the ground at the time at the airports?

MS BABADI SYBIL TLATSANA: Yes Chair.

ADV KATE HOFMEYR: So we could enquire from her?

MS BABADI SYBIL TLATSANA: No I did not enquire from her.

ADV KATE HOFMEYR: Sorry I was saying we could ask her for that clarity?

MS BABADI SYBIL TLATSANA: No.

20 **CHAIRPERSON:** No she is saying they will ask.

ADV KATE HOFMEYR: The commission.

CHAIRPERSON: They will ask – they will ask her whether she knows anything about fire trucks that may have come during that time.

MS BABADI SYBIL TLATSANA: She would have – she would have said if a fire truck would have arrived.

CHAIRPERSON: No, no that is fine.

ADV KATE HOFMEYR: Thank you.

CHAIRPERSON: Tell me who else apart from Ms Dube could have reported to you if fire trucks had arrived during that time?

MS BABADI SYBIL TLATSANA: The ground handling staff or the gardeners. I think they would – no, no not I think – they would have reported but anyway it is not their responsibility to report to me. The person to report is the facilities manager.

CHAIRPERSON: But did she make regular reports to you during that
10 time as a matter of fact?

MS BABADI SYBIL TLATSANA: Chair there was no relationship between me and Ms Nothando Dube she was reporting to Mr Brian Van Wyk.

CHAIRPERSON: So would it be correct to say you had no expectation that she would tell you if anything happened at the airport?

MS BABADI SYBIL TLATSANA: Yes Chair I would say that.

CHAIRPERSON: Okay. So there was – is the position that there was nobody at the airport who you believe could have taken the trouble to tell you if there were trucks – there were fire trucks that had arrived?

20 **MS BABADI SYBIL TLATSANA**: Yes Chair if – ja.

CHAIRPERSON: Was that the position only during that time namely September 2015 to early 2017 or was that the position throughout from May when you started working – your company started working throughout?

MS BABADI SYBIL TLATSANA: From the beginning – from the

inception of ...

CHAIRPERSON: Of the business.

MS BABADI SYBIL TLATSANA: Of the business.

CHAIRPERSON: Of ground handling.

MS BABADI SYBIL TLATSANA: Yes Chair.

CHAIRPERSON: Up to the end.

MS BABADI SYBIL TLATSANA: Yes Chair.

CHAIRPERSON: So you – you were – you were in charge – you were –
you were the founder of the closed corporation. You were the person
10 who came with the idea and sold the idea to relevant people but there
was nobody that was working in the airports – in the two airports who
was reporting back to you as to what is happening?

MS BABADI SYBIL TLATSANA: If I have to respond to that Chair.

CHAIRPERSON: Ja.

MS BABADI SYBIL TLATSANA: The business was hijacked from me.

CHAIRPERSON: The business was hijacked from you?

MS BABADI SYBIL TLATSANA: Yes Chair.

CHAIRPERSON: And when – at what stage did you realise that?

MS BABADI SYBIL TLATSANA: Um...

20 **CHAIRPERSON**: At what stage did you come to that conclusion that my
business has been hijacked?

MS BABADI SYBIL TLATSANA: Chair the business was hijacked in the
beginning because a lot of things were happening. Mr Kalisilira would
do the transactions I would not know. I would just see from the phone
that money has gone and after the money has gone if I ask I will be told

another story that the money has gone according to the way it appeared on the statement and on the phone. If I have to – to ask of the daily running's of the business no, no it is not necessary we are doing the reports – the reports are in the files – we are doing the reports and then we are giving the reports to SA Express because on daily basis for whatever services that was done they have to send the reports to Ms Jacobs, Maureen Jacobs. So they were communicating alone the...

CHAIRPERSON: Ja but the question is at what stage did you come to the conclusion that your business had been hijacked?

10 **MS BABADI SYBIL TLATSANA**: I had no control of it Chair.

CHAIRPERSON: No, no, no I understand that part. At what stage did you realise that my business has been hijacked? Was it in May when you started ...

MS BABADI SYBIL TLATSANA: Okay.

CHAIRPERSON: Working on this ground handling business with SA Express? Was it in March, was it in July, was it in August 2015, was it in 2016 or was it in 2018, 2019, when was it did you realise what has happened here is that my business has been hijacked?

20 **MS BABADI SYBIL TLATSANA**: Chair in the beginning when – during the flow – immediately when the first money enters into the account if I ask I was irritating the tone of Mr Van Wyk started to change. He will just shut me out and answer me quickly just to dismiss me.

CHAIRPERSON: No Ms Tlatsana.

MS BABADI SYBIL TLATSANA: Which is...

CHAIRPERSON: I understand what you are saying. I want you to tell

me exactly what happened.

MS BABADI SYBIL TLATSANA: Okay.

CHAIRPERSON: And I am listening to your evidence very attentively but I am asking now for the third time at what stage did you realise that your business had been hijacked? Was it in 2015, 2016..

MS BABADI SYBIL TLATSANA: No it is difficult.

CHAIRPERSON: 2017, 2019, yesterday or today, when exactly?

MS BABADI SYBIL TLATSANA: 2015 I think June, July.

CHAIRPERSON: 2016 or 2015?

10 **MS BABADI SYBIL TLATSANA:** 10, 15.

CHAIRPERSON: 2015 okay.

MS BABADI SYBIL TLATSANA: Yes Chair.

CHAIRPERSON: Around June, July?

MS BABADI SYBIL TLATSANA: Yes Chair.

CHAIRPERSON: Okay alright. And when you realised this what did you decide to do about it?

20 **MS BABADI SYBIL TLATSANA:** It was a concern to me Chair and I communicated this concern with my spiritual father in church and he advised me that you know if things are going like this the only thing that you do is record everything – everything that is happening, every communication record it so that you could have something to stand on.

CHAIRPERSON: We are maybe asking you things that maybe should be asked later in terms of the sequence but I want to find out now. Let me go back to yesterday's evidence. When you agreed to Mr Van Wyk's suggestion that you should take in more people in your closed

corporation and he suggested two names and you agreed to have them as registered as members of your closed corporation did they pay you anything for the interest namely shares in terms of closed corporations it is called interest but effectively for the shares in your company?

MS BABADI SYBIL TLATSANA: No Chair.

CHAIRPERSON: Did you ask them to pay anything?

MS BABADI SYBIL TLATSANA: No Chair.

CHAIRPERSON: Did they bring anything of value to the – to the business as you understood at that time?

10 **MS BABADI SYBIL TLATSANA:** No Chair.

CHAIRPERSON: And did you all three become equal partners as it were in the business?

MS BABADI SYBIL TLATSANA: Yes Chair.

CHAIRPERSON: And in terms of dividends were you all going to get equal shares of dividends?

MS BABADI SYBIL TLATSANA: No Chair.

CHAIRPERSON: Were you going to get more?

20 **MS BABADI SYBIL TLATSANA:** According to Mr Van Wyk he was saying that there would be – it is just for the – for the [indistinct] to indicate that at least people are there. They will just get small portion of dividends at the end of the year.

CHAIRPERSON: Yes but you say in terms of paperwork.

MS BABADI SYBIL TLATSANA: Yex.

CHAIRPERSON: They were registered as equal partners to you?

MS BABADI SYBIL TLATSANA: Yes Chair 33, 33.

CHAIRPERSON: Yes.

MS BABADI SYBIL TLATSANA: And then I was 34%.

CHAIRPERSON: And you did not seek any legal advice in regard to this before you agreed to this?

MS BABADI SYBIL TLATSANA: No Chair I did not.

CHAIRPERSON: Yes. But you say when you were – had spoken to your spiritual advisor you did not decide to take any steps – stop – any steps to put an end to the hijacking of your business?

MS BABADI SYBIL TLATSANA: Yes Chair I thought of all those but
10 now I – I have to have something on concrete to say this is what they were doing. I did not come that I should be on a haste to take any legal steps hence I reported to SA Express.

CHAIRPERSON: Yes.

MS BABADI SYBIL TLATSANA: My experience.

CHAIRPERSON: By July or around July 2015 is that when you said you got about R450 or R500 000,00 from this ground handling business that the accountant put into the account of your other company, was it around about that time to July 2015?

MS BABADI SYBIL TLATSANA: If I have to – can I check my
20 statement?

CHAIRPERSON: You can check but you do not have to be exact, July, June, August I am happy as long as – I just want to remind – to be reminded about around when you got the R450 – the R500 000,00?

MS BABADI SYBIL TLATSANA: Chair I do not remember the time but ja that was ...

CHAIRPERSON: It was somewhere in the middle of 2015?

MS BABADI SYBIL TLATSANA: Yes Chair.

CHAIRPERSON: Okay. Up to that stage you had not been physically threatened that if you did not agree to do anything you would be harmed had you? Had any of the people involved here physically threatened you with anything?

MS BABADI SYBIL TLATSANA: Chair Mr Brian Van Wyk's character is – he is a very arrogant person and he is very bully. And he was very bully by the end I was to do as he says. And if I questioned he would
10 threaten me that he will report me to the ANC people, his – he is secured by the ANC people so what he is telling me to do I must just do as he says I should do.

CHAIRPERSON: Were you scared of that threat?

MS BABADI SYBIL TLATSANA: Yes Chair I was scared because I – I...

CHAIRPERSON: What could the ANC do to you if he told them whatever he might tell them about you?

MS BABADI SYBIL TLATSANA: By then what came into my mind that was the time – that was – I do not know whether it was during or after the – that incident of Mr Bozwana when he was killed and the – for me
20 to save my life is just to be quiet and abide with what Mr Van Wyk was saying I should do.

CHAIRPERSON: Hm.

MS BABADI SYBIL TLATSANA: Because he would boast to me that he is a high person in the ANC and I am – I am asking too much questions.

CHAIRPERSON: But did you – what did you think the ANC would do to

you that you were fearing?

MS BABADI SYBIL TLATSANA: To be killed Chair.

CHAIRPERSON: Why did you think that?

MS BABADI SYBIL TLATSANA: Chair Mr Van Wyk...

CHAIRPERSON: Why did you think the ANC would kill you? Well what – what had you done which you thought would make the ANC want to – want you dead?

MS BABADI SYBIL TLATSANA: Chair here is the project that is going on and I am busy asking Mr van Wyk so many questions. He is getting
10 irritable. I am calling – I am not finding him and what is it – the thing was what is it that I want to know because I told you that we are here – I am here to assist you to see that the project is going smooth.

Why do you not just relax as I told you that you should just relax? That is what he was saying.

CHAIRPERSON: But your spiritual advisor advised you to what – to record everything (intervenes)?

MS BABADI SYBIL TLATSANA: Every communication, yes Chair.

CHAIRPERSON: For what purpose in the end?

MS BABADI SYBIL TLATSANA: For the purpose ...

20 **CHAIRPERSON:** As you – as you understand what he was saying.

MS BABADI SYBIL TLATSANA: For the purpose if maybe this would lead me into – maybe if killing, death or maybe this at a later stage just be observant, just be listening to him and be observant. Create conversations so that he should end up saying what his intention is he – does he want to do with this company because the way he was going

on it was not good. It was very bad.

CHAIRPERSON: From your point of view as you were recording activities and discussions did you intend taking all of these things to some authorities to say look what so and so has been doing?

MS BABADI SYBIL TLATSANA: Yes Chair because it was too much on my head. I did not – I could not even think straight by then because here is a business. Here is my life and then I – I was seeking advice from the people. One of the first person who I spoke to is – it was Ms Jacobs who is working for SA Express and then she advised me that
10 why do you not contact the security in our company, Mr Ngwenya ...

CHAIRPERSON: Hm.

MS BABADI SYBIL TLATSANA: And – to inform him this – about – about this thing. Anyway this – these things they came in 2016.

CHAIRPERSON: Hm.

MS BABADI SYBIL TLATSANA: About – go to – contact Mr Ngwenya and try and talk to him because immediately after – can I Chair?

CHAIRPERSON: Yes.

MS BABADI SYBIL TLATSANA: Yes because in January when I was refusing them access into the account Mr van Wyk and Ms Phiri they
20 went – they opened a case against me that I illegally took Ms Phiri out of the company and by then Ms Phiri resigned because there is a story before then in the company.

CHAIRPERSON: Okay. Ms Hofmeyr we went on – on – I was following a certain issue but ...

ADV KATE HOFMEYR: Of course.

CHAIRPERSON: Please proceed.

ADV KATE HOFMEYR: Thank you. Chair I would just like to follow up just so we keep faithful to her chronology and I would just like to get clarification in relation to what you have just said in your testimony. As I understand your answers to the Chair you started to become concerned about the hijacking of your company around June/July 2015. Correct?

MS BABADI SYBIL TLATSANA: Correct.

ADV KATE HOFMEYR: And then you move to your engagements with
10 Mr Ngwenya. Now those are in June 2016.

MS BABADI SYBIL TLATSANA: Yes, yes.

ADV KATE HOFMEYR: Correct?

MS BABADI SYBIL TLATSANA: Correct, correct.

ADV KATE HOFMEYR: Right. It is important that we just look at that time frame because between June 2015 and June 2016 you do – as I have it from your affidavit - also take other steps to deny Mr van Wyk access ...

MS BABADI SYBIL TLATSANA: Yes.

ADV KATE HOFMEYR: To the bank account.

20 **MS BABADI SYBIL TLATSANA:** Yes.

ADV KATE HOFMEYR: We will come to that but just so we have it in time. As I understand your affidavit – that is around December 2015. Correct?

MS BABADI SYBIL TLATSANA: Correct Chair.

ADV KATE HOFMEYR: So could we just go in sequence then because

the issues that the DC – the Chair is probing relate to when you first realised that this company has been hijacked and we have your evidence to be June/July 2015 but Ms Tlatsana there are still further payments that come out of the account at that time. Correct?

MS BABADI SYBIL TLATSANA: Correct Chair.

ADV KATE HOFMEYR: So you have not taken steps to stop that conduct in your business yet have you?

MS BABADI SYBIL TLATSANA: No, no Chair.

ADV KATE HOFMEYR: Okay. So if we could then just continue with
10 the payments. So we contract them chronologically and then I would like to get us to the point where as I understand your evidence you do deny access to the account.

MS BABADI SYBIL TLATSANA: Okay. Yes Chair.

ADV KATE HOFMEYR: So let – if we – let us if we may go back to page 18 – 1-8 – of your affidavit. That is in EXHIBIT DD8A because the next amount as I have it - unfortunately you do not attach this to a date – this particular amount but Chair there will be evidence that will clarify for us when this amount goes out and that is the amount referred to at paragraph 4.39. Tell us what ...

20 **CHAIRPERSON:** Oh that – that was the amount I also wanted to ask about ...

ADV KATE HOFMEYR: Hm.

CHAIRPERSON: Because it seems to be hanging.

ADV KATE HOFMEYR: It is hanging Chair ...

CHAIRPERSON: Yes.

ADV KATE HOFMEYR: And that is actually related to the evidence of Ms Viljoen.

CHAIRPERSON: Okay.

ADV KATE HOFMEYR: She will go into detail ...

CHAIRPERSON: Yes.

ADV KATE HOFMEYR: About when those – that – that reference to Asset Management and Financial Services CC ...

CHAIRPERSON: Yes.

ADV KATE HOFMEYR: Is her CC.

10 **CHAIRPERSON:** Okay. No that is fine.

ADV KATE HOFMEYR: So we will get that clarity. It is not available here ...

CHAIRPERSON: Okay. No that is fine.

ADV KATE HOFMEYR: But if we can have your evidence on it Ms Tlatsana. What payment and in - what amount was made and to whom at paragraph 4.39?

MS BABADI SYBIL TLATSANA: The amount is nine million that has been made to Asset Management and Financial Services.

20 **ADV KATE HOFMEYR:** Thank you and Chair just because it may be useful for the record those payments occurred to Asset Management and Financial Services. This is evidence to come. Just so that it is contained here. On 1 May 2015, 7 May 2015 and 6 September - sorry – those are the incorrect ones. Those are on the slips.

Let me just get it right. 8 May 2015, 11 May 2015 and 16 September 2015 ...

CHAIRPERSON: Okay.

ADV KATE HOFMEYR: But those total - as I have it from your affidavit Ms Tlatsana - nine million. Correct?

MS BABADI SYBIL TLATSANA: Correct Chair.

ADV KATE HOFMEYR: Then let us move to the next payment out. I have that at the bottom of page 18 at paragraph 4.43. What was that amount and when was it paid?

MS BABADI SYBIL TLATSANA: On 21 September 2015 500 000 was paid to management consulting.

10 **ADV KATE HOFMEYR:** And what did – did you understand management consulting to be?

MS BABADI SYBIL TLATSANA: No I did not Chair.

ADV KATE HOFMEYR: And if we then move to ...

CHAIRPERSON: I am sorry – but did you raise any issues about this money with either the accountant or Mr van Wyk?

MS BABADI SYBIL TLATSANA: No Chair. There was ...

CHAIRPERSON: Yes.

MS BABADI SYBIL TLATSANA: No chair.

20 **CHAIRPERSON:** Had – had you reached a point where you had decided you were not going to be asking any questions?

MS BABADI SYBIL TLATSANA: Yes Chair because I was asking – I was talking too much. I was asking lots of questions too much ...

CHAIRPERSON: Yes. So ...

MS BABADI SYBIL TLATSANA: According to them.

CHAIRPERSON: So you had reached a point where you had decided

not to ask anything?

MS BABADI SYBIL TLATSANA: Yes Chair. I just decided to stop.

CHAIRPERSON: Okay.

MS BABADI SYBIL TLATSANA: Yes Chair.

CHAIRPERSON: Alright.

ADV KATE HOFMEYR: And for the chronology's purposes by this stage you had received that R500 000 payment. Correct?

MS BABADI SYBIL TLATSANA: Correct Chair.

ADV KATE HOFMEYR: Thank you. If we then go over to page 19 and
10 if you could it up at paragraph 4.44. That is the next payment out of
the account - as I have it from your affidavit. When was that payment
made, in what amount and to whom?

MS BABADI SYBIL TLATSANA: R5 million was made to Neo Solutions
on 11 November 2015.

ADV KATE HOFMEYR: And what inquiries did you make about that – if
any?

MS BABADI SYBIL TLATSANA: I inquired and it was said that it is for
the cameras.

ADV KATE HOFMEYR: So more cameras?

20 **MS BABADI SYBIL TLATSANA:** Yes. Cameras were – were supposed
to be 14.9 million.

ADV KATE HOFMEYR: 14.9 million was the total amount that was
going to be paid for cameras. Is that what you were told?

MS BABADI SYBIL TLATSANA: Correct Chair.

CHAIRPERSON: Is that in regard to the five million at 4.44?

MS BABADI SYBIL TLATSANA: Yes.

CHAIRPERSON: Ms Hofmeyr.

ADV KATE HOFMEYR: It is indeed.

CHAIRPERSON: It is about that? Okay.

MS BABADI SYBIL TLATSANA: Yes.

ADV KATE HOFMEYR: But – but the total – as I understand the evidence.

CHAIRPERSON: Hm.

ADV KATE HOFMEYR: There is this payment of five million to Neo
10 Solutions for which the explanation of security cameras is given.

CHAIRPERSON: Yes.

ADV KATE HOFMEYR: We have had a previous explanation of another five million to that effect.

CHAIRPERSON: Yes.

ADV KATE HOFMEYR: And then there will be a subsequent one of 4.9.

CHAIRPERSON: Okay.

ADV KATE HOFMEYR: So that as I understand it is why Ms Tlatsana says the total being paid for security cameras was 14.9.

CHAIRPERSON: Oh.

20 **ADV KATE HOFMEYR:** It is the five plus the five plus the 4.9.

CHAIRPERSON: Okay.

ADV KATE HOFMEYR: So as I understand it then Ms Tlatsana 14.9 in total over this period was going to go for security cameras?

MS BABADI SYBIL TLATSANA: Correct Chair.

ADV KATE HOFMEYR: And who gave you that information?

MS BABADI SYBIL TLATSANA: Mr van Wyk Chair.

ADV KATE HOFMEYR: I am going to ask you at the conclusion of this money flow in and out about any documentary records related to these payments. So just bear that in mind. I would like to finish them and then we will go back to that question but at page 19 paragraph 4.46 you indicated what else happened on that day of 11 November in relation to payments. What was that?

MS BABADI SYBIL TLATSANA: On the same day of – of 11 November 2015 Mr Kalisilira attempt – attempted to transfer R5
10 million into Neo Solutions and the bank reversed that transaction.

ADV KATE HOFMEYR: Why did they do so?

MS BABADI SYBIL TLATSANA: Because the bank needed to confirm the correctness of – of this transaction and they were trying to get hold of me. They did not find me on line and they did not find Ms Phiri to confirm this transaction and then they reversed it.

ADV KATE HOFMEYR: How – how did they try to find you?

MS BABADI SYBIL TLATSANA: By calling me.

ADV KATE HOFMEYR: So did they make contact with you?

MS BABADI SYBIL TLATSANA: Yes. They tried to get hold of me.
20 They did not find me – get me on line.

ADV KATE HOFMEYR: Oh sorry. On line you mean on the call?

MS BABADI SYBIL TLATSANA: On the call yes.

ADV KATE HOFMEYR: Okay. So did you go back to them?

MS BABADI SYBIL TLATSANA: No, I did not go back to them. You cannot call – you cannot go through if you call the bank on the – on

that dial line. You cannot.

ADV KATE HOFMEYR: But how did you know they were trying to get hold of you then?

MS BABADI SYBL TLATSANA: After – they called me the following day. They told me that we tried to contact you. We did not find you on line and then we called Ms Phiri ...

ADV KATE HOFMEYR: Hm.

MS BABADI SYBIL TLATSANA: And she too – she was not on line. Though at a later stage they said they managed to get hold of her.

10 **ADV KATE HOFMEYR:** And what did she say to them?

MS BABADI SYBIL TLATSANA: Ms Phiri told the bank that she does not know anything about Koreneka. She does not know anything about five million. She does not even have that amount of money in his account. She is just a mere teacher.

CHAIRPERSON: Is that what the bank reported to you as having been said by her to them?

MS BABADI SYBIL TLATSANA: Yes Chair. That is what the bank told me.

CHAIRPERSON: Hm.

20 **ADV KATE HOFMEYR:** So can I – can I just get this right. On 11 November there is a first payment of five million that successfully goes out of the account to Neo Solutions. Correct?

MS BABADI SYBIL TLATSANA: Correct Chair.

ADV KATE HOFMEYR: Did you get an SMS notification of that?

MS BABADI SYBIL TLATSANA: Yes I did Chair.

ADV KATE HOFMEYR: Did you make inquiries about that payment on that day?

MS BABADI SYBIL TLATSANA: I did not make inquiries because Mr van Wyk has already mentioned that there is going to be money amounting to this for the purpose of security cameras.

ADV KATE HOFMEYR: Ah. So I did not understand that previously. He had told you that before this 11 November payment?

MS BABADI SYBIL TLATSANA: Yes Chair.

ADV KATE HOFMEYR: So you did not have reason then to query. It
10 was in your mind part of the security camera payments?

MS BABADI SYBIL TLATSANA: No, no. Not – not before - not before wait. Not before. After this transaction went ...

ADV KATE HOFMEYR: Hm.

MS BABADI SYBIL TLATSANA: And then said Babadi this money is for the security cameras and there is going to be another amount that is going to go out from the company because we need to install the security cameras. They are not there in the – in the airport.

ADV KATE HOFMEYR: So can I just clarify then does he phone you to tell you this or do you follow up with him after you get the SMS
20 notification of the first five million?

MS BABADI SYBIL TLATSANA: I called him after – after this first five million has gone out.

ADV KATE HOFMEYR: Thank you and that is what he said?

MS BABADI SYBIL TLATSANA: That is correct.

ADV KATE HOFMEYR: He said it is for security cameras and there is

going to be a second payment as well?

MS BABADI SYBIL TLATSANA: Yes Chair.

ADV KATE HOFMEYR: Right. Then tell us what happens with the bank on that day?

MS BABADI SYBIL TLATSANA: The bank reversed the transaction.

ADV KATE HOFMEYR: And what reason were you given for that?

MS BABADI SYBIL TLATSANA: Because they did not find anyone of us from – on the phone.

ADV KATE HOFMEYR: And when did they tell you that?

10 **MS BABADI SYBIL TLATSANA:** The very same day.

ADV KATE HOFMEYR: Because previously you said it was the next day that they contacted you. I am trying to get this clear as to what was happening on the 11th and what was happening on the 12th.

MS BABADI SYBIL TLATSANA: Can I – can I go back to my – my statement ...

ADV KATE HOFMEYR: Certainly.

MS BABADI SYBIL TLATSANA: And refresh my mind? Yes, yes Chair. On four point – it says:

“The following day a payment of 4.9 ...”

20 Yes. If I remember well I think they told me the following day because that day they did not find – find me. I was – I was in Brits ...

ADV KATE HOFMEYR: Huh-uh.

MS BABADI SYBIL TLATSANA: And the network there – I remember if I refresh my memory right - the network was not good that day and I was in Mafikeng the following day. I arrived late that very day. Yes

Chair on 12 November that is when now the bank informed me that they tried to call me and that is when they made another transaction of 4.9 million on the 12th.

ADV KATE HOFMEYR: What reason were you given by the bank for them trying to contact you on the 11th?

MS BABADI SYBIL TLATSANA: They wanted confirmation of these transactions?

ADV KATE HOFMEYR: Of the second five million or both – well the first transaction and the attempted second transaction?

10 **MS BABADI SYBIL TLATSANA:** Of the first – of the second transaction for the – for the same day because it – it was going to mean that on that day 10 million was going to go ...

ADV KATE HOFMEYR: Hm.

MS BABADI SYBIL TLATSANA: Out, yes.

ADV KATE HOFMEYR: And why is 10 million a worry and 4.9 million the next day was not a worry for – for the bank?

MS BABADI SYBIL TLATSANA: Chair I gave the bank an explanation according to Mr van Wyk that Mr van Wyk says there has to be security cameras at the airport and now those monies are going to be paid into
20 Neo Solutions. That amount is going to be 14 – it was supposed to be 15 million and then they made 14.9 million for the cameras.

ADV KATE HOFMEYR: So the banks concern – if I understand your testimony – is that on the 11th five million went out and then a further five million was attempted to be taken out of the account. Correct?

MS BABADI SYBIL TLATSANA: Correct Chair.

ADV KATE HOFMEYR: The following day – 12 November – the bank made contact with you. Correct?

MS BABADI SYBIL TLATSANA: Wait. Can I go through this?

ADV KATE HOFMEYR: Hm.

MS BABADI SYBIL TLATSANA: Yes the – the bank called me the following day and I confirmed that it is okay that the 4.9 can – can be paid out Chair.

ADV KATE HOFMEYR: So it is because of your confirmation that they then did not take issue with the 4.9 going out on 12 November.

10 Correct?

MS BABADI SYBIL TLATSANA: Correct Chair.

ADV KATE HOFMEYR: And as I understand your testimony you gave them the explanation that Mr van Wyk had given you that it related to more security cameras?

MS BABADI SYBIL TLATSANA: Correct Chair.

ADV KATE HOFMEYR: Thank you. Ms Tlatsana I said I would come to the question about documentary proof for any of these transactions. In this period – remember the first transaction goes out just after your receipt of the 8.5 million on 6 May. You already start having money go
20 out of your account on 7 May and we have now progressed to 12 November in your testimony.

What inquiries did you make about invoices - proof of any of these dealings with your business at this time?

MS BABADI SYBIL TLATSANA: Chair I was not allowed to ask and I needed to hold meetings with them so that I can see the report and the

invoices and they were just not ready – they were just reluctant to give me that information of – of the invoices for every transaction.

CHAIRPERSON: Did you realise that this was not a normal way of running a business?

MS BABADI SYBIL TLATSANA: Yes Chair.

CHAIRPERSON: At what stage did you realise this?

MS BABADI SYBIL TLATSANA: After I spoke to my – to my spiritual father and he said record these people because these people I think their intention is just to put you into trouble ...

10 **CHAIRPERSON:** Hm.

MS BABADI SYBIL TLATSANA: With all these monies. Record everything that they are saying.

CHAIRPERSON: Hm.

MS BABADI SYBIL TLATSANA: That is when now I began to record every trans - every conversation.

CHAIRPERSON: Hm.

MS BABADI SYBIL TLATSANA: Yes Chair.

CHAIRPERSON: Why did you not decide look this is my company - this is my close corporation. It has been hijacked by other people who were
20 not there when I came up with this whole idea and they are doing all kinds of things that I do not understand. I do not know what is happening at the airport. I just hear what I am told.

When I ask questions I am told to relax not to ask questions. I must stop them continuing to be involved in my business. Why did you not take that attitude?

MS BABADI SYBIL TLATSANA: Chair that was ...

CHAIRPERSON: In other words why did you not decide I am not going to have any further dealings with Mr van Wyk? He is not good for my company. I am not going to have any further dealings with Mr Kalisilira. He is not good for my business. They are now in charge of this business. I am – I am nothing in this business anymore.

MS BABADI SYBIL TLATSANA: Chair that was – that was my concern and my torture that I do not know what is going on and nobody is saying anything for me and what is it that I – Chair I think I was - I was
10 in a confused state.

CHAIRPERSON: Apart from seeking advice from your spiritual advisor did you not think of seeing a lawyer or seeing some other organisations that maybe support or help business people particularly women – you know – business people?

MS BABADI SYBIL TLATSANA: Chair it did not come into my mind not – not by then. You know – I did not know who to talk to. I was just – I was frustrated Chair and you can imagine now you are holding – I am holding this kind of business and then the next thing now I am jumping – you know – I was – I was not at - I do not know what to say to that
20 Chair.

CHAIRPERSON: Well I have got to look at all angles of the story.

MS BABADI SYBIL TLATSANA: Yes Chair.

CHAIRPERSON: So I will ask you the question. What would you say if somebody said the reason why you might – you continue to have dealings with them – with Mr van Wyk and Mr Kalisilira – is that you

continued to stand a chance of getting money as well and big money? You had already got about R500 000 therefore that is what made you to accept this bullying that you are talking about from Mr van Wyk and that it is what made you tolerate all these things that you did not like being done in your company.

MS BABADI SYBIL TLATSANA: Chair I was relaxed with that by then because forward – because I wanted to – my – my stronghold by then was let Mr van Wyk be telling me because this thing I can see that it is not going okay. Let him be saying something that will surely
10 incriminate him that now he is – he is doing these monies because I was just going alone with this trying to trap him because I did not want it to be hard on him to indicate that I am not happy.

I was just going with him being underground just for me to end it up getting information that what is he trying to do with all these monies because if I ask of the invoices I am not been given invoices. I am not been given any information and who would I talk to. It never came into my mind that I should maybe contact the lawyer. I was just foolish by then.

CHAIRPERSON: Yes but my question is what would you say if
20 somebody said you continued to tolerate what was happening because you knew that you stood a chance of making some money in the process.

MS BABADI SYBIL TLATSANA: No Chair it would not – it would not be – it would not be okay because that was not the idea. The idea was this is the contract that I have gotten and let me just leave Mr van Wyk.

Let them do this. Let them put these cameras and whatever and then after all these works are done and then I will – I will have access into my company because – okay.

CHAIRPERSON: No, no finish what you want to say.

MS BABADI SYBIL TLATSANA: *Ja*, because these are the things that he was saying that they have to be put into the airport. Let them just do all those things and then after that I have got to go my way.

CHAIRPERSON: The R500 000 that had been paid into your other company's account did you understand that to be for all intents –
10 intents and purposes yours or was your understanding that from that amount you would still have to maybe pay staff? Let me ask the question differently. By June/July your – your staff who were working at the airport had been working from May. Is that correct?

MS BABADI SYBIL TLATSANA: Correct Chair.

CHAIRPERSON: Who was paying them? Did you know what they were paid, how much they were paid, who was paying them?

MS BABADI SYBIL TLATSANA: Mr Kalisilira was the one who was doing the salaries Chair.

CHAIRPERSON: Did you know how much each one was paid per month
20 or per week or whatever the arrangement was?

MS BABADI SYBIL TLATSANA: Yes Chair because the – the staff signed the – the contracts.

CHAIRPERSON: The contracts?

MS BABADI SYBIL TLATSANA: Yes Chair.

CHAIRPERSON: But Mr Kalisilira was the one who was paying them?

MS BABADI SYBIL TLATSANA: Yes Chair.

CHAIRPERSON: Okay. So the amount of R500 000 that was paid into your account was not going to be involved in any expenses of the company – of the close corporation?

MS BABADI SYBIL TLATSANA: According to Mr van Wyk he said it is – that is part portion of my – my share.

CHAIRPERSON: Your dividends?

MS BABADI SYBIL TLATSANA: My dividends, thank you sir. Thank you Chair.

10 **CHAIRPERSON:** Oh, okay; and then let me also ask you this. Who was the owner of the airport building in the two airports as far as you know – as far as you knew at the time your business started – when you started?

MS BABADI SYBIL TLATSANA: The airports belongs to – to the North West Government.

CHAIRPERSON: To the North West Government?

MS BABADI SYBIL TLATSANA: Yes Chair.

20 **CHAIRPERSON:** And for – in terms of the arrangement as you understood it were you supposed to pay any rent for working there or not or what was the position?

MS BABADI SYBIL TLATSANA: No, no I was not working

CHAIRPERSON: For your company. Where your staff working there and so on?

MS BABADI SYBIL TLATSANA: No, no the – the staff – the ground handling staff were paid by Koreneka but they were the SA Express

staff.

CHAIRPERSON: They were SA Express staff?

MS BABADI SYBIL TLATSANA: Yes Chair.

CHAIRPERSON: They were not Koreneka staff?

MS BABADI SYBIL TLATSANA: No they were – they were put in uniform of SA Express. They were SA Express staff but now their – their salaries were coming from Koreneka because according to – to this agreement all their monies they were going to be paid back into Koreneka. SA Express was going to pay back for the money that they
10 have – for the salaries of the ground handling staff only.

CHAIRPERSON: Now let me try and understand that. Koreneka had employed staff who were working at the airports?

MS BABADI SYBIL TLATSANA: Yes Chair.

CHAIRPERSON: In terms of it's ground handling agreement with SA Express.

MS BABADI SYBIL TLATSANA: Yes Chair.

CHAIRPERSON: Those employees of Koroneka they wore SA Express uniforms, is that correct?

MS BABADI SYBIL TLATSANA: Yes Chair.

20 **CHAIRPERSON:** But they were not SA Express employees?

ADV KATE HOFMEYR: No they were not SA Express employees in terms of the contract.

CHAIRPERSON: Yes.

MS BABADI SYBIL TLATSANA: Yes.

CHAIRPERSON: Yes and they were paid – their salaries were paid

by Koroneka?

MS BABADI SYBIL TLATSANA: Yes Chair.

CHAIRPERSON: And why were they not wearing a Koroneka uniform?

MS BABADI SYBIL TLATSANA: The explanation was, they are doing the SA Express work of ground handling.

CHAIRPERSON: Okay, alright, thank you.

ADV KATE HOFMEYR: Thank you Chair. Just for clarification purposes in relation to this latest debate, it does appear that this aspect was governed by the Koroneka agreement, Chair, it's an aspect
10 that comes up – you'll find it at page 96 and what it seems to envisage there, albeit – let's be clear on Ms Tlatsana's evidence at this stage she still hasn't seen the agreement but at least this aspect of it, what she was told seems to be consistent. If we go to page 96 of DD8 (A), Chair you'll see there, there's a heading clause 12, Personnel and what it seems to envisage there, the handling company, when it's referred to here as a reference to Koroneka and when there's a reference to the carrier, that's a reference to South African Express. 12.1 seems to say that the handling company shall recruit suitable personnel responsible
20 service agents and three general workers, then 12.2 says,

“The abovementioned personnel shall, with the assistance of the carrier, so that's SA Express, receive ground handling training to enable them to fully discharge their functions and then over the page they even deal with uniform which is 12.3, the carrier, that's SA Express, shall provide the personnel

with uniform which shall be issued once a year in accordance with the SA Express uniform policy”.

CHAIRPERSON: Yes.

ADV KATE HOFMEYR: So that part seems at least to be consistent with the text of the agreement.

CHAIRPERSON: Yes it’s just strange that employees employed by one company should wear the uniform of another company.

ADV KATE HOFMEYR: Indeed.

CHAIRPERSON: I mean if you go there and you have a problem with
10 that employee you think...(intervention).

ADV KATE HOFMEYR: You would go to South African Express, indeed.

CHAIRPERSON: And then they tell you that person is not our employee.

ADV KATE HOFMEYR: Indeed, well in due course we may be able to probe that with Mr van Wyk, indeed.

CHAIRPERSON: Ja that’s fine.

ADV KATE HOFMEYR: Ms Tlatsana if we could then go back to page
20 20, of your affidavit in DD8 (A), you’ve actually covered already in your evidence, paragraph 4.49 and 4.50 o that page, where I would like to pick it up is at paragraph 4.51. Now what I want to make clear before asking the question, is as I understand this paragraph, this is not information you had at the time of the payments to Neo Solutions, is that right?

MS BABADI SYBIL TLATSANA: Correct.

ADV KATE HOFMEYR: Please tell us what you subsequently were able to establish about the payments to Neo Solutions.

MS BABADI SYBIL TLATSANA: Yes I established that the money that was sent to Neo Solutions, Mr van Wyk got R300 000 cash payment on the 4th of January 2016 and then 4million was paid to Batsomi Investment Holdings on the 11th of December 2015 and then 3million was paid to Batsomi Investment on the 22nd of December 2015, 1.4million was paid to Batsomi Investment on the 10th of March 2016 and 1.2million was a payment to Batsomi Investment Holding on the
10 29th of March 2016.

ADV KATE HOFMEYR: Did Koroneka have any dealings with Batsomi Investments?

MS BABADI SYBIL TLATSANA: No

ADV KATE HOFMEYR: And how do you know that?

MS BABADI SYBIL TLATSANA: That's now when I have appointed the investigating teams to assist me to trace where did all this monies went to.

ADV KATE HOFMEYR: And what did they establish about any links between Mr van Wyk and Batsomi investments, if you want a record for
20 that it's at paragraph 4.52 at page 21.

MS BABADI SYBIL TLATSANA: Yes, what we established is that Batsomi Investment is a company that is registered on the 11th of November 2014 and the director for the company it's Siphon Via-Phiri who is Mrs Phiri's son and who is Mr Brian van Wyk's life partner.

ADV KATE HOFMEYR: Can I just ask Ms Tlatsana, I accept that you

only came to this information later right but what I understand you were told at the time of the Neo Solutions payments was that it was for security cameras.

MS BABADI SYBIL TLATSANA: Correct Chair.

ADV KATE HOFMEYR: Do you know what the business is of Batsomi Investments?

MS BABADI SYBIL TLATSANA: No, no, no Chair.

ADV KATE HOFMEYR: Don't know but the total amount of 9.9million that went – well of the 14.9million that was for security cameras, as I understand your evidence 9.9million went to Neo Solutions, is that correct?

MS BABADI SYBIL TLATSANA: Correct Chair.

ADV KATE HOFMEYR: If we total up and Chair I have done this in advance of today, because my mental arithmetic would not serve me well, if we calculate and add up all those amounts at paragraph 4.51 of your affidavit they total the full 9.9million don't they?

MS BABADI SYBIL TLATSANA: Correct Chair.

ADV KATE HOFMEYR: And as I understand your investigation you established that went out of Neo Solutions to another company called Batsomi Investments.

MS BABADI SYBIL TLATSANA: Correct Chair.

ADV KATE HOFMEYR: So if Neo Solutions was a legitimate company providing security cameras they would then have received no remuneration whatsoever for providing the security cameras, is that correct?

MS BABADI SYBIL TLATSANA: Come again with your question.

ADV KATE HOFMEYR: Okay Neo Solutions, according to Mr van Wyk got 9.9million to put security cameras at the airports, correct?

MS BABADI SYBIL TLATSANA: Correct Chair.

ADV KATE HOFMEYR: But 9.9million was paid out from Neo Solutions' account, according to your investigations, correct?

MS BABADI SYBIL TLATSANA: Correct Chair.

ADV KATE HOFMEYR: So it seems – I'm putting it to you for your comment in case your investigations went there at all, if 9.9million comes in and 9.9million goes out then Neo Solutions is left with no money for the security cameras that they were allegedly putting up at the airports correct?

MS BABADI SYBIL TLATSANA: Correct Chair.

ADV KATE HOFMEYR: Thank you.

CHAIRPERSON: Did we – earlier on, I think in your statement you did mention who owned Neo Solutions, is that right?

ADV KATE HOFMEYR: Yes indeed, she does do that...(intervention).

CHAIRPERSON: Mr Vivien Natasan.

ADV KATE HOFMEYR: Correct Chair and he will be giving evidence in the course of next week to the Commission.

CHAIRPERSON: Yes was he the only director there, do we know, just for interest sake?

ADV KATE HOFMEYR: Yes.

CHAIRPERSON: Yes okay.

ADV KATE HOFMEYR: Let us then move, Ms Tlatsana to December

2015 because in December 2015 you took steps in relation to your bank account, can you tell us what those were?

MS BABADI SYBIL TLATSANA: I went to the bank and stopped the access – Mr Calasiera(?) to have access into the account.

ADV KATE HOFMEYR: Why did you do that?

MS BABADI SYBIL TLATSANA: Because I could – wait, wait, where is it here.

ADV KATE HOFMEYR: Ms Tlatsana I've actually not found that detail in this affidavit, I ask you of it on the basis of what you've told
10 the Commission in your previous interactions with them that you took steps in December and that is also referenced in your recording in early January 2016 that you've provided to the Commission but please recount for us to the best of your recollection whether you – what you did in relation to 2015, if at all, in relation to your bank account?

MS BABADI SYBIL TLATSANA: What I remember with the bank account I stopped the access of Mr Calasiera into the bank account because I went to the bank and changed the code and I put my phone for the OTP and...(intervention).

CHAIRPERSON: This was now in December 2015, okay.

20 **MS BABADI SYBIL TLATSANA:** Yes.

ADV KATE HOFMEYR: You seem – I just want to be clear about your evidence are you clear that, that happened in December 2015 or are you not certain?

MS BABADI SYBIL TLATSANA: Certain.

ADV KATE HOFMEYR: Let me just assist to locate you in tie in

terms of your testimony thus far, you have your discussion with your spiritual leader in June/July 2015, that's when your suspicions about your company being hijacked first really arise, you then see a series of payments for the remainder of 2015 coming out of the account, the last of those that we looked at was on the 12th of November 2015 and then just to assist you in time, your recording that you provided to the Commission of you conversation in the Spur with Mr van Wyk I on the 20th of January 2016. So can I then have your best recollection of when you denied Mr Calasiera access to the bank account, was it
10 before the Spur conversation?

MS BABADI SYBIL TLATSANA: Yes it was before the Spur conversation.

ADV KATE HOFMEYR: So towards the end of 2015 then?

MS BABADI SYBIL TLATSANA: I should think – or beginning of 2016.

ADV KATE HOFMEYR: Fine somewhere there?

MS BABADI SYBIL TLATSANA: Ja somewhere there.

ADV KATE HOFMEYR: But before the Spur conversation and after the last payment that you have recorded in your affidavit going out
20 which is the 12th of November 2015, can we work with that timeframe?

MS BABADI SYBIL TLATSANA: Come again with your question Ms Kate.

ADV KATE HOFMEYR: I'm trying to establish when you denied Mr Kalisilira access to the bank account and your affidavit has given us a date to work with, which is the 12th of November 2015 is when the last

payment that you reference in your affidavit went out to Neo Solutions, correct?

MS BABADI SYBIL TLATSANA: Correct that's the last payment that went out, correct.

ADV KATE HOFMEYR: And you have a Spur conversation with Mr van Wyk which we're going to listen to the recordings of shortly on the 20th of January 2016.

MS BABADI SYBIL TLATSANA: Correct Chair.

ADV KATE HOFMEYR: And I'm asking whether you denied Mr
10 Kalisilira access to your bank account between those two dates, between 12 November 2015 and 20 January 2016?

MS BABADI SYBIL TLATSANA: Correct yes, correct Chair.

ADV KATE HOFMEYR: And you – why did you do that, why did you deny him access?

MS BABADI SYBIL TLATSANA: Because I came to realise that money is going out without any invoice, without my knowing, nobody is contacting me, so let me just stop this business with him.

ADV KATE HOFMEYR: Could we then move to early 2016 in the lead-up to the recording that we're going to listen to
20 shortly...(intervention).

CHAIRPERSON: Before that, I may have missed something, I just want to make sure I get it. Before you decided to go to the bank and take the steps necessary to deny Mr Kalisilira access to your company's account, had you spoken to Mr van Wyk about what was going on or did you speak to him after?

MS BABADI SYBIL TLATSANA: About denying Mr Kalisilira access

CHAIRPERSON: My impression from your evidence is that at a certain stage, maybe it was in December 2015 at a certain stage you concluded that you had, had enough of payment that – being made from your Close Corporation's account without knowing – without having invoices, without knowing what was going on, that's why you decided to deny Mr Kalisilira access, is that right am I right to understand your evidence along those lines?

MS BABADI SYBIL TLATSANA: Correct Chair.

10 **CHAIRPERSON:** Ja my question is (indistinct) once you had come to this conclusion that you were going to take steps to put a stop to this thing, did you speak to Mr van Wyk before denying Mr Kalisilira access to the account of the company?

MS BABADI SYBIL TLATSANA: No Chair.

CHAIRPERSON: You didn't speak to him before?

MS BABADI SYBIL TLATSANA: No Chair.

CHAIRPERSON: And you didn't speak to Mr Kalisilira himself before doing it?

MS BABADI SYBIL TLATSANA: No Chair.

20 **CHAIRPERSON:** Did you only speak to them after or did you just take action and left it to them to contact you?

MS BABADI SYBIL TLATSANA: I took action and they realised when they tried to access that they had been denied access.

CHAIRPERSON: Yes and then they then contacted you?

MS BABADI SYBIL TLATSANA: Yes Chair.

CHAIRPERSON: Let's talk about Mr van Wyk, how soon after you had denied Mr Kalisilira access did he speak to you, a week, a month, a day or two, or you are not sure – soon thereafter?

MS BABADI SYBIL TLATSANA: It was on the 31st of December.

CHAIRPERSON: When he spoke to you?

MS BABADI SYBIL TLATSANA: When I denied him access.

CHAIRPERSON: Oh when you denied the accountant access.

MS BABADI SYBIL TLATSANA: Yes Chair.

CHAIRPERSON: Oh the accountant was the only one who had
10 access, Mr van Wyk did not have access did he?

MS BABADI SYBIL TLATSANA: No Chair it was the accountant.

CHAIRPERSON: Ja okay and you spoke to Mr van Wyk soon thereafter, a few days thereafter?

MS BABADI SYBIL TLATSANA: Yes I think it was on the 3rd of January Mr van Wyk called me to tell me that Mr Kalisilira is telling him that he's trying to access...(intervention).

CHAIRPERSON: Access the account.

MS BABADI SYBIL TLATSANA: Access the account and it's refusing.

CHAIRPERSON: Ja was he of the two, was Mr van Wyk the first one
20 to contact you about this?

MS BABADI SYBIL TLATSANA: I don't remember but...(intervention).

CHAIRPERSON: But Kalisilira also...(intervention).

MS BABADI SYBIL TLATSANA: Both of them – it was just series of incoming calls.

CHAIRPERSON: Oh okay, thank you.

ADV KATE HOFMEYR: Thank you Chair, and then we move to the 20th of January 2016 when you had a conversation – a meeting, as I understand your affidavit with Mr van Wyk, is that correct?

MS BABADI SYBIL TLATSANA: Correct Chair.

ADV KATE HOFMEYR: Please tell us how that meeting was arranged...(intervention).

CHAIRPERSON: Maybe also let me also clarify this before, up to now, I haven't heard from you any evidence relating to what your two co-members of the Close Corporation may have been doing were they not
10 involved in anything as far as you were – you knew at that stage?

MS BABADI SYBIL TLATSANA: Yes they were not involved Chair.

CHAIRPERSON: They were not involved?

MS BABADI SYBIL TLATSANA: Yes.

CHAIRPERSON: Ja they signed and after that you never had any interactions with them in any serious way in 2015?

MS BABADI SYBIL TLATSANA: Mr Thabeng resigned sometime in May or beginning of June.

CHAIRPERSON: 2015?

MS BABADI SYBIL TLATSANA: 2015.

20 **CHAIRPERSON:** Oh he wasn't there for a long time.

MS BABADI SYBIL TLATSANA: No he wasn't there for a long time, immediately after the first payment that enters and then he resigned.

CHAIRPERSON: He resigned.

MS BABADI SYBIL TLATSANA: Yes Chair.

CHAIRPERSON: And did he speak to you before resigning to say he

was resigning because of A, B, C, D?

MS BABADI SYBIL TLATSANA: Yes he was asking about all this monies that are going...(intervention).

CHAIRPERSON: In and out.

MS BABADI SYBIL TLATSANA: In and out and I explained to him that Mr van Wyk says that they are going to be for the reparation of the airport, refurbishment of the airport.

CHAIRPERSON: Ja.

MS BABADI SYBIL TLATSANA: And then he just resigned says he's
10 no longer interested.

CHAIRPERSON: He resigned.

MS BABADI SYBIL TLATSANA: Yes Chair.

CHAIRPERSON: Mrs Phiri stayed on?

MS BABADI SYBIL TLATSANA: Mrs Phiri stayed on – Mrs Phiri resigned on the 18th of December.

CHAIRPERSON: Of 2015?

MS BABADI SYBIL TLATSANA: Of 2015.

CHAIRPERSON: Yes.

MS BABADI SYBIL TLATSANA: That time, that was the time when the
20 Department of Finance wanted to make a payment to Koroneka and now we were to complete the documents with the Department of Finance and now she – yes that was the time when she resigned.

CHAIRPERSON: How much was that amount again, was it 20million rand?

MS BABADI SYBIL TLATSANA: Yes Chair.

CHAIRPERSON: Okay she resigned as the money was about to come in.

MS BABADI SYBIL TLATSANA: Chair because she didn't meet the requirements of being a member yes because she didn't disclose that she is working and in the Department of Finance tender – Treasury...(intervention).

CHAIRPERSON: Working for government.

MS BABADI SYBIL TLATSANA: Yes Chair and there was a circular that was in the Department of Finance that anybody that is working for
10 government it's either you work or...(intervention).

CHAIRPERSON: You don't do business with government.

MS BABADI SYBIL TLATSANA: Yes because if you do that there are serious consequences that will be taken against those who did not disclose.

CHAIRPERSON: Oh so did she resign because that problem arose?

MS BABADI SYBIL TLATSANA: Yes because now from Treasury they were saying that – by the way you should know that if now she will be here in this company working, now it means that her pensions is going to be taken away from her and – yes Chair and I explained this to her
20 she says, she cannot afford to lose her life pensions for this business.

CHAIRPERSON: But the two never gave you any trouble, Mr Thabeng and Mrs Phiri during their time in the Close Corporation?

MS BABADI SYBIL TLATSANA: They were not doing anything Chair.

CHAIRPERSON: They are not doing anything, their names are just there.

MS BABADI SYBIL TLATSANA: Ja they were just there.

CHAIRPERSON: Okay thank you.

MS BABADI SYBIL TLATSANA: Thank you Chair.

ADV KATE HOFMEYR: Ms Tlatsana, Ms Phiri litigated against you in relation to her removal as a member did she not?

MS BABADI SYBIL TLATSANA: She did.

ADV KATE HOFMEYR: What did she say?

MS BABADI SYBIL TLATSANA: She said I removed her illegally from the company.

10 **ADV KATE HOFMEYR:** And what happened with that litigation?

MS BABADI SYBIL TLATSANA: With the outcomes of that...(intervention).

ADV KATE HOFMEYR: Yes.

MS BABADI SYBIL TLATSANA: Yes, we went to Court and the outcomes were, I falsely removed her from the company and she should be – she should come back.

ADV KATE HOFMEYR: Did she come back?

MS BABADI SYBIL TLATSANA: No not yet.

20 **ADV KATE HOFMEYR:** When did you receive the outcome of that case?

MS BABADI SYBIL TLATSANA: Sometime in 2016, I don't remember when but it's sometime in 2016.

ADV KATE HOFMEYR: So Ms Phiri's version of the facts that you've just relayed to the Chair indicate that she does not accept that she voluntarily resigned from the Close Corporation, correct?

MS BABADI SYBIL TLATSANA: That's what she said, yes Chair.

ADV KATE HOFMEYR: Subsequent to the resignation though was the department satisfied that they could pay the 20million to Koroneka?

MS BABADI SYBIL TLATSANA: Yes the money was paid in to Koroneka.

ADV KATE HOFMEYR: And was it the department who indicated to you they would not pay it as long as Ms Phiri was a member of the Close Corporation?

MS BABADI SYBIL TLATSANA: That is the information that I got
10 from the Treasury Department.

ADV KATE HOFMEYR: And did you relay that information to Ms Phiri?

MS BABADI SYBIL TLATSANA: Yes I did.

ADV KATE HOFMEYR: And at what stage then, did you learn that she was employed by the Department of Education as a teacher?

MS BABADI SYBIL TLATSANA: That was the time now, that I realised that she's been with the Department of Education.

CHAIRPERSON: Before that time you didn't know what her normal job was?

20 **MS BABADI SYBIL TLATSANA:** No Chair, it didn't bother me to ask.

CHAIRPERSON: Yes, by the way when you were told by Mr Phiri – Sorry Mr van Wyk about – when Mr van Wyk told you her name as one of the people that you should include in your Close Corporation, did you say that you knew her, you knew Mrs Phiri before this?

MS BABADI SYBIL TLATSANA: I've never – by then I'd never

seen...(intervention).

CHAIRPERSON: Oh you didn't know her before that?

MS BABADI SYBIL TLATSANA: I've never known her before.

CHAIRPERSON: And what about Mr Thabeng?

MS BABADI SYBIL TLATSANA: Mr Thabeng I just knew him as SABC employee.

CHAIRPERSON: Oh okay.

ADV KATE HOFMEYR: Thank you Chair, with your leave I'd then like to move to the recordings.

10 **CHAIRPERSON:** Yes that's fine.

ADV KATE HOFMEYR: Chair what...(intervention).

CHAIRPERSON: I have in mind that we could take the tea break at 11.

ADV KATE HOFMEYR: That should be fine, indeed.

CHAIRPERSON: Ja okay, alright.

ADV KATE HOFMEYR: What we're going to do for this purpose Chair, it's my proposal that we adopt the following approach. The recording is quite a long recording in total about an hour and a half, what the Commission has done is extracted excerpts of it which are the ones which are pertinent for today's evidence. The quality is not ideal
20 but we're hoping that when we play it, we will be able, with Ms Tlatsana's assistance to determine what is being said. It's her recording, she was in the conversation so we will ask for her assistance on that. The idea is to play portions and then have her translate in a sense or tell us what is being said.

CHAIRPERSON: Yes, okay that's fine.

ADV KATE HOFMEYR: Chair there's a point in that interaction where it's Ms Tlatsana's evidence that Mr van Wyk was writing down on a piece of paper certain handwritten notes, we've already seen those notes, it was the first annexure to Mr Ngwenya's affidavit but what we've done for today's purpose is we have created a version of that, that can be projected on the screens so that we can follow what is going on as Ms Tlatsana will endeavour in her evidence to explain to us what various things on that page mean but for those of us who have the benefit of the bundles in front of us, we've also reproduced them. So

10 Chair if we all go to DD8 (B) and we turn right at the back there to page 586.

CHAIRPERSON: Yes.

ADV KATE HOFMEYR: Ms Tlatsana do you have that yet, it's 586 it should be right towards the back.

MS BABADI SYBIL TLATSANA: Okay.

ADV KATE HOFMEYR: Do you recognise that page?

MS BABADI SYBIL TLATSANA: Yes Chair.

ADV KATE HOFMEYR: What is it...(intervention).

20 **CHAIRPERSON:** I'm sorry maybe before we get there, Ms Tlatsana, you did say that you were advised by your spiritual advisor to record you said, these people.

MS BABADI SYBIL TLATSANA: Yes Chair.

CHAIRPERSON: Did you understand that to mean you must record conversations that you had with them?

MS BABADI SYBIL TLATSANA: Yes Chair.

CHAIRPERSON: Yes and did you go along with this suggestion?

MS BABADI SYBIL TLATSANA: Yes Chair I did.

CHAIRPERSON: And did you then decided that you were going to do that?

MS BABADI SYBIL TLATSANA: Yes Chair.

CHAIRPERSON: And to that end what did you decide to do to prepared yourself to start doing that, did you buy anything to use to record them?

MS BABADI SYBIL TLATSANA: Yes the other recordings were on the
10 phone because when they were calling me, giving me instructions and then the other one, the one (indistinct) it's a device – it's a recording device.

CHAIRPERSON: Is it something you had anyway, was it something on the phone?

MS BABADI SYBIL TLATSANA: No, no it's a recording device - it's a recording device on it's own...(intervention).

CHAIRPERSON: Did you buy is specially?

MS BABADI SYBIL TLATSANA: Yes chair.

CHAIRPERSON: Oh for this purpose?

20 **MS BABADI SYBIL TLATSANA:** Yes Chair.

CHAIRPERSON: Okay, alright.

ADV KATE HOFMEYR: And- I'll ask you about that in a moment, let's look at page 586 if we may, that's in Exhibit DD8 (B), you indicated that you recognised this page, what is it?

MS BABADI SYBIL TLATSANA: Chair this is the page where Mr van

Wyk was writing – was taking notes of what is to happen, what is supposed to happen.

ADV KATE HOFMEYR: And if you go over the page to page 587, I just want to explain, Chair, what we've done, in order to try and make it a bit clearer on the screen, we've broken that page into two parts Ms Tlatsana you'll see at 587 there's a section of that page which has been cut out and then if you go to 588 there's the sort of last third of the page if you hold it in the landscape position, do you see that?

MS BABADI SYBIL TLATSANA: Yes Chair.

10 **ADV KATE HOFMEYR:** So what I'm going to suggest is that we move between those two in the course of your evidence and you can indicate to us where we should be looking on the page, for the purposes of the evidence.

MS BABADI SYBIL TLATSANA: Okay Chair.

ADV KATE HOFMEYR: With your leave Chair.

CHAIRPERSON: Thank you – or maybe she should just tell us if she's able to because understand at – that this was in a meeting, when that meeting was.

ADV KATE HOFMEYR: Yes when did you meet with Mr van Wyk,
20 when he wrote this down?

MS BABADI SYBIL TLATSANA: It was on the 20th of January 2016.

ADV KATE HOFMEYR: And where did you meet?

MS BABADI SYBIL TLATSANA: We met at Spur restaurant.

ADV KATE HOFMEYR: And you've mentioned a recording device that you purchased, did you purchase it before this meeting or prior to

that?

MS BABADI SYBIL TLATSANA: Yes I purchased it specially for this meeting.

ADV KATE HOFMEYR: And what did you do with it, when you were meeting with Mr van Wyk?

MS BABADI SYBIL TLATSANA: It was inside my handbag.

ADV KATE HOFMEYR: Had you tested it before?

MS BABADI SYBIL TLATSANA: Yes Chair I did.

ADV KATE HOFMEYR: Were you satisfied that if it was in the
10 handbag it could still record?

MS BABADI SYBIL TLATSANA: Yes Chair.

ADV KATE HOFMEYR: And why for this meeting in particular did you purchase the device?

MS BABADI SYBIL TLATSANA: Mr van Wyk was desperate for the money, he wanted access into the money, now since now he was saying that he's coming to meet me in Mafikeng and tell me the reasons why he is so desperate, then let me record this conversation so that tomorrow he doesn't say that I've said something else.

ADV KATE HOFMEYR: And what money was he desperate about?

20 **MS BABADI SYBIL TLATSANA:** The last 20million that entered.

ADV KATE HOFMEYR: So by the 20th of January had that 20million been received by Koroneka?

MS BABADI SYBIL TLATSANA: Yes Chair.

ADV KATE HOFMEYR: And as I have your testimony earlier that's a payment directly from the North West Government, is that correct?

MS BABADI SYBIL TLATSANA: Correct Chair.

CHAIRPERSON: And was it received by Koroneka in December 2015?

MS BABADI SYBIL TLATSANA: Correct Chair.

CHAIRPERSON: Okay.

ADV KATE HOFMEYR: If we could then start with the first recording we will play it, Ms Tlatsana if you'll assist us with what is being said and if at any point in that recording it's necessary to go to the page which is handwritten you'll let us know, thank you.

10 **MS BABADI SYBIL TLATSANA:** Okay Chair.

CHAIRPERSON: And at the meeting was it just the two of you, yourself and Mr van Wyk or was there somebody else as well.

MS BABADI SYBIL TLATSANA: No it was the two of us Chair.

CHAIRPERSON: Okay alright. I'm sorry what is the device called that you purchased for purposes of recording?

MS BABADI SYBIL TLATSANA: It's a recording machine Chair.

CHAIRPERSON: Oh there's no particular – or you don't remember?

MS BABADI SYBIL TLATSANA: I don't.

CHAIRPERSON: Okay, alright, that's fine. Is she able to hear
20 anything?

ADV KATE HOFMEYR: Chair I think we're going to have to turn it actually softer because I think the amplification is what's distorting it, Chair it may make sense to adjourn so that we can try and get this right if we may.

CHAIRPERSON: Ja okay let's adjourn for the tea break now and we'll

resume at five to eleven. We adjourn.

INQUIRY ADJOURNED

INQUIRY RESUMES

ADV KATE HOFMEYR: Extended break.

CHAIRPERSON: Yes.

ADV KATE HOFMEYR: We have encountered some difficulties when we seek to play the recording on all of the speakers in the room. There is a level of distortion that is making it difficult for Ms Tlatsana clearly to hear the recording. It is therefore our proposal that for the purposes
10 of her evidence today what we do is we enable Ms Tslatsana to listen to the recordings through earphones played from a laptop and she will indicate to our commission investigator who is with her when she would like to pause and stop the recording and then she will tell us through her testimony what she hears on the recording. Chair these recordings are in the possession of the commission and they can be made available to any person who wishes to listen to them after this evidence is given and they will then be in a position to the extent that they want to dispute any aspect of them to do so. So it is our proposal just to make today's evidence proceed that we do it on that basis.

20 **CHAIRPERSON:** And anyone other than Ms Tlatsana is able to hear when they listen to the recording, the conversation?

ADV KATE HOFMEYR: You are certainly able to hear parts of the conversation.

CHAIRPERSON: Yes, yes.

ADV KATE HOFMEYR: It takes place in a restaurant.

CHAIRPERSON: Yes.

ADV KATE HOFMEYR: And so there is some background disturbance at points.

CHAIRPERSON: Yes.

ADV KATE HOFMEYR: There are however parts of the conversation that are very clear.

CHAIRPERSON: Yes.

ADV KATE HOFMEYR: In English.

CHAIRPERSON: Yes.

10 **ADV KATE HOFMEYR**: Parts of the conversation.

CHAIRPERSON: Yes.

ADV KATE HOFMEYR: That are in other languages.

CHAIRPERSON: Yes.

ADV KATE HOFMEYR: And parts that are less clear.

CHAIRPERSON: Yes okay.

ADV KATE HOFMEYR: But anyone listening to it will be able certainly clearly to make out parts of it.

CHAIRPERSON: Ja okay no that is fine. Thank you we can do – we can proceed on that basis.

20 **ADV KATE HOFMEYR**: Thank you Chair. My proposal Ms Tlatsana is that we begin with the first excerpt of the recording which relates to as we have listened to it a reference to a R400 000,00 payment. So what I will ask Mr Madlala to do is to allow you to listen to it, when you want him to stop so that you can relay to us what is being said you can do so and then you can tell us what is being said in the conversation. Is that

fine?

MS BABADI SYBIL TLATSANA: Thank you Chair.

ADV KATE HOFMEYR: Thank you.

CHAIRPERSON: Just also – I just emphasize that when you tell me what you hear I want [indistinct] to hear what you are hearing in terms of both conversation – both of you who are talking at the meeting. This is what he said, this is what I said.

MS BABADI SYBIL TLATSANA: Okay Sir.

CHAIRPERSON: And then the next portion and so on and so on okay?

10 **MS BABADI SYBIL TLATSANA:** Okay Chair.

CHAIRPERSON: Okay alright.

[MS TLATSANA IS LISTENING TO RECORDING THROUGH EARPHONES]

MS BABADI SYBIL TLATSANA: Okay Chair.

CHAIRPERSON: Okay.

MS BABADI SYBIL TLATSANA: It takes long because in...

CHAIRPERSON: Okay.

MS BABADI SYBIL TLATSANA: Because...

20 **CHAIRPERSON:** Okay first of all let me ask because you have got enough paper there to make notes.

MS BABADI SYBIL TLATSANA: Yes Chair.

CHAIRPERSON: Okay alright.

MS BABADI SYBIL TLATSANA: Yes Chair.

CHAIRPERSON: Ja tell us what you have heard so far?

MS BABADI SYBIL TLATSANA: Yes it takes long because he is eating

but what he was saying – what he started saying was –

ADV KATE HOFMEYR: Ms Tlatsana may I just interject there. When you say he is that Mr Van Wyk?

MS BABADI SYBIL TLATSANA: Yes Chair.

ADV KATE HOFMEYR: Thank you just for the record.

MS BABADI SYBIL TLATSANA: Yes. He started by telling me that he was saying that David Kalisilira has to be payed R150 000,00 and for the reflector jackets that they have bought – reflector jackets for ANC 104.

10 **CHAIRPERSON:** I am sorry for the?

MS BABADI SYBIL TLATSANA: Reflector – reflector jackets.

CHAIRPERSON: Or reflector jackets.

MS BABADI SYBIL TLATSANA: Yes reflector jackets.

CHAIRPERSON: Yes.

MS BABADI SYBIL TLATSANA: That they bought for ANC 104 and he was saying that he has got an invoice, that invoice is in his phone and he is going to forward it through to me and he was saying that he has forwarded it even though I have never seen it up to today. And he also – Mr Van Wyk – because I was saying to him that I am not happy about
20 the way you people are doing things because now how are we going to account for all these monies hence now he said no, no I am going to send you the invoice to show you that definitely we have spent these monies and then he said the total amount of money that they have spent it is R400 000,00 that they have paid for the ...

CHAIRPERSON: R400 000,00.

MS BABADI SYBIL TLATSANA: Yes R400 000,00 that they have paid for ANC 104 celebration.

CHAIRPERSON: Oh what did you understand that to refer to ANC 104 celebration?

MS BABADI SYBIL TLATSANA: Yes it was after – 2015 was after ANC was celebrating 104.

CHAIRPERSON: 104 years/

MS BABADI SYBIL TLATSANA: Yes, yes Chair.

CHAIRPERSON: Oh so he said they had paid R400 000,00?

10 **MS BABADI SYBIL TLATSANA:** Yes the total amount they have spent for the ...

CHAIRPERSON: They had spent?

MS BABADI SYBIL TLATSANA: Yes.

CHAIRPERSON: On – they had spent in connection with the ANC

MS BABADI SYBIL TLATSANA: 104 celebrations.

CHAIRPERSON: 104 celebrations.

MS BABADI SYBIL TLATSANA: Yes Chair.

CHAIRPERSON: And was he talking about money that had been taken out of the account of your closed corporation for that purpose?

20 **MS BABADI SYBIL TLATSANA:** He was – he was telling me to pay back this money – to pay it back to him because this is the money that they have spent.

CHAIRPERSON: And who – who is they that he was referring to? Who was he talking about when he said they had spent?

MS BABADI SYBIL TLATSANA: He – they he means him and David

Kalisilira.

CHAIRPERSON: Oh okay.

MS BABADI SYBIL TLATSANA: Yes Chair.

CHAIRPERSON: And what was your understanding of why you should pay that to them?

MS BABADI SYBIL TLATSANA: He was saying that I must refund ...

CHAIRPERSON: Them?

MS BABADI SYBIL TLATSANA: Koreneke must refund them this R400 000,00 because this is the money that they have spent for doing
10 the reflector jackets as well – ja because he said the money that he spent is R400 000,00 this is what he says here.

CHAIRPERSON: Oh and what did you say to him in response to any of the things that you have just told me he said to you at that meeting?

MS BABADI SYBIL TLATSANA: He was giving me information. Me I told him that I am concerned about all these transactions that every time you will be talking of transactions and there are no invoices and how are we going to account for all these monies, that is what I said to him.

CHAIRPERSON: And that is when he said he would give you – he
20 would forward you the invoice?

MS BABADI SYBIL TLATSANA: Yes Chair.

CHAIRPERSON: Did you understand that the invoice was going to be in respect of the R400 000,00?

MS BABADI SYBIL TLATSANA: Yes Chair.

CHAIRPERSON: Okay.

MS BABADI SYBIL TLATSANA: According to him.

CHAIRPERSON: Did you ask him any further questions about this R400 000,00 and why your closed corporation should pay for it?

MS BABADI SYBIL TLATSANA: Chair I did not ask about...

CHAIRPERSON: You did not ask okay.

MS BABADI SYBIL TLATSANA: I wanted him to tell me ...

CHAIRPERSON: As much as possible.

MS BABADI SYBIL TLATSANA: As much as possible because...

CHAIRPERSON: Without you asking too much?

10 **MS BABADI SYBIL TLATSANA:** I want – yes because it is the confirmation of what him and David has been doing.

CHAIRPERSON: Yes okay.

MS BABADI SYBIL TLATSANA: Thank you Chair.

CHAIRPERSON: Alright.

ADV KATE HOFMEYR: May I just understand. Is there more of that first recording that we need to listen to? Is it going on?

MS BABADI SYBIL TLATSANA: Yes Chair.

ADV KATE HOFMEYR: Okay so we can continue to play it. Thank you.

20 **[MS TLATSANA IS LISTENING TO RECORDING THROUGH EARPHONES]**

MS BABADI SYBIL TLATSANA: Yes Chair and then...

CHAIRPERSON: You are ready? Yes.

MS BABADI SYBIL TLATSANA: Yes Chair and he – he as well asked me if I am having a problem with the explanation that he is giving me regarding all these transactions of finances and I confirmed to him that

yes I am having a problem. And then I said but it is okay we will see this thing they will unfold because we are going for the elections.

CHAIRPERSON: Okay yes.

ADV KATE HOFMEYR: So as I understand it that is the end of the first recording. We will now move to the second – well let me be specific excerpt of the recording, the whole recording as I mentioned earlier is over the period of the whole meeting but we have selected excerpts that are relevant to today's proceedings so we will move to the second one if we may? And as I understand it this is one where you may want
10 to refer to the handwritten notes that he was making in the course of the meeting according to your evidence. So if we could beam those up.

CHAIRPERSON: Oh maybe before we do so and the note might refresh your memory but from what you hear what are the points that have emerged so far in your conversation at this meeting that are covered by the part that you have listened to?

1. He – did you say he complained about you denying the accountant access or that is not part of what is in the conversation so far?

MS BABADI SYBIL TLATSANA: No that is not part of this...

20 **CHAIRPERSON**: Yes okay. But you said he – he asked that your closed corporation should refund him and the accountant the R400 000,00 that he said they had paid on the ANC 104 celebrations?

MS BABADI SYBIL TLATSANA: Correct Chair.

CHAIRPERSON: Yes. And you say your response to that was what? Did you agree to refund them, did you not agree, did you comment,

what did you say?

MS BABADI SYBIL TLATSANA: My response was why are we busy paying all this? Why all these transactions and how are we going to account for all these transactions?

CHAIRPERSON: Yes. And what did he say in that conversation?

MS BABADI SYBIL TLATSANA: Is this we know – this is where we are going.

CHAIRPERSON: Oh that is where we are going?

MS BABADI SYBIL TLATSANA: Yes Chair.

10 **CHAIRPERSON:** Oh okay alright. But is it – is it therefore fair to say this part of the conversation that you have just listened to really deals with the issue of the R400 000,00? This part that you have listened to so far...

MS BABADI SYBIL TLATSANA: Yes Chair.

CHAIRPERSON: Of the conversation is it correct to say all that is dealt with is really the R400 000,00?

MS BABADI SYBIL TLATSANA: For now?

CHAIRPERSON: For now?

MS BABADI SYBIL TLATSANA: Yes Chair.

20 **CHAIRPERSON:** Okay alright.

ADV KATE HOFMEYR: Thank you.

[MS TLATSANA IS LISTENING TO RECORDING THROUGH EARPHONES]

MS BABADI SYBIL TLATSANA: Yes Chair. Here he is saying...

CHAIRPERSON: Okay.

MS BABADI SYBIL TLATSANA: He is asking me if I am having a problem with all these transactions that has been going on and I kept quiet I did not answer him. And then he said, remember I told you even in September with that amount that was going out. He is talking about September was the – those 14 – those 555 ...

CHAIRPERSON: Oh.

MS BABADI SYBIL TLATSANA: September it is 5 million and 4.9 million.

CHAIRPERSON: Okay that is what he is talking about?

10 **MS BABADI SYBIL TLATSANA:** That is what he is talking about that do I remember he told me that these monies he is going to take care of people.

CHAIRPERSON: Oh okay yes.

MS BABADI SYBIL TLATSANA: Yes.

CHAIRPERSON: And what do you say in response to this?

MS BABADI SYBIL TLATSANA: I...

CHAIRPERSON: In the conversation what do you say?

20 **MS BABADI SYBIL TLATSANA:** Yes let me – can I go? And then he said in the beginning these people are involved and the – I have been telling you – let me tell you inconsistency and then he says – because he is just talking.

CHAIRPERSON: Yes.

MS BABADI SYBIL TLATSANA: And then he says you need to give people their things and look after them. And after that he says any concern? I was keeping quiet I was – [indistinct] smiling and then he

said initially this department, this DOT because he was talking of DOT has granted a grant and then he is explaining that from there the province appointed the airline and then the airline appointed the management company. So this was...

ADV KATE HOFMEYR: Ms Tlatsana I see from – you are pointing I think to the page – the handwritten page is that right as you are explaining this to us?

MS BABADI SYBIL TLATSANA: Yes.

ADV KATE HOFMEYR: Is it useful for us to then take a look at that
10 page?

MS BABADI SYBIL TLATSANA: Yes because it is has got everything.

ADV KATE HOFMEYR: Thank you. Where is he pointing on the page when he is reminding you about the DOT and its agreement?

MS BABADI SYBIL TLATSANA: It is on the last page. Okay no, no not here the other page.

ADV KATE HOFMEYR: The page with – that one?

MS BABADI SYBIL TLATSANA: Yes.

ADV KATE HOFMEYR: Thank you and where is he on that page at that point?

20 **MS BABADI SYBIL TLATSANA:** He is there at DOT.

ADV KATE HOFMEYR: Right at the top. So can we just put a market there? Chair you will find that at – in the bundle DD8[b] at page 588 that is the section we are looking at.

CHAIRPERSON: Yes thank you I have got it.

ADV KATE HOFMEYR: Thank you. And Ms Tlatsana this – this is what

you recall him doing physically while he was speaking, is that correct?

MS BABADI SYBIL TLATSANA: Correct Chair.

ADV KATE HOFMEYR: Thank you. And...

CHAIRPERSON: Were there – I am sorry were the two of you sitting at a table in such a way that you could see when he was pointing at this page – at the page that – at the paper that he was writing on?

MS BABADI SYBIL TLATSANA: Chair...

CHAIRPERSON: Or did he bring it closer to you for the – you – for the two of you to share and look at the – at the document?

10 **MS BABADI SYBIL TLATSANA:** Yes. Chair we were in Spur restaurant.

CHAIRPERSON: Ja.

MS BABADI SYBIL TLATSANA: And then the table is like this so I was sitting here, he was sitting here and then he was writing.

CHAIRPERSON: Oh – oh it was quite close?

MS BABADI SYBIL TLATSANA: Yes it was quite close.

CHAIRPERSON: You were sitting at the same table facing each other?

MS BABADI SYBIL TLATSANA: Yes it was quite close because I had sit like this to see him writing.

20 **CHAIRPERSON:** Oh okay, okay, no that is fine.

ADV KATE HOFMEYR: Ms Tlatsana just for the record. We need to describe how you were sitting.

CHAIRPERSON: Yes I was thinking about that.

ADV KATE HOFMEYR: Indeed.

CHAIRPERSON: Ja.

ADV KATE HOFMEYR: Because people who read this in due course and have not had the benefit of being here will need to understand. So can I just be clear what I understand from your evidence is that you were sitting opposite or facing each other at the table, is that correct?

MS BABADI SYBIL TLATSANA: Correct Chair.

ADV KATE HOFMEYR: And then you made a motion with your body to explain how you had to turn to be able to look at it, did you turn to the side is how I saw it?

MS BABADI SYBIL TLATSANA: Correct Chair to have access to – into
10 this and that he is writing so that I can be able to see.

CHAIRPERSON: Ja is that a slanted position a bit or...

ADV KATE HOFMEYR: I think slanted is probably the way to describe it.

CHAIRPERSON: Ja. Ja.

ADV KATE HOFMEYR: Yes.

CHAIRPERSON: Ja. So you – so she turned a bit and in a slanted position looked at the page that Mr Van Wyk she says was writing on. Okay.

ADV KATE HOFMEYR: We are indebted Chair. Thank you.

20 **CHAIRPERSON:** Okay.

ADV KATE HOFMEYR: And Ms Tlatsana you were telling us that he made a reference to the Department of Transport and the agreement. What else did he say?

MS BABADI SYBIL TLATSANA: Yes he said the bulk of the budget is coming from DOT – Department of Transport and then that – that

budget came to the province and then the province appointed the airline and the airline appointed the management company.

ADV KATE HOFMEYR: Is that as we track down on that page those four words.

MS BABADI SYBIL TLATSANA: Yes.

ADV KATE HOFMEYR: At the top?

MS BABADI SYBIL TLATSANA: Yes.

ADV KATE HOFMEYR: We can see there DOT and then below it it looks like Province.

10 **MS BABADI SYBIL TLATSANA:** Province.

ADV KATE HOFMEYR: Is written and then airline is written and then MG CO. is that correct?

MS BABADI SYBIL TLATSANA: Correct Chair.

ADV KATE HOFMEYR: So that is where he is pointing at this stage on that page?

MS BABADI SYBIL TLATSANA: Correct Chair.

ADV KATE HOFMEYR: Thank you. And is that the end of the recording you have listened to?

MS BABADI SYBIL TLATSANA: Yes.

20 **ADV KATE HOFMEYR:** So we will continue on.

CHAIRPERSON: Before – before you move away from that document that you say he was writing on next to DOT on the right there is a line like a slash and then there is something that looks like P which is a big letter and then is something that looks like an E or small P and e, do you see what I am talking about? Do you see what I am talking about?

MS BABADI SYBIL TLATSANA: Yes Chair.

CHAIRPERSON: Yes. Does it mean anything that slash...

MS BABADI SYBIL TLATSANA: Yes Chair.

CHAIRPERSON: That PPE or something like that?

MS BABADI SYBIL TLATSANA: Next to DOT Chair.

CHAIRPERSON: Yes.

MS BABADI SYBIL TLATSANA: It is a slash.

CHAIRPERSON: Ja.

MS BABADI SYBIL TLATSANA: And then it is DPE.

10 **CHAIRPERSON:** Is it DPE or PPE?

MS BABADI SYBIL TLATSANA: DPE.

CHAIRPERSON: Oh and what does that represent if you – if you – if you knew – if you know?

MS BABADI SYBIL TLATSANA: Department of Public Enterprises.

CHAIRPERSON: Oh did he say anything about it?

MS BABADI SYBIL TLATSANA: Yes Chair.

CHAIRPERSON: In the conversation?

MS BABADI SYBIL TLATSANA: Yes Chair in the records.

CHAIRPERSON: Oh what did he say in the conversation about it?

20 **MS BABADI SYBIL TLATSANA:** And then that is where he was saying and then that thing on top is LYNN.

ADV KATE HOFMEYR: Is that above DPE?

MS BABADI SYBIL TLATSANA: Ja on top of DPE is LYNN.

CHAIRPERSON: Oh the one that is difficult to read?

MS BABADI SYBIL TLATSANA: Yes Chair.

ADV KATE HOFMEYR: Yes.

CHAIRPERSON: Okay. And what does that represent, what does it mean?

MS BABADI SYBIL TLATSANA: He was referring to Minister Lynne Brown.

CHAIRPERSON: Minister Lynne Brown?

MS BABADI SYBIL TLATSANA: Yes Chair.

CHAIRPERSON: So you say what – what are the letters that are there because when I look I cannot tell what they are? What are they? Those
10 letters for Minister Lynne Brown?

MS BABADI SYBIL TLATSANA: That letter – that letter it is – that P – you see that P? It is D but now he was – he wrote it down to make it as if it is P.

CHAIRPERSON: Yes.

MS BABADI SYBIL TLATSANA: But it is Department of Public Enterprises.

CHAIRPERSON: Oh okay wait, okay, okay.

MS BABADI SYBIL TLATSANA: And then – and then...

CHAIRPERSON: The one on top of that DPE...

20 **MS BABADI SYBIL TLATSANA:** On top of – on top of Department of Public Enterprises is L.

CHAIRPERSON: Ja.

MS BABADI SYBIL TLATSANA: YNN.

CHAIRPERSON: Oh Lynn.

MS BABADI SYBIL TLATSANA: Yes Lynn.

CHAIRPERSON: Okay and you say that is a reference to the then Minister Lynne Brown?

MS BABADI SYBIL TLATSANA: Yes Chair he was referring to Minister Lynne Brown.

CHAIRPERSON: But in the conversation does he say anything about Minister Lynne Brown?

MS BABADI SYBIL TLATSANA: Yes Chair.

CHAIRPERSON: Or is that a part that is still to come?

MS BABADI SYBIL TLATSANA: Yes Chair.

10 **CHAIRPERSON**: Oh okay thank you.

MS BABADI SYBIL TLATSANA: Thank you.

ADV KATE HOFMEYR: Ms Tlatsana just before we go off it just to complete this. There is something above DOT as well on that page I understand that that may come up in the recording but maybe just to complete it now what is above DOT if you – if he made that clear to you?

MS BABADI SYBIL TLATSANA: DOT is Department of Transport Chair.

ADV KATE HOFMEYR: And above it there seems to be also some writing what is that?

20 **MS BABADI SYBIL TLATSANA**: Ja above it is D.

ADV KATE HOFMEYR: Just the letter D?

MS BABADI SYBIL TLATSANA: Ja it is the letter D.

CHAIRPERSON: Do you know if it represented anything – represents anything that he said?

MS BABADI SYBIL TLATSANA: Yes the record...

CHAIRPERSON: You will come to it?

MS BABADI SYBIL TLATSANA: Yes the record .he says Dipuo Peters.

CHAIRPERSON: Oh okay.

MS BABADI SYBIL TLATSANA: Minister Dipuo Peters.

CHAIRPERSON: But that is still to come in the conversation?

MS BABADI SYBIL TLATSANA: Yes Chair.

CHAIRPERSON: Okay alright.

ADV KATE HOFMEYR: Thank you.

CHAIRPERSON: Did you want to say something Ms Hofmeyr?

10 **ADV KATE HOFMEYR**: No.

CHAIRPERSON: okay alright.

ADV KATE HOFMEYR: We can continue thank you Chair.

CHAIRPERSON: Okay thank you.

ADV KATE HOFMEYR: We will continue.

**[MS TLATSANA IS LISTENING TO RECORDING THROUGH
EARPHONES]**

MS BABADI SYBIL TLATSANA: Hold it.

CHAIRPERSON: You ready?

MS BABADI SYBIL TLATSANA: Yes Chair.

20 **CHAIRPERSON**: Yes. What did you hear?

MS BABADI SYBIL TLATSANA: Next to – before – before D there is
[20] in brackets.

CHAIRPERSON: Yes at the top of the document reflected at page 588.

MS BABADI SYBIL TLATSANA: Yes Chair.

CHAIRPERSON: Ja.

MS BABADI SYBIL TLATSANA: That 20 he is saying that this 20 has to go to Ministers.

CHAIRPERSON: It is 20 what – 20 what?

MS BABADI SYBIL TLATSANA: 20 million.

CHAIRPERSON: R20 million?

MS BABADI SYBIL TLATSANA: Yes Chair.

CHAIRPERSON: He says it should go to Ministers.

MS BABADI SYBIL TLATSANA: Yes Chair.

CHAIRPERSON: Okay. Just in general or does he specify which
10 Ministers or is that to come later – or it does not say?

MS BABADI SYBIL TLATSANA: We are – I am still taking this thing in piece, piece, piece but he is...

CHAIRPERSON: Okay no that is fine.

MS BABADI SYBIL TLATSANA: The whole thing is going to unfold
Chair.

CHAIRPERSON: You must – ja you must just – it is just that I do not want to forget asking so

MS BABADI SYBIL TLATSANA: Okay.

CHAIRPERSON: If I ask and it is something that is still to come just
20 say to me it is still to come.

MS BABADI SYBIL TLATSANA: Okay Chair alright.

CHAIRPERSON: Okay.

MS BABADI SYBIL TLATSANA: Okay Chair. And then he asked me if – if am I – are you together with me, do you understand what I am saying? I said to him continue. And then he said this 20 million it is

running short of 5 million to be complete.

CHAIRPERSON: It is just under 5 million is that what he was saying?

MS BABADI SYBIL TLATSANA: Let us do it again, let us go back some more so that I can...yes okay. Wait – no I want us to go back here. Just go back because oh to that 20 just a small...go back again. Okay. You have gone too far. Okay. Yes Chair he was saying that the Ministers 20 million has to go to the Ministers and they have been paid 5 million and now 15 million is the one that is short for the two Ministers.

10 **CHAIRPERSON**: For – for the – for the two Ministers?

MS BABADI SYBIL TLATSANA: Yes.

CHAIRPERSON: Oh that is what he said?

MS BABADI SYBIL TLATSANA: Yes Chair.

CHAIRPERSON: And the two Ministers you – were who and who?

MS BABADI SYBIL TLATSANA: It is Minister Dipuo Peters and Minister Lynne Brown.

CHAIRPERSON: Minister Dipuo Peters and Minister Lynne Brown?

MS BABADI SYBIL TLATSANA: Lynne Brown yes Chair.

CHAIRPERSON: Okay, alright.

20 **MS BABADI SYBIL TLATSANA**: And the further continued to say that there is this Tonakgolo and he said Tonakgolo money the person who is carrying Tonakgolo money is that man of Rustenburg.

CHAIRPERSON: Who is Tonakgolo?

MS BABADI SYBIL TLATSANA: Tonakgolo - he was referring to the Premier.

CHAIRPERSON: The Premier?

MS BABADI SYBIL TLATSANA: Yes Chair.

CHAIRPERSON: Oh, it is like Undanankulu in isiZulu. Okay, Tonakgolo is – is that Setswana for Premier?

MS BABADI SYBIL TLATSANA: Yes Chair. It is ...

CHAIRPERSON: Okay. So what did he say about the Premier?

MS BABADI SYBIL TLATSANA: The Tonakgolo is a great person – big person.

CHAIRPERSON: Yes. What did he say about him?

10 **MS BABADI SYBIL TLATSANA:** He has to – he has to receive some money and there is a – a man in Rustenburg who is – who he has to meet that day to go and give him that money for Tonakgolo and then he continued to say that and then there is MEC. When he says MEC he says MEC. MEC (Setswana) and ...

CHAIRPERSON: I am – I am sorry. Before we go to MEC did he mention any amount for Tonakgolo – for the Premier or that is yet to come?

MS BABADI SYBIL TLATSANA: Yet to come Chair.

CHAIRPERSON: Okay that is fine – that is fine.

20 **MS BABADI SYBIL TLATSANA:** Thank you Chair.

CHAIRPERSON: And then now he talks about the MEC?

MS BABADI SYBIL TLATSANA: Ja, he talks about – he is - he is still listing the people who has to get ...

CHAIRPERSON: To be given money?

MS BABADI SYBIL TLATSANA: To be given money, yes.

CHAIRPERSON: *Ja.*

MS BABADI SYBIL TLATSANA: He is talking about Tonakgolo. He is talking about MEC – MEC and then he is talking about HOD.

CHAIRPERSON: And how is MEC – MEC?

MS BABADI SYBIL TLATSANA: MEC, when he says MEC ...

CHAIRPERSON: Oh MEC, oh.

MS BABADI SYBIL TLATSANA: MEC ...

CHAIRPERSON: MEC it is just that he

MS BABADI SYBIL TLATSANA: Yes he is abbreviating ...

10 **CHAIRPERSON:** No it is just that you – you mention both you say MEC – MEC.

MS BABADI SYBIL TLATSANA: Okay, alright.

CHAIRPERSON: So, *ja.*

MS BABADI SYBIL TLATSANA: MEC.

CHAIRPERSON: At this stage did you understand what MEC – which MEC he was talking about or is that to come later?

MS BABADI SYBIL TLATSANA: To come later.

CHAIRPERSON: Okay, alright and he says HOD as well?

MS BABADI SYBIL TLATSANA: And he says HOD as well.

20 **CHAIRPERSON:** And we will hear later which HOD?

MS BABADI SYBIL TLATSANA: Yes Chair.

CHAIRPERSON: Okay, alright and you do not say anything in response. You are just listening?

MS BABADI SYBIL TLATSANA: No I did not respond. I said to him continue.

CHAIRPERSON: Oh, okay.

MS BABADI SYBIL TLATSANA: Yes Chair and he further said do you know the MEC I am talking about. I asked him are you saying MEC Molapisi. He said yes. He said HOD and then I asked him are you referring to Bailey. He said yes and then after that he said ...

CHAIRPERSON: I am sorry you said are you referring to ...?

MS BABADI SYBIL TLATSANA: Bailey Mahlakoleng.

CHAIRPERSON: Okay. That was HOD for which department?

MS BABADI SYBIL TLATSANA: For Department of Transport.

10 **CHAIRPERSON:** In North West?

MS BABADI SYBIL TLATSANA: Yes Chair.

CHAIRPERSON: Okay and what did he say?

MS BABADI SYBIL TLATSANA: He said yes.

CHAIRPERSON: Okay.

MS BABADI SYBIL TLATSANA: And then he said as well as the CFO for the Department of Transport.

CHAIRPERSON: Yes and did you ask – did you know who that was?

20 **MS BABADI SYBIL TLATSANA:** No I – I did not ask him about – because he said and the CFO and you should know that with – without all these people nothing will go. These are the people who – who will give us the go ahead with the – with the contract.

CHAIRPERSON: That is what he is – he is saying in the conversation?

MS BABADI SYBIL TLATSANA: Yes Chair.

CHAIRPERSON: Yes, okay.

MS BABADI SYBIL TLATSANA: Yes Chair and he then now further

went to the diagram – that diagram that is indicating year one, year two, year three, year four, year five.

CHAIRPERSON: When you talk about the diagram. Is it the same document at page 5-8-8?

MS BABADI SYBIL TLATSANA: Yes Chair.

CHAIRPERSON: Okay, yes.

MS BABADI SYBIL TLATSANA: Yes Chair and then in that diagram he – he has written blocks.

CHAIRPERSON: Yes.

10 **MS BABADI SYBIL TLATSANA:** And then he said year one ...

CHAIRPERSON: That is a block - there is a block written YR1, another one below that YR2, another one below that Y or TR3, next one YR4, YR5 and that is on a vertical column and at the top on a vertical – on a horizontal column there is something like DOT at the top and then there is one on another column next to – on another box next to the one written DOT and on another box next to one – next to the one written one there is a block written M and on another vertical column on the right of the document or diagram there is HACF.

20 There is HCF, there is HFCF and then something that I cannot read. It looks like 1-1 or 11 and then another one written 11. On the extreme left there is a column which is vertical ...

MS BABADI SYBIL TLATSANA: Yes.

CHAIRPERSON: It is written 5-3 and immediately below that but somehow between five and three in brackets something that looks like two. In that column there are there are one, two, three, four, five –

three places where it is written five three and below that in a small brackets it is written either two or seven.

I am not sure and at the bottom there is 15. Then on the horizontal column at the bottom it is written something that reads like update or upgrade – upgade U-P-G-A-D-E as it appears to me and then there is something that is written that I cannot read on the right hand side of that word and below upgrade or upgade and the word that I cannot read there is 300 and then there is something written after that that looks like a zero that has been shaded and below that there is a
10 triangle written and two – well no I do not know if that is a triangle.

There is - there is two written on either side. I have tried to try and describe ...

ADV KATE HOFMEYR: Indeed.

CHAIRPERSON: What I see here.

ADV KATE HOFMEYR: Thank you Chair.

CHAIRPERSON: Somebody else might give a different description of some of the things but I just want to enable you – Ms Tlatsana – when you refer us to any part of that document to be able to just say under – in regard to 5-3 or in regard to YR1 which maybe year one, year two,
20 year three. Okay, alright. You – you can proceed then.

MS BABADI SYBIL TLATSANA: Okay Chair and then he – he made mention that first – first year Department of Transport it is a once off and then number one of the province ...

CHAIRPERSON: Now you say Department of Transport and you are saying so with reference to this diagram.

MS BABADI SYBIL TLATSANA: First year ...

CHAIRPERSON: Are you - are you referring to where it says DOT next to year one?

MS BABADI SYBIL TLATSANA: Yes Chair.

CHAIRPERSON: Okay. That is Department of Transport?

MS BABADI SYBIL TLATSANA: Yes Chair.

CHAIRPERSON: And then you are saying once off?

MS BABADI SYBIL TLATSANA: Yes sir.

CHAIRPERSON: Does that refer to – to what appears like one on the
10 block - on the right hand side of DOT?

MS BABADI SYBIL TLATSANA: Still to come.

CHAIRPERSON: Hm?

MS BABADI SYBIL TLATSANA: To come.

CHAIRPERSON: Yes but when you say once off I am asking whether that is a reference to that one or not really?

MS BABADI SYBIL TLATSANA: No Chair. That one – that one ...

CHAIRPERSON: *Ja.*

MS BABADI SYBIL TLATSANA: Is standing for the number one of the province.

20 **CHAIRPERSON:** Oh okay, okay alright.

MS BABADI SYBIL TLATSANA: Yes Chair.

CHAIRPERSON: Okay.

MS BABADI SYBIL TLATSANA: So actually here in year one ...

CHAIRPERSON: Yes.

MS BABADI SYBIL TLATSANA: DOT, number one of the province, the

Minister they are once off.

CHAIRPERSON: Oh. Now DOT on the column next to the – on the block next to the block written year one ...

MS BABADI SYBIL TLATSANA: Yes Chair.

CHAIRPERSON: Refers to Department of Transport and the block next to DOT written one ...

MS BABADI SYBIL TLATSANA: Yes.

CHAIRPERSON: That represents number one of the province?

MS BABADI SYBIL TLATSANA: Yes. Yes Chair.

10 **CHAIRPERSON**: And then there is a block next to the block which has got number one – which has got one. That is written M.

MS BABADI SYBIL TLATSANA: Yes Chair.

CHAIRPERSON: You say that M refers to Ministers?

MS BABADI SYBIL TLATSANA: Minister.

CHAIRPERSON: Oh Minister?

MS BABADI SYBIL TLATSANA: Yes Chair.

CHAIRPERSON: Okay and okay continue.

MS BABADI SYBIL TLATSANA: Yes and then in that first year there is H on top and CF below.

20 **CHAIRPERSON**: Yes there is H. There is a block next to the block that has got M that is written H and below that CF, yes.

MS BABADI SYBIL TLATSANA: Yes Chair and then he said HOD and CFO they will be given money until the end of the contract. They will receive some money until the end of the contract.

CHAIRPERSON: In other words for year one up to year five?

MS BABADI SYBIL TLATSANA: Yes Chair.

CHAIRPERSON: The YR1, YR2, YR3, YR4, YR5 which appear on the second column to the left that refers to year one, year two, year three, year four, year five?

MS BABADI SYBIL TLATSANA: Yes Chair.

CHAIRPERSON: So you say that what is written on the – on the column on the extreme right on the diagram where it says H and then CF and then CHCF throughout and I think what is written in regard to year four and year five is just some punctuation mark to indicate same
10 thing. Is that right?

MS BABADI SYBIL TLATSANA: Yes Chair.

CHAIRPERSON: So it represents that the head of the department and the CFO would be paid right throughout?

MS BABADI SYBIL TLATSANA: Yes Chair.

CHAIRPERSON: The five year period?

MS BABADI SYBIL TLATSANA: Correct Chair.

CHAIRPERSON: And when you look at the column under D – DOT it only – it is only written in respect of year one.

MS BABADI SYBIL TLATSANA: Correct Chair.

20 **CHAIRPERSON:** It means they would only get something for during that – the first year only in that regard.

MS BABADI SYBIL TLATSANA: In the first year Chair - he was referring that in the first year be once off.

CHAIRPERSON: Yes the - the DOT was a once off and number one in the province was also once off.

MS BABADI SYBIL TLATSANA: Once off, yes Chair.

CHAIRPERSON: And the Minister was also once off?

MS BABADI SYBIL TLATSANA: Correct Chair.

CHAIRPERSON: So they would be paid something but on a once off basis?

MS BABADI SYBIL TLATSANA: Correct Chair.

CHAIRPERSON: Not every year?

MS BABADI SYBIL TLATSANA: No sir.

CHAIRPERSON: Okay, alright. Continue.

10 **MS BABADI SYBIL TLATSANA:** Correct Chair.

ADV KATE HOFMEYR: Ms Tlatsana can I just get one point of clarification? Previously you indicated that there were two Ministers who were being referred to. That is when we were at the top of this section of the page but when you are describing now what was said in relation to year one I – I understood you to refer only to one Minister. Is that correct?

MS BABADI SYBIL TLATSANA: No Chair.

ADV KATE HOFMEYR: Oh.

MS BABADI SYBIL TLATSANA: I am referring in the year one ...

20 **ADV KATE HOFMEYR:** Yes.

MS BABADI SYBIL TLATSANA: DOT is Minister of Transport.

ADV KATE HOFMEYR: Yes.

MS BABADI SYBIL TLATSANA: M - M is Minister is Lynne Brown according to the voice here.

ADV KATE HOFMEYR: Oh, I understand sorry. So DOT in that column

next to YR1 ...

MS BABADI SYBIL TLATSANA: Yes.

ADV KATE HOFMEYR: Is actually a reference to the Minister ...

MS BABADI SYBIL TLATSANA: Of Transport.

ADV KATE HOFMEYR: Of Transport?

MS BABADI SYBIL TLATSANA: Correct Chair.

ADV KATE HOFMEYR: Right. Then the one signifies the number one in the province the Premier ...

MS BABADI SYBIL TLATSANA: Correct Chair.

10 **ADV KATE HOFMEYR:** And the M signifies Minister Lynne Brown who was the Minister in the Department of Public Enterprises?

MS BABADI SYBIL TLATSANA: Correct Chair.

ADV KATE HOFMEYR: Thank you.

CHAIRPERSON: And the Minister of Transport that he is talking about there in the diagram is it – was it still Minister Dipuo Peters?

MS BABADI SYBIL TLATSANA: Correct Chair.

CHAIRPERSON: Okay, alright.

ADV KATE HOFMEYR: Thank you.

20 **MS BABADI SYBIL TLATSANA:** And he further said – he further said do you understand what I am – what I am saying? Are you going along with me and then I said I do not understand - I said I do not understand you. You are talking about politicians. You are talking about administrators as well who has to get money. Is HOD and CFO not – are they not earning every month as well because this – the other three they are earning.

So you are adding them as well now for – for a period of a contract. He said yes you should understand because otherwise if you not taking care of them you will never get your payment.

CHAIRPERSON: That is what he says in the conversation?

MS BABADI SYBIL TLATSANA: Correct Chair.

CHAIRPERSON: Okay. Continue.

MS BABADI SYBIL TLATSANA: Yes Chair ...

CHAIRPERSON: Yes.

MS BABADI SYBIL TLATSANA: And he further said that I should bear
10 in mind that the CFO is – is the HODs person that is why it is important
for her as well to receive money every time when – when the payment
is being made and then he jumped – he went to ...

CHAIRPERSON: Before – before he jumped who was the CFO at the
time that he was referring to?

MS BABADI SYBIL TLATSANA: He was referring to Ms Phatudi.

CHAIRPERSON: The CFO of the ...

MS BABADI SYBIL TLATSANA: Department of Transport.

CHAIRPERSON: North West Department of Transport?

MS BABADI SYBIL TLATSANA: Correct Chair ...

20 **CHAIRPERSON:** Okay.

MS BABADI SYBIL TLATSANA: And he jumped to the grant to tell me
that these people are so critical - HOD and CFO – because they are
critical in a sense that they can decide to add some money into that
grant. That is why now he was going to – can you go to the other
slide?

ADV KATE HOFMEYR: Yes. Could we move to the other side? This one Ms Tlatsana?

MS BABADI SYBIL TLATSANA: No, no, no, no. The other one above this diagram. No, no.

CHAIRPERSON: Page 5-8-7?

MS BABADI SYBIL TLATSANA: No, no. No, no. I want – I want – I want this one here.

ADV KATE HOFMEYR: Oh.

CHAIRPERSON: On what – on what page is it?

10 **ADV KATE HOFMEYR:** If we go back to 5-8-8 – this one and we go to the top of it.

MS BABADI SYBIL TLATSANA: Ja 5-8 – ja 5-8-8 ja. 5-8-8.

ADV KATE HOFMEYR: Keep going. That one - you want the top of it?

MS BABADI SYBIL TLATSANA: Yes.

ADV KATE HOFMEYR: Yes.

MS BABADI SYBIL TLATSANA: There by 31. This one now ...

ADV KATE HOFMEYR: Yes.

MS BABADI SYBIL TLATSANA: Ja and then now he went to – to that diagram to say I should know that 31 million is paid and then 20 million
20 is being paid which it makes 51 million and then he was saying that the HOD and the CFO they are the very critical people to be taken care of because they can decide to increase the – the grant.

CHAIRPERSON: The subsidy or grant?

MS BABADI SYBIL TLATSANA: Yes. Yes Chair.

CHAIRPERSON: Yes.

MS BABADI SYBIL TLATSANA: And then they can decide to increase the subsidy with 18 million to make ...

ADV KATE HOFMEYR: Is that a 1-8 that we see below the 5-1?

MS BABADI SYBIL TLATSANA: Yes.

ADV KATE HOFMEYR: Right.

MS BABADI SYBIL TLATSANA: To (intervenes).

ADV KATE HOFMEYR: And then there is a line to total. Is that correct?

MS BABADI SYBIL TLATSANA: To make it 69.

10 **CHAIRPERSON:** Okay. Now let us look at that. In that diagram there is 31 – there is the number 31. You say what did he say about that 31 and then there is 20 below that and then there is 51. Can you just repeat what he said about those number?

MS BABADI SYBIL TLATSANA: Yes Chair. 31 million – 31 million is – is the one that was paid before.

CHAIRPERSON: Paid by the Department of Transport to your close corporation?

MS BABADI SYBIL TLATSANA: Correct Chair.

CHAIRPERSON: Okay.

20 **ADV KATE HOFMEYR:** Ms Tlatsana may I just interject there? The 31 million who paid it to Koreneka?

MS BABADI SYBIL TLATSANA: 31 million was paid by SA Express.

ADV KATE HOFMEYR: Thank you.

CHAIRPERSON: Into – into Koreneka?

MS BABADI SYBIL TLATSANA: To Koreneka. Correct Chair.

CHAIRPERSON: Okay and R20 000 – R20 million?

MS BABADI SYBIL TLATSANA: And then – and 20 million was paid by the Department of Transport into Koreneka.

CHAIRPERSON: Okay and that made a total of R51 million?

MS BABADI SYBIL TLATSANA: Correct Chair.

CHAIRPERSON: And then – and then there is something written below 51. Do you say that is 18?

MS BABADI SYBIL TLATSANA: Yes it is 18 million.

CHAIRPERSON: *Ja*, what did he say about that 18 million?

10 **MS BABADI SYBIL TLATSANA:** He was that 18 million is Mr Mahlakoleng and the CFO they are very critical people who they can even – they are going to increase the – the grant with this 18 million to make it 69 million.

CHAIRPERSON: So he was saying there was going to be an increase or was he saying they could make an increase?

MS BABADI SYBIL TLATSANA: He said there was going to be an increase.

CHAIRPERSON: He says there was going to be an increase?

MS BABADI SYBIL TLATSANA: Correct Chair.

20 **CHAIRPERSON:** Of the subsidy and it would – they would add R18 million?

MS BABADI SYBIL TLATSANA: Correct Chair.

CHAIRPERSON: Okay and so that the total amount would – would not become 69?

MS BABADI SYBIL TLATSANA: Correct Chair.

CHAIRPERSON: Would that be now for the whole of the year – 2016?

MS BABADI SYBIL TLATSANA: 2015/2016 yes correct Chair.

CHAIRPERSON: The increase was it going to be added to the – to what - to the 2015 subsidy or was it going to be for the 2016 subsidy?

MS BABADI SYBIL TLATSANA: No, no. It was – it was going to be added to the 2015 subsidy.

CHAIRPERSON: Oh okay, okay.

MS BABADI SYBIL TLATSANA: Correct Chair.

CHAIRPERSON: Alright, okay. Continue. You did not say anything in
10 response to this part of the conversation?

MS BABADI SYBIL TLATSANA: No Chair.

CHAIRPERSON: Okay, alright.

ADV KATE HOFMEYR: Right. So now we are going to move to the third recording which I have it deals with further payments.

CHAIRPERSON: I am sorry before we go to other – to another diagram. The diagram that we have been dealing with now – up to now at page 5-8-8 yes that diagram. The figures of 5-3 on the extreme left what did they represent? What did he say about it or what you understand them to refer to?

20 **MS BABADI SYBIL TLATSANA:** To come Chair – to come.

CHAIRPERSON: Oh, to come. Okay, alright and also that upgrade and 300 at the bottom still to come?

MS BABADI SYBIL TLATSANA: Correct Chair.

CHAIRPERSON: Okay. Thank you.

ADV KATE HOFMEYR: And Ms Tlatsana if I could just add to the – to

the list that we are now compiling you will see in the top right there is – where province is written there are lines going out from the province. Then you have got something written there and then I can make out above it a five and a 10. Will you also address that?

MS BABADI SYBIL TLATSANA: Correct Chair.

ADV KATE HOFMEYR: Thank you.

CHAIRPERSON: Okay. You may proceed.

MS BABADI SYBIL TLATSANA: Stop there. Yes Chair ...

CHAIRPERSON: Yes.

10 **MS BABADI SYBIL TLATSANA:** And he further said these critical people they have added something on top and then he further said Lynne Brown has to get 10 million, Dipuo Peters has to get 10 million and then he said number one of the province needed 10 million but he has been paid five million and then he said E – in the diagram – in the diagram of – of the province ...

CHAIRPERSON: Yes at page 5-8-8.

MS BABADI SYBIL TLATSANA: *Ja.*

CHAIRPERSON: Huh-uh.

20 **MS BABADI SYBIL TLATSANA:** That – that one – that one that is circled.

CHAIRPERSON: Yes that is the one ...

MS BABADI SYBIL TLATSANA: Is number one of the province.

CHAIRPERSON: That is – *ja* that is the one that you said refers to number one of the province, *ja*.

MS BABADI SYBIL TLATSANA: Yes and then five on top.

CHAIRPERSON: Is that the five ...

MS BABADI SYBIL TLATSANA: Yes there is ...

CHAIRPERSON: Where is the five on top?

ADV KATE HOFMEYR: Above the one. Is that right?

MS BABADI SYBIL TLATSANA: *Ja*, above one.

ADV KATE HOFMEYR: On the right hand side. So we have got the word province as I am following you Ms Tlatsana and then we have got lines coming out of the words province towards the top of the page and then we have a one on the first line. Is that correct?

10 **MS BABADI SYBIL TLATSANA:** Correct Chair.

ADV KATE HOFMEYR: And what does that signify?

MS BABADI SYBIL TLATSANA: One signifies number one – he says number one of the province.

ADV KATE HOFMEYR: And above that is that where we find the number five?

MS BABADI SYBIL TLATSANA: Correct Chair.

CHAIRPERSON: Okay. I am trying to locate where the two of you are.

ADV KATE HOFMEYR: Apologies Chair. If we – if we go to the top ...

CHAIRPERSON: There is province.

20 **ADV KATE HOFMEYR:** Province.

CHAIRPERSON: *Ja*.

ADV KATE HOFMEYR: If you take the word province there are four lines coming out from the word province.

CHAIRPERSON: Oh yes.

ADV KATE HOFMEYR: If you go to that top line there's a one as I

have the evidence, that is a reference according to Ms Tlatsana to number one in the Province, the Premier.

CHAIRPERSON: Yes.

ADV KATE HOFMEYR: And then above that is a five, is that correct Ms Tlatsana?

MS BABADI SYBIL TLATSANA: Correct Chair.

CHAIRPERSON: Yes, yes.

ADV KATE HOFMEYR: And what does the five signify?

MS BABADI SYBIL TLATSANA: Five signifies that he has already
10 received R5million.

CHAIRPERSON: Yes.

MS BABADI SYBIL TLATSANA: And then next to five there is ten.

CHAIRPERSON: Yes.

MS BABADI SYBIL TLATSANA: Ten he is still – he needed R10million but he's been paid R5million.

CHAIRPERSON: Okay, yes.

MS BABADI SYBIL TLATSANA: Yes Chair and then next to one is E.

CHAIRPERSON: Yes.

ADV KATE HOFMEYR: Yes.

20 **MS BABADI SYBIL TLATSANA:** Bid E he was taken off the MEC.

CHAIRPERSON: Oh.

MS BABADI SYBIL TLATSANA: And EC.

CHAIRPERSON: E represented who?

MS BABADI SYBIL TLATSANA: MEC, he just wrote E of the MEC.

CHAIRPERSON: E, oh okay it was not a reference to somebody's

name?

MS BABADI SYBIL TLATSANA: No, no Chair, it says MEC he's been paid but he's short of R700 000.

CHAIRPERSON: Is there a reference in the diagram to R700 000?

MS BABADI SYBIL TLATSANA: No not in the diagram.

CHAIRPERSON: But that's what he says in the conversation?

MS BABADI SYBIL TLATSANA: Correct Chair.

CHAIRPERSON: And you remember that when he was saying that he was pointing to this E.

10 **MS BABADI SYBIL TLATSANA:** Correct Chair.

CHAIRPERSON: Okay. So just repeat what he said about E, about the MEC.

MS BABADI SYBIL TLATSANA: E is MEC.

CHAIRPERSON: Yes.

MS BABADI SYBIL TLATSANA: Who has been paid, he said MEC has been paid he is only running short of being R700 000.

CHAIRPERSON: He said there was only R700 000 remaining to be paid to him.

MS BABADI SYBIL TLATSANA: Correct Chair.

20 **CHAIRPERSON:** Okay.

MS BABADI SYBIL TLATSANA: Yes Chair.

CHAIRPERSON: Continue.

MS BABADI SYBIL TLATSANA: Ja, the next line is for HOD, he didn't write but this is what he was saying because he was writing.

CHAIRPERSON: Oh okay, so he said HOD.

MS BABADI SYBIL TLATSANA: Ja, the third arrow says it's HOD is being paid but he's remaining to be paid another R500 000.

CHAIRPERSON: Okay.

MS BABADI SYBIL TLATSANA: And then he further mentioned that his priority for now is for the two ministers and then he said 18million is being added into this budget and the budget for now it's 69million for the financial year.

CHAIRPERSON: Okay, okay but that still was going to, that still related to the 2015 allocation?

10 **MS BABADI SYBIL TLATSANA:** Correct Chair.

CHAIRPERSON: Okay.

ADV KATE HOFMEYR: And Ms Tlatsana may I just clarify, as I have your evidence on the recording at this point he hasn't said that either of the Ministers have received a payment yet has he?

MS BABADI SYBIL TLATSANA: No Chair.

ADV KATE HOFMEYR: So the R18million that was to be added as I understand your testimony was to be used to pay the Ministers, correct?

MS BABADI SYBIL TLATSANA: No Chair.

20 **ADV KATE HOFMEYR:** No apologies clarify for me.

MS BABADI SYBIL TLATSANA: No Chair, his priority for now is for these two Ministers.

CHAIRPERSON: Yes.

MS BABADI SYBIL TLATSANA: So that now I should give David Kalisilira the access into the account with the money that was paid in

December, so that he can go and pay them.

CHAIRPERSON: And the money that had been paid in December was R20million.

MS BABADI SYBIL TLATSANA: Correct Chair.

CHAIRPERSON: Did he so far has he indicated how much the two Ministers should get?

MS BABADI SYBIL TLATSANA: Yes Chair.

CHAIRPERSON: How much was that?

MS BABADI SYBIL TLATSANA: He mentioned earlier on that Minister
10 Lynne Brown has to get R10million and Minister Dipuo Peters has to get R10million.

CHAIRPERSON: Okay, okay. So that means that the whole amount that your close corporation got in December, the whole amount of R20million that you Close Corporation got in December was to be paid to the two ministers on the basis of R10million each?

MS BABADI SYBIL TLATSANA: Correct Chair.

CHAIRPERSON: Okay, and did you say at this part of the conversation did you say anything about this R20million being paid to the two Ministers?

20 **MS BABADI SYBIL TLATSANA:** (Indistinct) Chair.

CHAIRPERSON: Okay thank you.

ADV KATE HOFMEYR: Thank you Ms Tlatsana.

MS BABADI SYBIL TLATSANA: Yes Chair and the – he said I should know that the actual budget was increased to – the actual budget was increased to R60million.

CHAIRPERSON: Is that the budget for the subsidy?

MS BABADI SYBIL TLATSANA: Yes, he said but we should remember it has been increased to R60million.

CHAIRPERSON: Yes.

MS BABADI SYBIL TLATSANA: Now R9million is added for the purpose of the boys of the Number One of the Province.

CHAIRPERSON: For the voice?

MS BABADI SYBIL TLATSANA: Boys, boys, boys.

CHAIRPERSON: Boys, for the boys?

10 **MS BABADI SYBIL TLATSANA:** Yes because he is not working, he says he is not working alone, he has got people that he's working with and that R9million has to go to them.

CHAIRPERSON: So they must get something as well.

MS BABADI SYBIL TLATSANA: Correct Chair.

CHAIRPERSON: Oh, that is the number one of the province, the boys of number one of the province?

MS BABADI SYBIL TLATSANA: Correct Chair.

CHAIRPERSON: Okay.

ADV KATE HOFMEYR: And then we will move to the next recording.

20 **MS BABADI SYBIL TLATSANA:** Correct Chair.

CHAIRPERSON: Yes. Yes?

MS BABADI SYBIL TLATSANA: And he further said we should remember again that these people that have to be given there are other people, because the negotiations were made by my boss and the Chairman of the Board.

CHAIRPERSON: Yes, and did he say who his boss and the Chairperson of the Board were that he was talking about, was that still to come?

MS BABADI SYBIL TLATSANA: Yes to come Chair.

CHAIRPERSON: Oh, okay.

ADV KATE HOFMEYR: Those are the extracts that we compiled for today Ms Tlatsana, but what I would like to ask you is whether you recall any other important aspects of that conversation that you regard as relevant and what might assist you there is to look at that diagram
10 because the Chair as I have it still has a few questions in relation to it, the one that the Chair raised is in that section that is reflected now, the end column on the right that we've extracted, you will see down the left hand side that is in EXHIBIT DD8B page 588, there are 53, 53, 53 written with what appears to be little two's beneath them, what was that section of the page signifying?

MS BABADI SYBIL TLATSANA: Yes Chair, if I remember correctly, if I remember, this five and three first year, second year, third year, fourth year, fifth year, these are the amounts that Mr van Wyk was saying that the HOD and the CFO will get every year, it's going to be part of their
20 portions and he was saying that between five million and three million.

CHAIRPERSON: Oh so it was not 53?

MS BABADI SYBIL TLATSANA: No.

CHAIRPERSON: You say he was saying that they would get for each of the years, year one up to year five, something between five million and three million.

MS BABADI SYBIL TLATSANA: Correct Chair. It's him, if I remember well he was saying it's him the CFO and the HOD, they will be sharing between five and three million.

CHAIRPERSON: Oh so there would be one amount and then they would have see who gets how much based on however between five million and three million, it's not like each one would get either five or three and another one another three, it will be shared between the two of them?

10 **MS BABADI SYBIL TLATSANA:** Correct Chair, among the three of them.

CHAIRPERSON: Okay.

ADV KATE HOFMEYR: Who is the third?

MS BABADI SYBIL TLATSANA: The third was Brian himself.

ADV KATE HOFMEYR: That's Mr van Wyk.

MS BABADI SYBIL TLATSANA: Correct Chair.

ADV KATE HOFMEYR: And what does the two beneath that signify?

MS BABADI SYBIL TLATSANA: The two he was saying that me every year I will be getting the two million.

CHAIRPERSON: That is yourself?

20 **MS BABADI SYBIL TLATSANA:** Correct Chair.

CHAIRPERSON: And but is that also in the recording or is that your – just your recollection of the conversation that he is not necessarily in the recording?

MS BABADI SYBIL TLATSANA: No he is in the recording.

CHAIRPERSON: It's in the recording?

MS BABADI SYBIL TLATSANA: Yes.

CHAIRPERSON: Okay.

MS BABADI SYBIL TLATSANA: Because this whole thing is recorded.

CHAIRPERSON: Yes, okay, okay.

ADV KATE HOFMEYR: And then I think remaining on that page is just the bottom where it seems to say upgade or upgrade and then the 300 split and what appears to be two two's, can you explain to us what that is?

MS BABADI SYBIL TLATSANA: I don't remember because here is
10 airport, you see that he scratched the airport.

ADV KATE HOFMEYR: Is that the word next to upgrade that seems to have been crossed out?

MS BABADI SYBIL TLATSANA: Ja, it's airport but I don't remember what was he said.

ADV KATE HOFMEYR: Okay any greater memory about that bottom section?

MS BABADI SYBIL TLATSANA: This 300 000 I should think he was referring it to this – to here.

ADV KATE HOFMEYR: Okay if we could go to the other part of the
20 page then.

CHAIRPERSON: I'm sorry, I'm sorry.

ADV KATE HOFMEYR: Apologies Chair.

CHAIRPERSON: Why do you think the 300 referred to him?

MS BABADI SYBIL TLATSANA: (Indistinct) Chair?

CHAIRPERSON: What was the 300 on that diagram at the bottom of

that diagram at page 588, what does it refer to?

MS BABADI SYBIL TLATSANA: You know Chair I don't remember, let me forget about this 300, but otherwise I know that it's in ...(intervention)

CHAIRPERSON: You can't remember?

MS BABADI SYBIL TLATSANA: No I don't remember I didn't quite, I am not ...

CHAIRPERSON: And the word upgade or upgrade do you remember what it was all about, what it meant?

10 **MS BABADI SYBIL TLATSANA:** Yes Chair, he doesn't stop talking about the upgrade of the airport, he is just continuing upgrade.

CHAIRPERSON: Oh so you say this word was meant to be upgrade?

MS BABADI SYBIL TLATSANA: Correct Chair.

CHAIRPERSON: He was talking about the upgrading of the airport?

MS BABADI SYBIL TLATSANA: Yes because this whole conversation it's all about the airports, the business of the airports.

CHAIRPERSON: Oh, okay, okay, thank you.

MS BABADI SYBIL TLATSANA: Yes Chair.

20 **ADV KATE HOFMEYR:** And then Ms Tlatsana we were going to the other section of the page which we have represented in EXHIBIT DD8B at page 587, if we can look at that with you and you can talk us through what was being recorded there.

MS BABADI SYBIL TLATSANA: Yes Chair, at the beginning there is a one – the next one is agreement.

CHAIRPERSON: Yes.

MS BABADI SYBIL TLATSANA: He started by saying that Koreneka has to enter into an agreement with himself for a period of five years.

CHAIRPERSON: That there would be – there should be an agreement between Koreneka and Mr van Wyk?

MS BABADI SYBIL TLATSANA: Correct Chair.

CHAIRPERSON: Okay, alright.

MS BABADI SYBIL TLATSANA: And then next to ...(intervention)

CHAIRPERSON: Did he say what that agreement was going to be for?

MS BABADI SYBIL TLATSANA: He said that we should enter into an
10 agreement because of the money ...(intervention)

CHAIRPERSON: Oh of your working relationship, to formalise the role that he was playing, that is your understanding of what he was talking about.

MS BABADI SYBIL TLATSANA: My understanding by then was Chair he has been in control of ...(intervention)

CHAIRPERSON: Of your close corporation.

MS BABADI SYBIL TLATSANA: Of my close corporation.

CHAIRPERSON: Yes.

MS BABADI SYBIL TLATSANA: Now him being in control now his
20 normal in control so to make things easy so me and – Koreneka and himself must now enter into an agreement.

CHAIRPERSON: Okay, okay, but you – so your understanding was that he wanted an agreement with Koreneka so that he could continue to play a role in Koreneka's business?

MS BABADI SYBIL TLATSANA: Correct Chair.

CHAIRPERSON: Okay, alright.

MS BABADI SYBIL TLATSANA: And two is way forward, in this way forward he was saying that there's a box below way forward, he was saying one ...(intervention)

CHAIRPERSON: I'm sorry before you talk about way forward on the extreme right or if you go horizontally on one that is five years what did that five years represent, what did he say about five years?

MS BABADI SYBIL TLATSANA: Koreneka should enter into an agreement with himself for a period of five years.

10 **CHAIRPERSON**: Oh, okay, alright.

MS BABADI SYBIL TLATSANA: Yes Chair.

CHAIRPERSON: You had moved to two on the way forward.

MS BABADI SYBIL TLATSANA: Yes, on the way forward now we should start now doing things peacefully and be having every month we need to have monthly meetings.

CHAIRPERSON: So I see there's a box there and there's an asterisk on the left hand side of the box and in between inside the box is written one month meeting, is that what he was talking about?

MS BABADI SYBIL TLATSANA: Correct Chair.

20 **CHAIRPERSON**: Okay, continue.

MS BABADI SYBIL TLATSANA: And then he was asking me what is happening about operations, about finances and financial taxes. He was asking me now since now the access is being taken away from the auditor, Mr Kalisilira, now what is happening with that and what is happening with the finances and what is happening with the financial

and taxes. And then when we go down he said because Babadi David's role, David Kalisilira's role by the way ...(intervention)

CHAIRPERSON: Ms Hofmeyr I don't know whether you don't want her to finish that line or is it more convenient to finish each line before ...(intervention)

ADV KATE HOFMEYR: I think that is preferable Chair, if before we get to David's role Ms Tlatsana you've taken us in that line where there's a box one month meeting, you've taken us across it, reading from left to right, you've told us he was worried about – well he wanted to discuss
10 what was happening, finances, financial and tax, then there's a reference to the word audit there, I understood your testimony to be that's a reference to the auditor, Mr Kalisilira, is that correct?

MS BABADI SYBIL TLATSANA: Correct Chair.

ADV KATE HOFMEYR: And then below that there seems to be MAAR in brackets and a 1 April, what did that signify?

MS BABADI SYBIL TLATSANA: I don't know but I know that it's – okay, I should, no let me not just presume, but financial taxes – okay financial taxes for the year end, financial years they begin 1st April and March at the time, so these were the roles of Kalisilira the taxes.

20 **CHAIRPERSON:** Okay.

ADV KATE HOFMEYR: Understood and then you moved down to the next asterisk which reads David role as I have it and you were going to describe that to us.

MS BABADI SYBIL TLATSANA: Yes, he wanted to find out now because now David doesn't have an access now what is going to be his

role because ...(intervention)

CHAIRPERSON: Oh was David Mr Kalisilira?

MS BABADI SYBIL TLATSANA: Correct Chair.

CHAIRPERSON: Okay.

MS BABADI SYBIL TLATSANA: He was saying what about his role because now Mr Kalisilira's role has been to do payments, he's an accountant to do financials, to do taxes, PAYE, returns, queries, Department/A and then he said 60 plus VAT these are the concerns about that, now what is going to happen because now this is what Mr
10 Kalisilira has been doing.

CHAIRPERSON: So these are the queries he was raising with you?

MS BABADI SYBIL TLATSANA: Correct Chair.

CHAIRPERSON: Okay.

ADV KATE HOFMEYR: And then if we go below that there seems to be – well just to right of that before we leave that line there seems to be something scratched out, do you recall what that was?

MS BABADI SYBIL TLATSANA: No I don't, I don't.

ADV KATE HOFMEYR: That's fine, if we then go down to three there seems to be the words bank statement what do you recall about that?

20 **MS BABADI SYBIL TLATSANA**: Yes, three he was demanding from the bank statements that I should show him the bank statements.

ADV KATE HOFMEYR: Did he give an explanation for why?

MS BABADI SYBIL TLATSANA: He needs to know the movement of the finances.

ADV KATE HOFMEYR: Well didn't he have access to that previously

through Mr Kalisilira?

MS BABADI SYBIL TLATSANA: Yes, through Mr Kalisilira.

ADV KATE HOFMEYR: So in December as I have your testimony you cancelled Mr Kalisilira's access to the bank account, so is Mr van Wyk talking about the period thereafter then, he wants access to?

MS BABADI SYBIL TLATSANA: Yes, he needed the bank statement from the 1st of January until the 20th.

ADV KATE HOFMEYR: And why did he need that, did he tell you?

MS BABADI SYBIL TLATSANA: Chair I was just listening to that man,
10 I was just listening to him because he was just everywhere but the bottom line is demanding access, he was trying to come up with reasons and I was just listening to him.

CHAIRPERSON: Okay.

ADV KATE HOFMEYR: And below three seems to be a four, what – is that correct?

MS BABADI SYBIL TLATSANA: Ja, it's four, and then he was saying that after that by the way there has to be payments, he is saying payments for all these things.

CHAIRPERSON: Payments for?

20 **MS BABADI SYBIL TLATSANA:** For number 5, you see across this adjacent is number five.

CHAIRPERSON: Are the letters that appear next to what may be four, but is not so clear, but under three are those letters PMT?

MS BABADI SYBIL TLATSANA: Yes Chair, PMT stands for payment.

CHAIRPERSON: Yes okay and then there is five and then there's

fifteen and then there's 725 and there's 75 and there is to company.

MS BABADI SYBIL TLATSANA: Correct Chair.

ADV KATE HOFMEYR: What did that mean? Do you recall?

MS BABADI SYBIL TLATSANA: I don't recall, I don't recall what that mean.

ADV KATE HOFMEYR: But then you had moved us to five which I understood you to say are the things which need to be paid, is that correct?

MS BABADI SYBIL TLATSANA: Correct Chair.

10 **ADV KATE HOFMEYR:** And as I read those it seems to be facilities, tractor, flowers, grass, gardening equipment, ablution upgrade and diesel. Is that as you read them?

MS BABADI SYBIL TLATSANA: Yes that's what he was saying that these are the things that have to be – that has to be attended to?

ADV KATE HOFMEYR: For what?

MS BABADI SYBIL TLATSANA: For both airports.

ADV KATE HOFMEYR: This is the business of Koreneka we're now talking about, is that right?

MS BABADI SYBIL TLATSANA: Correct.

20 **CHAIRPERSON:** (Laughing)

ADV KATE HOFMEYR: We haven't really been focusing on that yet in this conversation, but are we now back to what Koreneka is actually doing in terms of its agreement.

MS BABADI SYBIL TLATSANA: In terms of the agreement now he is detailing to me now what is the agreement.

ADV KATE HOFMEYR: Thank you, I mean ...(intervention)

CHAIRPERSON: Was Koreneka involved in some farming of some sort, why did you need a tractor?

MS BABADI SYBIL TLATSANA: No, no ...(intervention)

CHAIRPERSON: Is that for doing something on the grass in the airport?

MS BABADI SYBIL TLATSANA: Yes Chair, yes Chair.

CHAIRPERSON: Of watering and maybe cutting grass and so on.

MS BABADI SYBIL TLATSANA: The tractor is to cut grass in the
10 runway.

CHAIRPERSON: Oh, okay.

MS BABADI SYBIL TLATSANA: And in other reasonable areas
...(intervention)

CHAIRPERSON: So it's not out of the norm, okay.

MS BABADI SYBIL TLATSANA: No, no Chair.

CHAIRPERSON: Okay.

ADV KATE HOFMEYR: And did you understand those to be things that
Koreneka was involved in at the time?

MS BABADI SYBIL TLATSANA: He was saying that these are the
20 things that have to be attended to, we have to buy flowers for the
airports, we need to buy grass for all the airports, (indistinct)
implementation, ablution upgrade of the airports, diesel for the tractor,
these are the things that he was talking about.

CHAIRPERSON: These things Ms Tlatsana many of them went so
outside, so much outside of what you understood you know ground

handling to be about. Did you understand all of these things to be very much part of ground handling which is what your business, Koreneka, was about in regard to the airports?

MS BABADI SYBIL TLATSANA: Chair these are the duties that the staff of Koreneka was doing.

CHAIRPERSON: Yes, but my question is different, my question is whether when you entered into or the agreement with S A Express the business that Koreneka was going to be involved in was described as ground handling is that correct?

10 **MS BABADI SYBIL TLATSANA:** Correct Chair.

CHAIRPERSON: So and when you explained to me yesterday if I recall correctly, and maybe it was another witness, ground handling, it was very much about processing passengers from when they come to use aircrafts, when they want to fly, they want to travel, they come into the building, they need to check in, their luggage needs to be checked in and they need to be taken to aeroplane or that kind of thing, that's how you described it, is that correct, or did I misunderstand your evidence?

MS BABADI SYBIL TLATSANA: That is what the contract was saying Chair.

20 **CHAIRPERSON:** Yes. But now this thing of – these things of fire trucks, cutting grass and upgrading the building and so on, didn't they seem to be very much outside of the business of ground handling as you understood it?

MS BABADI SYBIL TLATSANA: Chair the cleaners and the gardeners Mr van Wyk said the agreement that was entered into with government,

they adding some responsibilities of gardening into Koreneka.

CHAIRPERSON: After the agreement had been concluded?

MS BABADI SYBIL TLATSANA: Correct Chair.

CHAIRPERSON: So he said this is what government decided to add?

MS BABADI SYBIL TLATSANA: Yes he said the Department of Transport has added some extra responsibilities into Koreneka, not into the contract, into Koreneka for Koreneka to be doing, since Koreneka has got the cleaners and the gardeners of the airport and to confirm that I even went to Mr (indistinct), Mr [indistinct] told me the same
10 thing hence now he even gave me that circular that this is – these are the budgets that have been located for the rest for – for SA Express and then these other ones are for management company to be doing that – this kind of work.

CHAIRPERSON: So – so at least the cleaning part, maintenance and maintenance part that you knew about – you knew about that from some – from a certain stage?

MS BABADI SYBIL TLATSANA: Yes Chair this is what I was told about Mr Van Wyk.

CHAIRPERSON: Yes.

20 **MS BABADI SYBIL TLATSANA:** And since – because I have not been to the airport remember.

CHAIRPERSON: Yes.

MS BABADI SYBIL TLATSANA: And now those people they were – this the work that they were doing.

CHAIRPERSON: Yes.

MS BABADI SYBIL TLATSANA: Yes Chair.

CHAIRPERSON: Okay and...

MS BABADI SYBIL TLATSANA: And being paid by Koreneke.

CHAIRPERSON: And being paid by Koreneke?

MS BABADI SYBIL TLATSANA: Correct Chair.

CHAIRPERSON: Oh so therefore the tractor for cutting grass that is the part that would require the tractor? The maintenance and the maintenance and cleaning part?

MS BABADI SYBIL TLATSANA: Correct Chair.

10 **CHAIRPERSON:** Okay, okay. And you had accepted that that was part of what was going to be Koreneke's responsibilities after Mr Van Wyk told you?

MS BABADI SYBIL TLATSANA: Chair I found the – in 2016

CHAIRPERSON: Hm.

MS BABADI SYBIL TLATSANA: When now I took over I found those responsibilities being done.

CHAIRPERSON: Hm.

MS BABADI SYBIL TLATSANA: People were doing that kind of – of job. And even the salaries they were paid from Koreneke.

20 **CHAIRPERSON:** Hm.

MS BABADI SYBIL TLATSANA: And – and even if I asked the airport manager, the airport manager explained to me that yes this according to what he knows yes this is what has been agreed upon. Even though the contract does not say that but now he say that that is why the contract has to be looked into and then that was the response that I got

from them.

CHAIRPERSON: And there was an addition on the subsidy in order to take care of the salaries for the maintenance and cleaning staff?

MS BABADI SYBIL TLATSANA: No there was never an addition.

CHAIRPERSON: There was no addition?

MS BABADI SYBIL TLATSANA: No the subsidy payment.

CHAIRPERSON: Hm.

MS BABADI SYBIL TLATSANA: Was according to the...

CHAIRPERSON: To the agreement.

10 **MS BABADI SYBIL TLATSANA**: To the schedule that was attached on the service level agreement.

CHAIRPERSON: Okay and how many – more or less how many employees were involved in cleaning and maintenance? Or you cannot remember?

MS BABADI SYBIL TLATSANA: Chair – I would say 30 Pilanesberg, 30 Mafikeng.

CHAIRPERSON: Oh that is quite a lot of people.

MS BABADI SYBIL TLATSANA: Yes Chair.

CHAIRPERSON: You say they were added without any increase on the
20 – on the subsidy to help Koreneke to pay their salaries?

MS BABADI SYBIL TLATSANA: No Chair. Remember the subsidy – the subsidy according to the way I saw it – the subsidy it is a – for the first year it is 51 million.

CHAIRPERSON: When I say subsidy I am just referring to the money that came from Department of Transport.

MS BABADI SYBIL TLATSANA: Yes, no there was no money.

CHAIRPERSON: And went to SA Express and then came to you or came straight to you. I am just using one word for all of those monies.

MS BABADI SYBIL TLATSANA: Yes I – no Chair.

CHAIRPERSON: There was no addition?

MS BABADI SYBIL TLATSANA: No Chair.

CHAIRPERSON: Okay alright thank you.

ADV KATE HOFMEYR: Just to complete this line of questions if I may Ms Tlatsana about what work Koreneke did or did not do. Did Koreneke
10 ever engage in route marketing for the routes that were flying into the airports?

MS BABADI SYBIL TLATSANA: No Chair.

ADV KATE HOFMEYR: And that you will recall Ms Tlatsana because you have looked at the subsidy structure page of the main agreement. If we go in DD8[a] to page 156.

CHAIRPERSON: Did you say page 156?

ADV KATE HOFMEYR: Yes 156 of DD8[a].

CHAIRPERSON: A okay.

ADV KATE HOFMEYR: Ms Tlatsana if you have a look at that page 156
20 this is not a particularly good copy we have seen better copies I can take you to one but I assume you have seen this page before. The second half of the page deals with what the management company subsidy is going to be and do you see the lines following that say: route marketing subsidy Pilanesberg and in year 1 it is about 14.8 million and then below that route marketing subsidy Mafikeng and about

8.8 million again. Do you see that? Oh sorry 14.8 million again, do you see that?

MS BABADI SYBIL TLATSANA: Correct Chair.

ADV KATE HOFMEYR: So it is in excess of 29 million that total and as I have your evidence your company never engaged in route marketing?

MS BABADI SYBIL TLATSANA: No Chair.

ADV KATE HOFMEYR: But you did receive that payment of 29 million nonetheless?

MS BABADI SYBIL TLATSANA: Yes it was paid into the account. Yes
10 Chair.

ADV KATE HOFMEYR: Thank you. Ms Tlatsana if we can then go – I am conscious of the time and what we still need to cover. The remainder of your affidavit starts to talk about the success of companies who are then appointed to replace Koreneke for – in relation to ground handling at the airports. We have had quite a bit of evidence in relation to those aspects from previous witnesses so Chair with your leave my – I propose to ask specific questions that are peculiar to Ms Tlatsana's personal knowledge in relation to those aspects.

CHAIRPERSON: Yes.

20 **ADV KATE HOFMEYR:** Because we have had the benefit of the setting out of the time and the circumstances of their appointment.

CHAIRPERSON: Yes.

ADV KATE HOFMEYR: Through other witnesses.

CHAIRPERSON: No that is fine but I also wanted to mention to you that from my own side I will not be rigid by one o'clock if we – that we

stop at one o'clock if we need a little bit more time just to finish her evidence.

ADV KATE HOFMEYR: Thank you Chair.

CHAIRPERSON: So ...

ADV KATE HOFMEYR: Thank you.

CHAIRPERSON: So we could continue if we – by that time we are about to finish.

ADV KATE HOFMEYR: Thank you Chair.

CHAIRPERSON: Okay.

10 **ADV KATE HOFMEYR:** If we go next Ms Tlatsana in your affidavit that is in Exhibit DD8[a] to page 23.

MS BABADI SYBIL TLATSANA: 23?

ADV KATE HOFMEYR: 23, 23. Ms Tlatsana that page of your affidavit there is a heading towards the bottom of the page Valotech agreement. We have heard about that agreement in previous testimony. I have a few questions in relation to it.

CHAIRPERSON: I am sorry just before that. Did we finish with that meeting where she was recording? Okay let me just check. On what basis was that meeting ended? So Mr Van Wyk said a lot of things and
20 you said most of the time you kept quiet you said he must continue. Just tell us some of the points that you made during that meeting?

MS BABADI SYBIL TLATSANA: Yes and then...

CHAIRPERSON: If any?

MS BABADI SYBIL TLATSANA: Okay Chair. And he said I should consider – he was insisting on me to consider the fact that he has got

two critical people that has to receive their monies.

CHAIRPERSON: That he – that should be paid?

MS BABADI SYBIL TLATSANA: Yes that should be paid.

CHAIRPERSON: Ja.

MS BABADI SYBIL TLATSANA: And if I could be of assistance and ...

CHAIRPERSON: If you could assist with regard to that?

MS BABADI SYBIL TLATSANA: Yes if I could release and give back the pin codes.

CHAIRPERSON: Oh the pin code or password.

10 **MS BABADI SYBIL TLATSANA**: Ja the password to Mr Kalisilira to continue.

CHAIRPERSON: For the accountant to get into – access the account.

MS BABADI SYBIL TLATSANA: Correct Chair.

CHAIRPERSON: And what did you say?

MS BABADI SYBIL TLATSANA: I did not say anything.

CHAIRPERSON: Oh he was asking you to think about that?

MS BABADI SYBIL TLATSANA: Yes and I just kept quiet.

CHAIRPERSON: Yes. And what did you – did you say anything in response to his proposal that your closed corporation should enter into
20 a contract with him for five years?

MS BABADI SYBIL TLATSANA: To my knowledge I – if I remember well I never said a word regarding to that.

CHAIRPERSON: Yes. Is there any particular point of importance that you made at that meeting that you want to tell me about?

MS BABADI SYBIL TLATSANA: In the...

CHAIRPERSON: To him that you made to him?

MS BABADI SYBIL TLATSANA: In that meeting Chair the purpose of the meeting was Brian to extract more money from the company and my main story was I do not understand why you need money. I do not understand why you talking about people that are getting their salaries every month to get money from this company and I do not understand – you are busy making arrangements and all this things you are just informing me you are not telling me – you come here to tell me what to do and I am not happy about that. I remember this somewhere where I
10 was now even scolding him that I am not going to take his story. And he just wanted to – his presentation was Babadi I am in trouble please these people they want their monies that we promised to give them. Make access available so that we can pay them because there is another 18 million coming in February. So that is the one that we will play around with.

CHAIRPERSON: How long did that meeting take if you remember more or less? You cannot remember?

MS BABADI SYBIL TLATSANA: Chair I think it is – it did not take long less than 30 minutes.

20 **CHAIRPERSON:** Oh okay. So by the end of the meeting you had not promised him anything. You had not agreed to anything?

MS BABADI SYBIL TLATSANA: Chair I – no, no, I – as I remember I did not promise him anything.

CHAIRPERSON: Yes.

MS BABADI SYBIL TLATSANA: Because when he was busy talking I

was saying okay. Okay. Okay. Okay.

CHAIRPERSON: But okay can mean I agree.

MS BABADI SYBIL TLATSANA: No okay. My okay was to dismiss him.

CHAIRPERSON: Oh.

MS BABADI SYBIL TLATSANA: So that he can get out of my back.

CHAIRPERSON: Okay. Okay.

MS BABADI SYBIL TLATSANA: Because at least – because I got what he wanted to say

10 **CHAIRPERSON**: Yes okay. So the meeting ended without any particular conclusion?

MS BABADI SYBIL TLATSANA: No Chair if I remember no.

CHAIRPERSON: Yes alright thank you.

MS BABADI SYBIL TLATSANA: And there is one fact here that you think we should say. In the beginning of this meeting what he mentioned that I made Ms Kate and the gentleman aware. He said Babadi to be honest now let me be fair to you – I have not been fair to you all this time. Let me now be open to you and tell you exactly what is supposed to happen. Remember that is what he said. Now that is what he said. That I have not been fair to you please now I am here let
20 me just be open and fair to you and tell you actually what is going on.

CHAIRPERSON: And that is in the recorded conversation?

MS BABADI SYBIL TLATSANA: Correct Chair.

CHAIRPERSON: Okay thank you.

ADV KATE HOFMEYR: Could I ask a follow up in relation to that Ms Tlatsana. Did you understand what Mr Van Wyk then said to you in the

course of that conversation to be an explanation of where the monies that you had seen go out of the Koreneke account actually ended up?

MS BABADI SYBIL TLATSANA: Your question again?

ADV KATE HOFMEYR: Let me break it down. You had previously seen amounts go out of the Koreneke account, correct?

MS BABADI SYBIL TLATSANA: Correct.

ADV KATE HOFMEYR: And you had made enquiries of Mr Van Wyk about what those monies were being used for, correct?

MS BABADI SYBIL TLATSANA: Correct.

10 **ADV KATE HOFMEYR:** Now you sit down with a meeting on the 20 January 2016 and as I have your evidence he said to you he is now going to be frank with you, he is going to tell you what is really going on, is that correct?

MS BABADI SYBIL TLATSANA: Correct.

ADV KATE HOFMEYR: And then he proceeds to tell you about millions of rands that need to be paid or have been paid to people, correct?

MS BABADI SYBIL TLATSANA: Correct Chair.

ADV KATE HOFMEYR: Did you understand him to be giving you an explanation for where the monies that had been taken out of the
20 account previously actually ended up as opposed to the reason he gave you previously?

MS BABADI SYBIL TLATSANA: Chair Mr Van Wyk's story was not adding up. It was not adding up. He was just everywhere.

ADV KATE HOFMEYR: But he did not ever say to you remember when I told you that there was a payment for fire trucks that was actually a

payment for this person or that person, he did not say anything like that?

MS BABADI SYBIL TLATSANA: No, no he did not say – no he did not say that one.

ADV KATE HOFMEYR: Thank you.

MS BABADI SYBIL TLATSANA: According to my memory he did not say that.

ADV KATE HOFMEYR: And if we go – I was going to direct you to page 23 of the affidavit in DD8[a].

10 **MS BABADI SYBIL TLATSANA:** Hm.

ADV KATE HOFMEYR: You have a heading there the Valotech Agreement. Ms Tlatsana we have heard evidence about that I would like to ask you just a few questions. Who was Ms Nothando Dube?

MS BABADI SYBIL TLATSANA: Nothando Dube was the facilities manager in Koreneke during the year 2015.

ADV KATE HOFMEYR: And did her role cease at Koreneke?

MS BABADI SYBIL TLATSANA: Yes her role ceased in May 2016.

ADV KATE HOFMEYR: And what happened?

20 **MS BABADI SYBIL TLATSANA:** She did not – she did not extend – she did not extend her contract because everybody was – has extended their contract. She did not extend her contract and she was just there coming every day to office.

ADV KATE HOFMEYR: So I think we had evidence previously that you dismissed her, is that not correct?

MS BABADI SYBIL TLATSANA: It is correct I dismissed her.

ADV KATE HOFMEYR: When did you do that?

MS BABADI SYBIL TLATSANA: I do not remember the date but – maybe the 22 May somewhere there.

ADV KATE HOFMEYR: In May 2016?

MS BABADI SYBIL TLATSANA: Correct Chair.

ADV KATE HOFMEYR: And what role did she then play in Valotech to your knowledge?

MS BABADI SYBIL TLATSANA: No after she left some two days after she left now in the corridors I heard that she got a company and her
10 company is being paid – is going to be paid in the 1 June for her to take over the responsibilities of Koreneke in Mafikeng airport.

ADV KATE HOFMEYR: And to your knowledge did that payment take place?

MS BABADI SYBIL TLATSANA: After my investigation yes that payment did take place.

ADV KATE HOFMEYR: And were you able in that investigation to establish any links between Ms Dube and Mr Van Wyk?

MS BABADI SYBIL TLATSANA: Correct Chair.

ADV KATE HOFMEYR: What were they?

20 **MS BABADI SYBIL TLATSANA:** After my attorney Mr Julian Knight enter into the shelved warehouse to check the whereabouts – to make a follow up on this Valotech company when is it registered is then when now we realised that the owner of this company initially it was the name of the company was Estala – Lavel Estavel and it was Mr Van Wyk's company with the registration number K2013149778 and then this

company the person who put it on the shelf his name is Mr Siphon Phiri and Mr Siphon Phiri is Mr Brian Van Wyk's partner. And because we could confirm again with his ID number – with Mr Van Wyk's ID number that yes the Lavel Estavel was his company his ID number is 8208...

ADV KATE HOFMEYR: We do not need that detail.

MS BABADI SYBIL TLATSANA: Okay alright

ADV KATE HOFMEYR: Thank you.

MS BABADI SYBIL TLATSANA: Alright thank you. Should I continue?

ADV KATE HOFMEYR: Yes I would just like to get a few more details
10 in relation to Valotech. To your knowledge did they render any services at Mafikeng airport?

MS BABADI SYBIL TLATSANA: They have never rendered any service
Chair.

ADV KATE HOFMEYR: How do you know that?

MS BABADI SYBIL TLATSANA: Because I was – Koreneke was there rendering services.

ADV KATE HOFMEYR: Until what date?

MS BABADI SYBIL TLATSANA: Until 2017 if I am not mistaken.

ADV KATE HOFMEYR: Thank you. I would also like to just draw your
20 attention to a document that we actually received in the course of yesterday Chair but it has been added to the bundle just for Ms Tlatsana's comment. You will find it in Exhibit DD8[b] and you will find it right at the back at page 584. Chair this is an email that we received.

CHAIRPERSON: Yes.

ADV KATE HOFMEYR: From Ms Petudi actually yesterday but it was not dealt with in the course of her evidence insofar as the document was concerned.

CHAIRPERSON: Hm.

ADV KATE HOFMEYR: But her evidence was that Valotech invoiced the North West Department in terms of its agreement with SA Express the invoice came through on an email from Mr Kalisilira and it is for that reason that I want to ask Ms Tlatsana whether she recognises the person who is sending this email at page 584.

10 **MS BABADI SYBIL TLATSANA:** Correct Chair I do recognise this here.

ADV KATE HOFMEYR: And who is that person?

MS BABADI SYBIL TLATSANA: Mr David Kalisilira.

ADV KATE HOFMEYR: And is that email address indicated for him one that you were familiar with?

MS BABADI SYBIL TLATSANA: Correct Chair – I think I can say correct, yes.

ADV KATE HOFMEYR: It was – you did know his email david@jdk.tax?

CHAIRPERSON: No you know this one I am not sure of.

ADV KATE HOFMEYR: Okay.

20 **MS BABADI SYBIL TLATSANA:** I am not sure of this one.

ADV KATE HOFMEYR: Were you aware of his – the name of his company or the one he worked at?

MS BABADI SYBIL TLATSANA: Come again?

ADV KATE HOFMEYR: Were you aware of the company that Mr Kalisilira worked at?

MS BABADI SYBIL TLATSANA: Yes I was aware of.

ADV KATE HOFMEYR: What was its name?

MS BABADI SYBIL TLATSANA: The other company was Mint Books.

ADV KATE HOFMEYR: Mint Books yes that you refer to in your affidavit. So does this company JDK and Partners mean anything to you that appears under his name in the email?

MS BABADI SYBIL TLATSANA: Yes Chair during the investigation we realised that this one too is his company.

ADV KATE HOFMEYR: Thank you. So – were you aware previously
10 that Mr Kalisilira was involved at least on the face of this document with Valotech?

MS BABADI SYBIL TLATSANA: I was not aware the first time I realised.

CHAIRPERSON: Ms Hofmeyr I just want to make sure that we are on the same page on how much is left.

ADV KATE HOFMEYR: Yes.

CHAIRPERSON: Before you finish.

ADV KATE HOFMEYR: Indeed.

CHAIRPERSON: But part of the reason I want to know that – to know
20 your estimate it is because I do not want you to necessarily rush too much when I might still have time.

ADV KATE HOFMEYR: Yes.

CHAIRPERSON: So what is your present estimate of how much more time you need without doing any injustice to ...

ADV KATE HOFMEYR: Probably 45 minutes Chair.

CHAIRPERSON: Okay. I can sit another 45 minutes.

ADV KATE HOFMEYR: Should we carry on and then break?

CHAIRPERSON: I think let us just carry on. If it is – is that fine with you Ms Tlatsana and with everybody involved?

ADV KATE HOFMEYR: It seems to be fine Chair.

CHAIRPERSON: Okay alright let us – let us continue.

ADV KATE HOFMEYR: I just want to mention I am the only one who has been standing for the whole day but I will keep it together for the next 45 minutes without any problem.

10 **CHAIRPERSON**: Yes. Okay. Thank you.

ADV KATE HOFMEYR: Thank you so much. We – Ms Tlatsana you have confirmed that despite Valotech receiving a payment from the North West to your knowledge they delivered no services at Mafikeng airport, correct?

MS BABADI SYBIL TLATSANA: Correct Chair.

ADV KATE HOFMEYR: Ms Tlatsana I then understand that there was a point at which you were arrested towards the end of 2016 can you tell us about that?

20 **MS BABADI SYBIL TLATSANA**: I was arrested on the 15 December 2016

ADV KATE HOFMEYR: 2016.

MS BABADI SYBIL TLATSANA: 2016 yes.

ADV KATE HOFMEYR: And what were you arrested for?

MS BABADI SYBIL TLATSANA: I was arrested for racketeering it is 4 charges I do not remember them but I know that racketeering was one

of them.

ADV KATE HOFMEYR: And if you go to page 22 of your affidavit in Exhibit DD8[a] page 22. You indicate at paragraph 4.58 that you were subsequently charged, what was your charge?

MS BABADI SYBIL TLATSANA: Okay I was charged with fraud in relation to the business of the first respondent.

ADV KATE HOFMEYR: That is Koreneke, correct?

MS BABADI SYBIL TLATSANA: Yes Chair.

ADV KATE HOFMEYR: And were you granted bail?

10 **MS BABADI SYBIL TLATSANA:** Correct Chair

ADV KATE HOFMEYR: In what amount?

MS BABADI SYBIL TLATSANA: Half a million Chair, R500 000,00.

ADV KATE HOFMEYR: And what has happened subsequently with that case?

MS BABADI SYBIL TLATSANA: It was provisionally withdrawn.

ADV KATE HOFMEYR: And was the bail money returned to you?

MS BABADI SYBIL TLATSANA: Correct Chair.

ADV KATE HOFMEYR: Just for your reference I have that at page 28 paragraph 4.85. There you say the criminal matter has subsequently
20 been withdrawn against me and the other role players are now the subject of criminal investigation in respect to the money laundering referred to in this affidavit. Chair we will look into that in due course. I do not propose to do it with Ms Tlatsana you will recall at the opening of the aviation evidence I indicated that we had taken steps to make contact with the priority crime investigation unit.

CHAIRPERSON: Ja.

ADV KATE HOFMEYR: So we will update you in due course on that.

CHAIRPERSON: Yes.

ADV KATE HOFMEYR: But Ms Tlatsana I understand your testimony to be that the charges are provisionally withdrawn, is that correct?

MS BABADI SYBIL TLATSANA: Correct Chair.

ADV KATE HOFMEYR: Thank you.

CHAIRPERSON: Did their withdrawal come about after you had given your version of what had happened or not really?

10 **MS BABADI SYBIL TLATSANA:** Yes Chair it is after I submitted my version.

CHAIRPERSON: Oh okay.

ADV KATE HOFMEYR: And you as I understand it the second affidavit that we have referenced in these proceedings is an affidavit that you have provided to the Hawks, is that correct?

MS BABADI SYBIL TLATSANA: Correct Chair.

ADV KATE HOFMEYR: And in relation to your bail who – how did you manage to come up with half a million rand for that bail?

MS BABADI SYBIL TLATSANA: I took it from the bank account.

20 **ADV KATE HOFMEYR:** Thank you. Your personal bank account?

MS BABADI SYBIL TLATSANA: No the company's

ADV KATE HOFMEYR: The company - Koreneke's.

MS BABADI SYBIL TLATSANA: Correct Chair.

MS BABADI SYBIL TLATSANA: Thank you. That is at the end of 2016 I am trying to follow it in the chronology. The next event that appears

from your affidavit is a purported termination of your agreements with SA – your agreement with SA Express which occurred in March 2017. Can you tell us about that?

MS BABADI SYBIL TLATSANA: Where are we?

ADV KATE HOFMEYR: I can take you to page 30, 30 of your affidavit.

MS BABADI SYBIL TLATSANA: Hm.

ADV KATE HOFMEYR: Well if you go back one page sorry just so that you can get the heading. At page 29 you will see a heading ‘The termination of the ground handling agreement’ and at paragraph 4.91
10 there is a reference to an email that you received. We can go there. The email is at page 245 in the same bundle. No apologies that is the order. The letter is at 242. That is the one in relation to the proceedings. I do apologies. Please go back to 239. That is the letter of the 13 March please tell us what that says?

MS BABADI SYBIL TLATSANA: The letter is from SA Express to the director Koreneke Trading and Projects.

ADV KATE HOFMEYR: And who in particular at SA Express wrote the letter?

MS BABADI SYBIL TLATSANA: CEO Mr Inathi Ntshanga.

20 **ADV KATE HOFMEYR:** Thank you. And what does it record? What does the letter say?

MS BABADI SYBIL TLATSANA: Okay.

“Termination of standard ground handling agreement between Koreneke and Project and SA Express. This letter serves as confirmation of termination for

standard ground handling services at Pilanesberg International Airport. The agreement shall terminate on the 31 March 2017. Please liaise with the newly appointed airport management company. Yours faithfully.”

ADV KATE HOFMEYR: And as I have it from your affidavit you took legal steps in response to this letter, is that correct?

MS BABADI SYBIL TLATSANA: Correct Chair.

ADV KATE HOFMEYR: And what happened in those legal proceedings?

10 **MS BABADI SYBIL TLATSANA:** On that legal proceedings we went to court and then we were – been granted – the draft order says – which one should I read?

“The cancellation by the respondent on the 1 March of the ground handling entered into between the applicant and the respondent on 15 March 2015”

ADV KATE HOFMEYR: 15 April.

MS BABADI SYBIL TLATSANA: I mean

20 “15 April 2015 be declared unlawful is hereby set aside. It is hereby declared that the ground handling agreement entered into...”

CHAIRPERSON: One second - I am sorry.

ADV KATE HOFMEYR: Apologies Ms Tlatsana.

CHAIRPERSON: Thank you, proceed.

MS BABADI SYBIL TLATSANA: Okay.

ADV KATE HOFMEYR: So the second declaratory – as I have it you

obtained - was that the ground handling agreement entered into between yourself and South African Express remained binding. Is that correct?

MS BABADI SYBIL TLATSANA: Correct Chair.

ADV KATE HOFMEYR: And then Ms Tlatsana if we go to page 33 of your affidavit in DD8A you then detail the agreements that were concluded with companies that we have been colloquially referring to as PAMCO and MAMCO. We have been through those details previously in evidence.

10 What I am interested in – in terms of your knowledge is whether PAMCO rendered any services in relation to either the Pilanesberg or the Mafikeng Airports?

MS BABADI SYBIL TLATSANA: I – I do not know but what I know about PAMCO is after my – after Koreneka's suspension on 25 May 2017 and then it was PAMCO that entered. Before then yes they came to tell us that they are the ones that have been granted – given the contract to do the work.

ADV KATE HOFMEYR: And when you – when exactly did you move off site at the airport?

20 **MS BABADI SYBIL TLATSANA:** The letter from the CEO said with immediate effect.

ADV KATE HOFMEYR: And when was that?

MS BABADI SYBIL TLATSANA: There is a letter for the CEO. There is a letter for the CEO. I think it was on 25 May somewhere there.

ADV KATE HOFMEYR: In 2017?

MS BABADI SYBIL TLATSANA: Correct Chair.

ADV KATE HOFMEYR: But until that point you had been rendered the services at Pilanesberg and Mafikeng. Correct?

MS BABADI SYBIL TLATSANA: Correct Chair.

ADV KATE HOFMEYR: You say on page 34 paragraph 4.108 that:

“On 28 June 2017 PAMCO was paid 15.55 million by the second respondent.”

That is a reference to the North West Department of Transport and you add:

10 “Despite the fact that it has to date rendered no services in respect of the Pilanesberg Airport and knew that the money was due and payable to Koreneka.”

But I am just trying to get clear on the extent to which you can make that statement in relation to your knowledge of what was happening on the ground at Pilanesberg Airport. Your knowledge ends at the end of May 2017. Is that correct?

MS BABADI SYBIL TLATSANA: Correct Chair.

20 **ADV KATE HOFMEYR:** Right. So you can say until May 2017 they were not rendering the services. Correct?

MS BABADI SYBIL TLATSANA: Correct Chair.

ADV KATE HOFMEYR: But you do not have knowledge after that point. Correct?

MS BABADI SYBIL TLATSANA: Correct Chair.

ADV KATE HOFMEYR: Thank you. Ms Tlatsana I would like to ask you

now just in summary to go to a diagram that has been prepared by the Commission. You have been show this diagram previously and you will find it in EXHIBIT DD8B right at the back. It is at page 5-8-5. Ms Tlatsana you have a copy in front of you.

There is also a graphical representation that is been displayed in the room. You will see on the top left there is a little what looks like a house representing the North West Government and then you will see a series of lines in red on that diagram which when this was put together was intended to denote payments out of the North
10 West Government and you will see a whole number of lines at the top – covering the top of the page - going from the North West Government to South African Express. Do you see that?

MS BABADI SYBIL TLATSANA: Correct Chair.

ADV KATE HOFMEYR: There are also payments going from the North West Government into Koreneka. Do you see that?

MS BABADI SYBIL TLATSANA: Correct Chair.

ADV KATE HOFMEYR: And then payments down out of the North West Government to Valotek, MAMCO and PAMCO. Do you see that?

MS BABADI SYBIL TLATSANA: Correct Chair.

20 **ADV KATE HOFMEYR:** And then below Koreneka there are a series of payments out. Ms Tlatsana this has been produced based principally on your affidavit evidence as well as certain of the evidence Chair of other witnesses. So it is only fair Ms Tlatsana can only speak to that of which she has personal knowledge but we thought it useful just for summary purposes for us to get a picture of how much money and to

whom it went.

So if we talk about your aspects Ms Tlatsana you can confirm – can you – that 20 606 435 million - that is the line between the North West Government and Koreneka - that money came into Koreneka. Correct?

MS BABADI SYBIL TLATSANA: Correct Chair.

ADV KATE HOFMEYR: And the line from South African Express which is in the top right hand corner down to Koreneka of 31 million. Can you confirm Koreneka having received that?

10 **MS BABADI SYBIL TLATSANA:** Correct Chair.

ADV KATE HOFMEYR: And then out of Koreneka this is tracked from your affidavit there as the 500 000 that went to (indistinct). Correct?

MS BABADI SYBIL TLATSANA: Correct Chair.

ADV KATE HOFMEYR: Another 500 000 that was given a reference management consulting. Do you recall that?

MS BABADI SYBIL TLATSANA: Correct Chair.

ADV KATE HOFMEYR: Two million that went to a Mr Peters. Do you recollect that?

MS BABADI SYBIL TLATSANA: Correct Chair.

20 **ADV KATE HOFMEYR:** Nine million that went to an entity called AMFS? As I recall it the only indication you were given of that on a statement was an entry movement and finance. Is that correct?

MS BABADI SYBIL TLATSANA: Correct Chair.

ADV KATE HOFMEYR: 9.9 million that went to Neo Solutions?

MS BABADI SYBIL TLATSANA: Correct Chair.

ADV KATE HOFMEYR: And then the balance of that is 29.1 million.

Do you see that?

MS BABADI SYBIL TLATSANA: Correct Chair.

ADV KATE HOFMEYR: And you indicated there Ms Tlatsana as retaining that 29.1 million. Do you see that?

MS BABADI SYBIL TLATSANA: Correct Chair.

ADV KATE HOFMEYR: You will recall yesterday we have asked for an account of what happened to that 29.1 million and I understand you will still be providing that to us in due course.

10 **MS BABADI SYBIL TLATSANA:** Correct Chair.

ADV KATE HOFMEYR: You did give us some information about it in the course of your evidence yesterday. You said at least 500 000 was paid to your associated company around June/July 2015. Is that correct?

MS BABADI SYBIL TLATSANA: Correct Chair.

ADV KATE HOFMEYR: Ms Tlatsana I also understand that you made another payment out of that account to the ANC. Can you – in early 2016. Can you please explain to us the circumstances around that payment?

20 **MS BABADI SYBIL TLATSANA:** Chair during 2016 when Mr van Wyk was making the up and downs and with a series of calls he – he needed money because before then he was saying that the ANC had to be paid money and that is where now I was – I used to query him but I do not understand why but now this time when I – I made this transaction because he wanted to – to have access into the account and I – I decided that – you know – let me pay all the outstanding that Brian was

talking about.

So that we can be – I can be relieved from him because the pressure was just too much – was unbearable with regard to the demand of the money.

CHAIRPERSON: With reference to the meeting that you held with Mr van Wyk at Spur Restaurant where you recorded your conversation where – when was it when you then decided to make payments – remaining payments and when you had to deal with the question of making a payment to the ANC.

10 Where are we talking about? What timeframe are we talking about? What – what time, when, which month, in 2016? The meeting was – was on 23 January.

ADV KATE HOFMEYR: 20 June.

MS BABADI SYBIL TLATSANA: It was ...

ADV KATE HOFMEYR: Sorry- 20 January it was.

CHAIRPERSON: 20 January 2016?

MS BABADI SYBIL TLATSANA: Correct Chair.

CHAIRPERSON: Now when you made this decision to make some payments to some people so that you can have nothing to do with him
20 because you were – he was giving you too much pressure. When was that?

MS BABADI SYBIL TLATSANA: Chair I do not – I do not remember very well because I – we tried to check in the statements. I do not know whether it was ...

CHAIRPERSON: Oh, you cannot remember?

MS BABADI SYBIL TLATSANA: Before the 20th or after the 20th. I do not remember well.

CHAIRPERSON: You – you think it could – it could be before – it could have been before the 20th before you had the meeting?

MS BABADI SYBIL TLATSANA: (No audible reply).

CHAIRPERSON: You cannot remember?

MS BABADI SYBIL TLATSANA: I cannot remember Chair. I cannot.

CHAIRPERSON: Late in the year, early in the year, mid-year you cannot remember?

10 **MS BABADI SYBIL TLATSANA:** No, no, no. It is – it is early in the year.

CHAIRPERSON: It is early in the year?

MS BABADI SYBIL TLATSANA: Yes Chair.

CHAIRPERSON: Okay, alright.

ADV KATE HOFMEYR: Could I probe that a little bit further? How did you obtain details for the payment to be made to the ANC?

MS BABADI SYBIL TLATSANA: I – I got the details from the ANC Regional Office.

CHAIRPERSON: *Ja*, but ...

20 **ADV KATE HOFMEYR:** In the North West.

CHAIRPERSON: I am sorry. Let us go back. I do not – I did not get the story correctly. How did the idea of your close corporation paying the ANC or you paying the ANC something arise and from whom did it arise and what was the occasion?

MS BABADI SYBIL TLATSANA: Chair Mr van Wyk was putting

pressure that we should pay – we should put money into ANC and he was putting pressure – everything that he was talking about it was ANC this, ANC that, ANC this, Luthuli this, ANC this. He was just making noise about ANC.

CHAIRPERSON: Earlier on when you talked about your meeting with him on 20 January 2016.

MS BABADI SYBIL TLATSANA: Yes Chair.

CHAIRPERSON: You said he talked to you about your refunding him and Mr Kalisilira – I hope I am pronouncing the surname correctly –
10 refunding them because they had paid a certain – a few millions I think.

ADV KATE HOFMEYR: 400 000 Chair.

MS BABADI SYBIL TLATSANA: 400 000.

CHAIRPERSON: Sorry?

ADV KATE HOFMEYR: 400 000 – as I have it.

CHAIRPERSON: Oh, 400 000 not millions.

MS BABADI SYBIL TLATSANA: Hm.

CHAIRPERSON: R400 000 for the ANC 104 celebrations. Now when the question of paying the ANC that we are now talking about arose was it in relation to that money or was it something else?

20 **MS BABADI SYBIL TLATSANA:** Chair Mr van Wyk – okay the 400 000 was the refund ...

CHAIRPERSON: To him and Mr Kalisilira?

MS BABADI SYBIL TLATSANA: Yes Chair ...

CHAIRPERSON: Yes.

MS BABADI SYBIL TLATSANA: For – for (intervenes).

CHAIRPERSON: But this time he was not talking about that R400 000?

MS BABADI SYBIL TLATSANA: No, no. This time it is not about 400 000.

CHAIRPERSON: Okay.

MS BABADI SYBIL TLATSANA: This time it is a – a donation to ANC.

CHAIRPERSON: Oh, he asked you to make a donation to the ANC?

MS BABADI SYBIL TLATSANA: Correct Chair.

CHAIRPERSON: Okay, alright and what did you say to this suggestion? What did you say to his proposal or suggestion?

10 **MS BABADI SYBIL TLATSANA:** Chair because these were the things that he was saying - he said before that they should be done and then I said – you know – let me just pay this amount of money so that I can be out of Mr van Wyk's back. He can be out – out of my back.

CHAIRPERSON: Yes. So you agreed? So you agreed to pay a donation to the ANC?

MS BABADI SYBIL TLATSANA: Yes Chair. I – I paid that money to ANC.

20 **CHAIRPERSON:** Did he indicate to you how much he was suggesting you should pay or did he leave that to you? The amount that you should pay as a donation did he make a suggestion to you or did he leave that to you how much you would – how much donation you would make?

MS BABADI SYBIL TLATSANA: I – I do not remember. I do not remember.

CHAIRPERSON: You do not remember him making

MS BABADI SYBIL TLATSANA: I do not remember (intervenes).

CHAIRPERSON: Talking about an amount?

MS BABADI SYBIL TLATSANA: I do not know remember that one.

CHAIRPERSON: Okay. How much did you pay as a donation to the ANC?

MS BABADI SYBIL TLATSANA: One million Chair.

CHAIRPERSON: R1 million?

MS BABADI SYBIL TLATSANA: Yes Chair.

CHAIRPERSON: Would this have been around early – early in 2016,
10 around mid-year or you are not sure?

MS BABADI SYBIL TLATSANA: It was early 2016 Chair.

CHAIRPERSON: Early in 2016?

MS BABADI SYBIL TLATSANA: Yes Chair.

CHAIRPERSON: Okay, alright. Thank you.

ADV KATE HOFMEYR: And as I understand your evidence you got the account details from the Regional Office of the ANC. Is that correct?

MS BABADI SYBIL TLATSANA: Correct Chair.

ADV KATE HOFMEYR: And when you provide us with your affidavit in due course accounting for the 29.1 million that is not accounted for on
20 your affidavit I take you will get the details for when that payment was made?

MS BABADI SYBIL TLATSANA: Correct Chair.

ADV KATE HOFMEYR: Amongst others and can I ask you today to your recollection were there any other payments that you made to political parties or politically connected persons?

MS BABADI SYBIL TLATSANA: Not to my memory Chair, no.

ADV KATE HOFMEYR: But you will go back over the bank statements and give us a full account?

MS BABADI SYBIL TLATSANA: Correct Chair.

ADV KATE HOFMEYR: Ms Tlatsana there are one or two sort of tie up questions that I want to put to you but before we go there. Your affidavit to the Hawks talks about threats about that you received over the period of your engagements with Koreneka and South African Express. Can you tell us about those? What – what did they involve?

10 **MS BABADI SYBIL TLATSANA:** Chair in the beginning of – in December 2015 no 2016 before ...

ADV KATE HOFMEYR: That is – can we just locate in time. December 2016 is where you – when you arrested.

MS BABADI SYBIL TLATSANA: Yes.

ADV KATE HOFMEYR: Correct?

MS BABADI SYBIL TLATSANA: Yes.

ADV KATE HOFMEYR: So that is where we are in time?

MS BABADI SYBIL TLATSANA: Yes but I am going – I am going back not to the beginning of ...

20 **ADV KATE HOFMEYR:** A little bit behind that?

MS BABADI SYBIL TLATSANA: *Ja*.

ADV KATE HOFMEYR: Before that, thank you.

MS BABADI SYBIL TLATSANA: *Ja*, before that. Beginning of 2016 – January there – some two gentlemen came to the office. I remember the other one his name – he was saying that he is Sipho. I forgot the

other one. They were just so - looking strange. They were driving a big Mercedes Benz.

They parked there and then they – they parked there in front of the office opposite and then they came straight into the office and they said – they – they asked the lady who I am working with that they are here. They want to see me and their car it is a GP registration and I wanted to resist but I said God be with me.

Let me just go and hear what these people want and these gentlemen they said to me that they came here to come and intervene
10 into my misunderstanding with Brian van Wyk – misunderstanding. Yes there is a misunderstanding because now Brian van Wyk is a – is expecting money from Koreneka and I am not giving him the money and he is under threat because he promised to pay people money and this – these very same men they said that there is a – their portion as well is in that package.

I told them that you know what I do not know you. I do not understand what you are talking about. Yes Brian van Wyk I know him. He is a GM of Commercial in SA Express. I have got no dealings with Mr van Wyk. So I do not understand what you gentlemen are talking
20 about. I think if you can just go back to Mr van Wyk and find out what is he talking about.

I do not know. I have never entered into any business with Mr van Wyk and they – they changed their face. They started fixing themselves to sit properly.

CHAIRPERSON: Ms Hofmeyr do you want to describe that for the

record or not?

ADV KATE HOFMEYR: I am not sure I will do it justice Chair.

CHAIRPERSON: Fixing their face and doing whatever they were doing.

Was it threatening or not really threatening?

MS BABADI SYBIL TLATSANA: It was threatening Chair because the other one was putting on a jacket ...

CHAIRPERSON: *Ja.*

MS BABADI SYBIL TLATSANA: And I am in the office and they come from the car. They are only holding their – their phones and then that
10 other one is fixing a jacket. Maybe there is a gun there.

CHAIRPERSON: That is what you were thinking?

MS BABADI SYBIL TLATSANA: That is what I was thinking and he was busy fixing this thing. This is (intervenes).

CHAIRPERSON: What a watch? Hm?

MS BABADI SYBIL TLATSANA: This thing that looks like a – that thing. He was busy fixing it. I do not know whether they were threatening me that – you know – we are traditional (intervenes).

CHAIRPERSON: Okay.

MS BABADI SYBIL TLATSANA: We will deal with you or I do not know.

20 **CHAIRPERSON:** The – the witness is holding her wrist – right hand wrist and moving her arm in a – as if she is fixing or rearranging her watch but she says it was not a watch. Is that right?

MS BABADI SYBIL TLATSANA: Yes.

CHAIRPERSON: It was not a watch. It was a skin that is – that somebody was wearing around her wrist – his wrist. Is that right?

MS BABADI SYBIL TLATSANA: Yes Chair.

CHAIRPERSON: Okay. It is a traditional skin that is worn by African people under circumstances.

MS BABADI SYBIL TLATSANA: Yes Chair.

CHAIRPERSON: It is an animal skin.

MS BABADI SYBIL TLATSANA: Yes Chair.

CHAIRPERSON: A goat skin or you do not know – sheep skin?

MS BABADI SYBIL TLATSANA: I do not know the animal ...

CHAIRPERSON: *Ja.*

10 **MS BABADI SYBIL TLATSANA:** But it looks like (intervenes).

CHAIRPERSON: Okay. So you – he was making movements with his hands suggesting that – he was touching this animal skin and you say you do not know whether was threatening you in terms of any traditional muti?

MS BABADI SYBIL TLATSANA: Yes Chair because you know now that our African cultures are so many different.

CHAIRPERSON: Hm.

MS BABADI SYBIL TLATSANA: You do not know whether he is a – he is a traditional healer or this is just a dressing or what or maybe that
20 was a code ...

CHAIRPERSON: Hm.

MS BABADI SYBIL TLATSANA: To come and threaten me.

CHAIRPERSON: Hm.

MS BABADI SYBIL TLATSANA: You know.

CHAIRPERSON: Okay, yes.

ADV KATE HOFMEYR: Ms Tlatsana did you feel fearful in this interaction?

MS BABADI SYBIL TLATSANA: Oh my God. Oh my God. I could not even go home and – because they were saying that no – no we are going to come next time and then maybe we will visit you at your house.

ADV KATE HOFMEYR: Ms Tlatsana you – I think you mentioned somebody amongst the people who approached you identifying themselves with the name Sipho. Is that correct?

10 **MS BABADI SYBIL TLATSANA:** Where my dear? Yes that is where I mentioned Sipho.

ADV KATE HOFMEYR: Yes. Just please tell us about that because it is quite important what the name of the person was.

MS BABADI SYBIL TLATSANA: Chair on the next occasion right?

ADV KATE HOFMEYR: Well ...

CHAIRPERSON: The people who were talking to you ...

MS BABADI SYBIL TLATSANA: Okay.

CHAIRPERSON: That you say were making you fearful. Did you say one of them said his name was Sipho?

20 **MS BABADI SYBIL TLATSANA:** Yes Chair because he – he even took out his ID so that I should confirm his ID. I - please I do not want to see those things because I just want to dismiss them so I can (intervenes).

CHAIRPERSON: *Ja.*

ADV KATE HOFMEYR: Did you catch a surname when you looked at

the ID?

MS BABADI SYBIL TLATSANA: No.

ADV KATE HOFMEYR: No.

CHAIRPERSON: Did you look at the ID or you did not even want to look at the ID?

MS BABADI SYBIL TLATSANA: Chair I did not even look at any of their things because I just wanted these gentlemen to – to go away.

CHAIRPERSON: Okay.

ADV KATE HOFMEYR: If you saw them ...

10 **MS BABADI SYBIL TLATSANA:** I was not comfortable.

ADV KATE HOFMEYR: If you saw them again would you recognise them?

MS BABADI SYBIL TLATSANA: Yes.

ADV KATE HOFMEYR: And with what level of certainty do you recall the person's first name being Sipho?

MS BABADI SYBIL TLATSANA: Yes that one because the –the lady who I am working with in the office he remembered that one that – the other one was Sipho.

ADV KATE HOFMEYR: So you had that confirmation. Did you?

20 **MS BABADI SYBIL TLATSANA:** Yes Chair.

ADV KATE HOFMEYR: Of the person in the office?

MS BABADI SYBIL TLATSANA: Yes Chair.

ADV KATE HOFMEYR: Chair some significance we submit and we will certainly investigate it further but you will recall that Mr Ngwenya's interaction ...

CHAIRPERSON: Yes.

ADV KATE HOFMEYR: Later in the year is with an individual who he recalls identifying himself as Siphso.

CHAIRPERSON: Yes.

ADV KATE HOFMEYR: So this will be an aspect we will investigate further.

CHAIRPERSON: Yes and among the things that Mr Ngwenya said this person told him was that – was that the money that Mr van Wyk had – I cannot remember if he used the word “taken” ...

10 **ADV KATE HOFMEYR:** Yes moved from ...

CHAIRPERSON: Moved ...

ADV KATE HOFMEYR: Or moved out, yes.

CHAIRPERSON: *Ja*, moved out; was moved out to the ANC or for the benefit of the ANC ...

ADV KATE HOFMEYR: Hm.

CHAIRPERSON: Or something along those lines according to Mr Ngwenya.

ADV KATE HOFMEYR: Indeed.

20 **CHAIRPERSON:** Okay, alright. Are you able to give some description of this person who called himself Siphso or has the – has his face kind of faded from you – you cannot remember or – or in terms also of the height and everything?

MS BABADI SYBIL TLATSANA: *Ja*, the other one is short Chair and then the other is taller.

CHAIRPERSON: Let us talk about Siphso. Is he tall? Is he short?

MS BABADI SYBIL TLATSANA: Chair I do not remember who was Siphon between the two.

ADV KATE HOFMEYER: Hm.

CHAIRPERSON: You cannot remember who was Siphon between the two of them?

MS BABADI SYBIL TLATSANA: No because the – the lady who I am working with in the office. She was saying that the other one is Siphon. He said he is Siphon. So I did not remember. Chair when you are frightened you cannot even think properly. I did not even look at those
10 people.

CHAIRPERSON: Ja, but now they will – if you recognise – if you say it is so and so and you say you can recognise them they will say on your own evidence you said when you are fighting you cannot remember people. How do you remember them then?

MS BABADI SYBIL TLATSANA: No I mean the name.

CHAIRPERSON: Ja, but if they – I asked you to describe them.

MS BABADI SYBIL TLATSANA: Okay, yes. The other one is short.

CHAIRPERSON: One of them was short?

MS BABADI SYBIL TLATSANA: Yes. Light in complexion ...

20 **CHAIRPERSON:** Huh-uh.

MS BABADI SYBIL TLATSANA: And a bit stout.

CHAIRPERSON: Is there anything on his face or anything that stood out for you that would still be there in his – on his face if you saw – saw them on anyone of them?

MS BABADI SYBIL TLATSANA: No Chair.

CHAIRPERSON: Nothing stood out?

MS BABADI SYBIL TLATSANA: No Chair not according to (intervenes).

CHAIRPERSON: But that was – that was what two years ago – three years ago?

MS BABADI SYBIL TLATSANA: It was 2016.

CHAIRPERSON: When you saw them?

MS BABADI SYBIL TLATSANA: It is 2016.

CHAIRPERSON: When you had a meeting with them?

10 **MS BABADI SYBIL TLATSANA:** 2016 Chair.

CHAIRPERSON: Did you subsequently see them again?

MS BABADI SYBIL TLATSANA: No Chair.

CHAIRPERSON: Why would you be confident that you can recognise them quite well three years later when you saw them once and the atmosphere was – I think as I understand what you say like you were fighting? Why – why do think you would be able to recognise if you were shown some people and you were asked whether they are among them?

20 **MS BABADI SYBIL TLATSANA:** Chair I slightly will – slightly I will recognise but it – do not be confirmation or maybe I should just go with it but I – I think slightly I ...

CHAIRPERSON: You think you have some chance that you could recognise them?

MS BABADI SYBIL TLATSANA: Yes Chair.

CHAIRPERSON: Okay.

ADV KATE HOFMEYR: Thank you Chair and Ms Tlatsana that was – I asked you what threats you had received. That was the first example that you gave. Were there any others?

MS BABADI SYBIL TLATSANA: Yes Chair. The other one – the other one I attended a funeral in Mafikeng and one gentleman who – he is a husband to my previous bookkeeper – he – he came to me and said what are you doing here in the funeral. I said what do you mean. I am attending a funeral. He says do you not know that – do you not know that Supra needs your head.

10 He wants to kill you. Why – why does he kill me? No they say you ran away with the airport money and then the other one ...

ADV KATE HOFMEYR: Ms Tlatsana before you go to the last one I just want to locate us in time. You do not have to go there but as I have it in your affidavit to the Hawks you said that that funeral was in about June 2017 is that – does that accord with your memory?

MS BABADI SYBIL TLATSANA: Yes Chair.

ADV KATE HOFMEYR: Thank you and then your third example.

MS BABADI SYBIL TLATSANA: The third example was – the third one was in – on my phone. I would receive a series of calls telling me that
20 *ja* we are seeing you. You are driving this car. We come following you. You are dressed like this and you are about to enter your – your house. Then tomorrow – we are here at your daughter's school and she is dressed like this.

 She is entering and you are going to wait for her when she comes out of school and then this – and that gentleman he was

addressing himself as Siphos as well.

CHAIRPERSON: The one who was sending you messages?

MS BABADI SYBIL TLATSANA: The phone calls. He was phoning me.

CHAIRPERSON: Phone calls?

MS BABADI SYBIL TLATSANA: Yes Chair. He was calling me.

CHAIRPERSON: Oh. Any SMS' – no SMS'?

MS BABADI SYBIL TLATSANA: Yes and SMS'.

CHAIRPERSON: And SMS'?

MS BABADI SYBIL TLATSANA: Yes Chair.

10 **CHAIRPERSON**: And he was saying – you said he was Siphos?

MS BABADI SYBIL TLATSANA: Yes he was saying that he is Siphos.

CHAIRPERSON: In terms of what he said was there anything that he said or wrote to – in the SMS' that suggested that he was one of the two people that had met you?

MS BABADI SYBIL TLATSANA: He – that one of the telephone he was telling me that he has been sent by the person that I ran away with – with his money.

CHAIRPERSON: Oh, okay.

20 **MS BABADI SYBIL TLATSANA**: And you know that that person lives in Johannesburg area.

CHAIRPERSON: Mmm.

MS BABADI SYBIL TLATSANA: And these people they need their money so now they said I should come and kill you. Now for me not to kill you what are you going to give me in return.

CHAIRPERSON: Mmm.

MS BABADI SYBIL TLATSANA: I said why should I have to give you money, he said no you need to put up a price and then I said okay fine price, then give me the price, how much do you want and then he was saying that he wants between one million and one point five million, and then I said to him okay you can go ahead with your killing, I am not part of that, that's your game. And he was calling me, he was telling me that he is going to go to my daughter's school, I said go ahead, be killing is there anybody that if he wants to kill you are telling them that I want to kill you, kill if you kill, that's what I told him.

10 **CHAIRPERSON:** Was this said also in sms messages, these threats of killing and so on?

MS BABADI SYBIL TLATSANA: Yes Chair, the recordings I gave them to, I reported the matter to the Mafeking Police Station Chair and to Brigadier Kleinhans, he referred the matter to, he was there, he called his subordinates to come and take this matter, up to today Chair I have not hear anything. I called the Chief Hawks in Potchefstroom and in Mafeking, nobody came.

CHAIRPERSON: Nothing has happened?

MS BABADI SYBIL TLATSANA: Nothing has happened Chair.

20 **CHAIRPERSON:** Did they take a statement from you at the police station?

MS BABADI SYBIL TLATSANA: Yes Chair they did and as well as the recordings.

CHAIRPERSON: And as well as the recording?

MS BABADI SYBIL TLATSANA: Yes Chair.

CHAIRPERSON: Oh you recorded these conversations, or these recordings that we were using earlier, which recordings are you talking about?

MS BABADI SYBIL TLATSANA: Excuse me Chair?

CHAIRPERSON: Which recording are you saying they also took?

MS BABADI SYBIL TLATSANA: The recordings of Sipho of these death threats I recorded it as well.

CHAIRPERSON: Oh okay so you handed those over to the police at Mafeking?

10 **MS BABADI SYBIL TLATSANA:** Yes Chair.

CHAIRPERSON: When was that?

MS BABADI SYBIL TLATSANA: In 20 ...

CHAIRPERSON: 17?

MS BABADI SYBIL TLATSANA: 2017 yes.

CHAIRPERSON: As the threats were happening?

MS BABADI SYBIL TLATSANA: Yes it was beginning of 2017.

CHAIRPERSON: And you say up to now nobody from the police has ever come back to you to say how far the investigation was?

MS BABADI SYBIL TLATSANA: Nobody Chair and I tried to call, I
20 even called the Commissioner from Potchefstroom, he said to me I should go back to Mafeking Police Station, who am I going to ask in Mafeking Police Station so I said.

CHAIRPERSON: Do you remember who the investigation officer was who was assigned to the case or were you never told?

MS BABADI SYBIL TLATSANA: I was never told Chair and even to

come back to me to give me the case number I never got the case number but I understand my investigating team managed to end up getting the case number.

CHAIRPERSON: And the police officer who took the statement from you what was his name, or her name?

MS BABADI SYBIL TLATSANA: He is Kolonel – oh my goodness, I don't remember his name.

CHAIRPERSON: But you can recognise him if you go into that police station?

10 **MS BABADI SYBIL TLATSANA:** Yes Chair because Brigadier Kleinhans called him to enter the office and to take a statement from me.

CHAIRPERSON: Yes. Ms Hofmeyr do you know whether there is anything that the Commission may have started doing to try and find out how come about close to two years nobody has ever come back to her to say what's happening about the investigation?

ADV KATE HOFMEYR: Chair we haven't, as matters stand, as I have it, this is actually the first time that certainly we're hearing about it, what we have followed up on are the criminal cases that have been
20 opened in relation to this whole money laundering scheme, that is the respect in which we have received the report that I make reference to but there's no reason why we shouldn't ask for an account on this as well, so we will put that in process.

CHAIRPERSON: Ja I think we should I mean threats of this nature are very serious threats.

ADV KATE HOFMEYR: Yes.

CHAIRPERSON: And if somebody goes to the police station and opens a case and a year goes by without anybody from the police station saying anything to him or her is just totally unacceptable, now it's about two years.

ADV KATE HOFMEYR: Indeed Chair.

CHAIRPERSON: I mean this is why people lose confidence in the police.

ADV KATE HOFMEYR: It's unacceptable. I mean they may have done
10 something but they haven't told her and the fact that they haven't told her what's going on is unacceptable.

ADV KATE HOFMEYR: Indeed Chair, we will certainly follow it up.

CHAIRPERSON: Ja, please follow up and let me know what's
happening. Ja, thank you. Well you have heard what I said Ms
Tlatsana, the Commission will try and find out exactly what's happening
because it's unacceptable that you are kept in the dark for so long,
actually that it takes so long is also quite a matter for concern that
investigation takes so long, nobody has been arrested and they have
not told you that you have no case therefore nobody will be arrested,
20 and you are simply not informed at all of what's happening when you
have laid a complaint about such a serious matter.

MS BABADI SYBIL TLATSANA: Yes Chair and even in the very same
police station in Mafeking Police Station when I was arrested one of the
conditions was to report every week at the police station and I reported
until August and now every week I have to register, that register, those

pages where I was doing my register Chair they disappeared from the file and the purpose was I should be arrested because if now you are registering and now the papers disappeared, fortunately I had a back up because every time when I go to register I would go with a diary book, when they sign this paper they sign even my diary book, this book was my way out, and even in town Chair I am being followed. Chair I am not safe, even while I'm sitting here I am not safe.

CHAIRPERSON: Yes, but you decided that you would come forward and give evidence despite not feeling safe and despite all the threats.

10 **What I mean is you are prepared to make sure that the Commission gets your evidence.**

MS BABADI SYBIL TLATSANA: Yes Chair in my custom when a father, when a man speaks we women will listen, you called me and I had to obey you and come.

CHAIRPERSON: Mmm, mmm, thank you very much for coming.

MS BABADI SYBIL TLATSANA: And that is the mistake that I made with Mr van Wyk because now I was listening to him, obeying to his instructions only to find that now he took advantage.

CHAIRPERSON: Yes, okay. Ms Hofmeyr?

20 **ADV KATE HOFMEYR:** Thank you Chair just one or two concluding questions, they are small aspects but they are actually going to be relevant to the evidence of Ms Viljoen and so Ms Tlatsana is going to be asked one or two questions in relation to them. Ms Tlatsana you have a file near you which includes Ms Viljoen's evidence. Chair you should also have yours, it's a soft file.

CHAIRPERSON: In front of me I don't have any other file.

ADV KATE HOFMEYR: I think your registrar indicated it would be put there yes.

CHAIRPERSON: Thank you, yes.

ADV KATE HOFMEYR: Chair it hasn't been entered into the evidence yet, we had hoped to have Ms Viljoen today (break in audio) three pages that I would like to ask for Ms Tlatsana's comment on because she knows what Mr van Wyk's signature looks like, given that she has signed agreements with him. I propose that it be entered into the
10 record as EXHIBIT DD9.

CHAIRPERSON: So the file containing Ms Kalandra Viljoen's statement will be marked EXHIBIT DD9.

ADV KATE HOFMEYR: Ms Tlatsana if you will go into that bundle, DD9, to page 64.

MS BABADI SYBIL TLATSANA: Which one is 64?

ADV KATE HOFMEYR: 64, you will see it in the top right hand corner of each of the pages, they're KV and then they have a number after them, it will be under the tab 7, have you got that?

MS BABADI SYBIL TLATSANA: Okay, okay.

20 **ADV KATE HOFMEYR:** Thank you. If you turn that page to landscape you will see a signature in the bottom left hand corner, do you recognise that signature.

MS BABADI SYBIL TLATSANA: Correct Chair.

ADV KATE HOFMEYR: Whose signature is it?

MS BABADI SYBIL TLATSANA: Mr Brian van Wyk Chair.

ADV KATE HOFMEYR: How certain are you of your ability to recognise his signature?

MS BABADI SYBIL TLATSANA: It's in the contract, the contract for Koreneka that we both signed.

ADV KATE HOFMEYR: Have you seen him sign anything else?

MS BABADI SYBIL TLATSANA: Yes in my – yes.

ADV KATE HOFMEYR: What else?

MS BABADI SYBIL TLATSANA: No, no, I don't remember, how can I say it. What did he say, yes there were letters that he wrote for me in
10 the office and this was his signature.

ADV KATE HOFMEYR: If you turn over the page to 65 ...(intervention)

CHAIRPERSON: Well before you turn over you don't intend to get her to read what the document reads there or is that – you want to do that with Ms Viljoen?

ADV KATE HOFMEYR: That was my intention Chair, as I have it Ms Tlatsana has no personal knowledge of this page, Ms Viljoen will explain to us in her evidence what it is.

CHAIRPERSON: But maybe we must just read it so that whoever reads the transcript can associate the document which has got that signature
20 with the writing.

ADV KATE HOFMEYR: Of course, right. So just for record purposes in bundle DD9 at page 64 there is a page bearing a date of 01.05.2015 and on that page is written R2million received by B T van Wyk and then there seems to be a number, M for mobile of – I won't read that out for privacy purposes but we can see it on the page, and then below that on

the left is the signature Ms Tlatsana that I've asked you to identify correct?

MS BABADI SYBIL TLATSANA: Correct Chair.

ADV KATE HOFMEYR: And you've identified it as belonging to?

MS BABADI SYBIL TLATSANA: Mr Tebogo van Wyk, Brian.

ADV KATE HOFMEYR: Thank you. If you turn over the page to 65 you will see another page similar to the previous one, this one again has a date, 7.05.2015 R2million received by B T van Wyk and then the same number recorded there and do you recognise a signature on that page?

10 **MS BABADI SYBIL TLATSANA:** Correct Chair.

ADV KATE HOFMEYR: Whose signature is it?

MS BABADI SYBIL TLATSANA: Mr Brian Tebogo van Wyk.

ADV KATE HOFMEYR: And if you go over lastly to the third page in that sequence, page 66 of Bundle DD9 again a page with a date at the top 06.09.2015 R5million received by B T van Wyk, the same mobile number and below in the middle of the page do you identify that signature?

MS BABADI SYBIL TLATSANA: Correct Chair.

ADV KATE HOFMEYR: And whose signature is it?

20 **MS BABADI SYBIL TLATSANA:** Tebogo Brian van Wyk Chair.

ADV KATE HOFMEYR: Thank you. Ms Tlatsana also relevant to Ms Viljoen's evidence that will commence on Monday, can you tell us about the investigator who was assisting you in your case, what was his name?

MS BABADI SYBIL TLATSANA: Which case my dear I have got three

investigators.

ADV KATE HOFMEYR: Oh you have a series of cases, I do apologise, the one involving your criminal complaint against Mr van Wyk who was that investigator?

MS BABADI SYBIL TLATSANA: Okay it's Magosi.

ADV KATE HOFMEYR: Yes, that's in the Hawks and was there a forensic investigator who as assisting Captain Magosi.

MS BABADI SYBIL TLATSANA: It's Mr Jan Judeel.

ADV KATE HOFMEYR: Judeel, how do you spell that Judeel?

10 **MS BABADI SYBIL TLATSANA:** J-u-d-e-e-l.

ADV KATE HOFMEYR: Thank you. Now to your knowledge does he have an official position in the Hawks?

MS BABADI SYBIL TLATSANA: I don't know.

ADV KATE HOFMEYR: You don't know, you don't know whether he's employed in the police force or priority crime investigation unit?

MS BABADI SYBIL TLATSANA: I know that he used to be.

ADV KATE HOFMEYR: Used to be?

MS BABADI SYBIL TLATSANA: Yes Chair.

ADV KATE HOFMEYR: Do you know where he currently is?

20 **MS BABADI SYBIL TLATSANA:** Not of my knowledge.

ADV KATE HOFMEYR: And has he ever relayed to you an interaction that he had with Ms Viljoen?

MS BABADI SYBIL TLATSANA: That's what he said him and Ms Magosi went to meet Ms Viljoen.

ADV KATE HOFMEYR: Let's just pause there, who is Ms Magosi?

MS BABADI SYBIL TLATSANA: The investigating officer for the current case that is at Mafeking.

ADV KATE HOFMEYR: And what did he say about him and Ms Magosi?

MS BABADI SYBIL TLATSANA: Mr ...(intervention)

ADV KATE HOFMEYR: Mr Judeel yes.

MS BABADI SYBIL TLATSANA: He said they went to take a statement from Ms Viljoen and then he said she is busy giving them different statements.

ADV KATE HOFMEYR: Is that all you recall?

10 **MS BABADI SYBIL TLATSANA:** Ja, that is all that I recall.

ADV KATE HOFMEYR: And do you remember when that was that he gave you that information?

MS BABADI SYBIL TLATSANA: No I don't remember, I don't remember. I actually don't know because he was giving me information every time after monthly he will be giving me a report of what they have done.

ADV KATE HOFMEYR: Then I just need to ask you for completion sake, Mr Thabeng, who was one of the members who you added to the close corporation, did he dispute his resignation from the corporation at
20 all?

MS BABADI SYBIL TLATSANA: He wrote a letter and – to resign.

ADV KATE HOFMEYR: So he wasn't in the same category as Ms Perry who suggested that she had been unlawfully or fraudulently removed from the register?

MS BABADI SYBIL TLATSANA: No he did it on his own.

ADV KATE HOFMEYR: He did it on his own, and was there any litigation against you that he embarked upon?

MS BABADI SYBIL TLATSANA: Yes – there was a litigation that he said he is still a member of Koreneka, something like that if I remember well, yes.

ADV KATE HOFMEYR: But then, can I just get clear because I – my question was did he dispute his resignation and as I have it your answer was no, but then I asked well has he litigated against you about it and I understand your answer to be yes, and it related to the fact that
10 he was still a member, can you clarify that for us?

MS BABADI SYBIL TLATSANA: Mr Thabeng resigned from the company, he wrote a letter and the letter was admitted to the office, and later after a year now when we are in court I understand that now he says now he wants to be part of this proceedings of – proceedings in the court because now he was part of – he wants to be part of this whole thing so that he can get his portion of share.

ADV KATE HOFMEYR: Which proceedings were those?

MS BABADI SYBIL TLATSANA: We were in court I don't remember whether it's the first matter, how many cases have we had.

20 **CHAIRPERSON:** Who and who were in court, who against who in the proceedings, ja the proceedings about which you were in court, who had brought them against whom?

MS BABADI SYBIL TLATSANA: It's Ms Phiri against me Chair.

CHAIRPERSON: Okay when that litigation was going on you say that Mr Thabeng also indicated that he wanted to be part of the case?

MS BABADI SYBIL TLATSANA: Yes Chair because he was, his attorney was sending ...(intervention)

CHAIRPERSON: Letters.

MS BABADI SYBIL TLATSANA: Was communicating with my attorneys with regard to that but if my memory serves me well he was saying that he is still part of the company.

CHAIRPERSON: Oh, but there was correspondence you can't remember everything that was said in the correspondence.

MS BABADI SYBIL TLATSANA: Yes Chair.

10 **CHAIRPERSON:** But part of it was that he was contending that he was still part of your – of Koreneka?

MS BABADI SYBIL TLATSANA: Correct Chair.

CHAIRPERSON: Okay. But did he bring proceedings himself or he just – his lawyer just sent letters, did he institute court proceedings, Mr Thabeng?

MS BABADI SYBIL TLATSANA: Not up to my knowledge no.

CHAIRPERSON: Oh, okay.

ADV KATE HOFMEYR: Thank you Chair, Ms Tlatsana in conclusion from my side certainly we understand it to be the position that you are
20 still seeking payment from the Northwest Government in relation to this agreement, is that correct?

MS BABADI SYBIL TLATSANA: Correct Chair.

ADV KATE HOFMEYR: You indicated in the course of your evidence that you were told by Mr van Wyk that as a parastatal South African Express doesn't need to go through a tender process, do you recall

that?

MS BABADI SYBIL TLATSANA: Correct Chair.

ADV KATE HOFMEYR: If you were now to be told that South African Express must go out on tender before it grants the contract of the type that you got, a ground handling contract, and you know as a fact that process wasn't followed before your contract was concluded what would be your comment on the proposition that your contract is unlawful?

MS BABADI SYBIL TLATSANA: I can't comment on that.

ADV KATE HOFMEYR: You can't.

10 **MS BABADI SYBIL TLATSANA:** I really can't comment on that, I don't want to bind myself.

ADV KATE HOFMEYR: You can't. If you were persuaded that it was unlawful to have concluded that agreement with your company without any tender process having been followed I assume, but I would like your comment on it, you wouldn't have a basis for continuing to pursue payment out of the Northwest Government or South African Express, is that correct?

MS BABADI SYBIL TLATSANA: I was asking for the payment in relation to the contract that is at present with us with the S A Express
20 and that's all that I was doing, because the contract was saying that the contract is going to end in 2020.

ADV KATE HOFMEYR: But if that contract was unlawful from the start then you would have no claim for that money would you?

CHAIRPERSON: I'm not sure Ms Hofmeyr whether it's a fair question to her.

ADV KATE HOFMEYR: It may not be.

CHAIRPERSON: Ja, it may not be, it may not be yes.

ADV KATE HOFMEYR: No, I am indebted to you Chair, the force of the point is simply that one of the questions that remain outstanding for the Commission, and it's fair that I put this to Ms Tlatsana is that we do not know what happened to the 29.1million that came into Koreneka as matters stand here and how it was accounted for in the business.

CHAIRPERSON: Mmm.

ADV KATE HOFMEYR: And that is of concern because the scheme of
10 these arrangements suggests an underlying invalidity in relation to those contracts.

CHAIRPERSON: Yes.

ADV KATE HOFMEYR: And it is flowing from that that I am interested to have Ms Tlatsana's submission in relation to her continued pursuit of funds notwithstanding everything that she has uncovered about – to quote your affidavit, the sham that these agreements were.

CHAIRPERSON: Ja. Well part of the reason why I am saying I am not sure if it's a fair question because it might involve law.

ADV KATE HOFMEYR: It may.

20 **CHAIRPERSON:** And – but there may be a way maybe of asking it in a way that is not very legal or legalistic ...(intervention)

ADV KATE HOFMEYR: Yes, technical, indeed, indeed.

CHAIRPERSON: Maybe let me try this. Let's assume that when one looks at this agreement that Koreneka concluded with S A Express and how everything was carried out if one were to conclude that if you look

at everything this agreement that Koreneka had and some of the payments that came in and came out were tainted by corruption, let's assume, we are not saying it is so, let's assume that that were to be the position, would you think that you would still say you must be paid money in terms of that agreement, despite the agreement and the payments being tainted by corruption or would you say well if it's tainted by corruption then you don't think you should be paid?

MS BABADI SYBIL TLATSANA: Chair would it be fair if I say I cannot comment on that because ...(intervention)

10 **CHAIRPERSON:** Yes, no, no that's fine.

MS BABADI SYBIL TLATSANA: Let me do ...(intervention)

CHAIRPERSON: It might be something where you need legal advice, there may be litigation going on, you might want to reserve your position. I don't think we should take that further, ja.

ADV KATE HOFMEYR: Certainly Chair. Chair those are the questions from our side.

CHAIRPERSON: Yes no thank you. Thank you very much Ms Tlatsana for coming forward to give evidence, we appreciate it and the fact that you were able to come on a Saturday. It may be that you would be
20 asked to come back at some later stage, I am sure if you are asked again you will come back. Thank you very much.

MS BABADI SYBIL TLATSANA: Thank you Chair.

CHAIRPERSON: You are excused.

MS BABADI SYBIL TLATSANA: Thank you.

CHAIRPERSON: Thank you. We will adjourn for the day and we will

start at ten o'clock on Monday.

ADV KATE HOFMEYR: Thank you Chair.

CHAIRPERSON: And thank you to everybody for having taken the trouble to come on a Saturday, we have to try and work hard, there is not a lot of time left before the Commission finishes its work. We adjourn.

INQUIRY ADJOURNS TO 24 JUNE 2019