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HELD AT

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10

05 FEBRUARY 2020

DAY 207

20

PROCEEDINGS RESUME ON 5 FEBRUARY 2020

CHAIRPERSON: Good morning Mr Mbikiwa, good morning everybody.

ADV MICHAEL MBIKIWA: Good morning Chair.

CHAIRPERSON: Are we ready?

ADV MICHAEL MBIKIWA: We are Chair.

CHAIRPERSON: Yes. Ms Sambo you – the oath you took yesterday continues to apply today okay?

MS SAMBO: Yes.

CHAIRPERSON: You understand?

10 **MS SAMBO:** Yes I understand.

CHAIRPERSON: Okay alright.

MS SAMBO: Thank you.

CHAIRPERSON: Thank you. Let us proceed.

ADV MICHAEL MBIKIWA: Ms Sambo before we start could I ask you just to move the microphone a little bit closer towards you so that we can – we can hear. Ms Sambo we finished yesterday's proceedings with you explaining the relationship that you had with AAR. From the outset your attempts to secure an agency agreement and their reluctance to do so. If we can then pick it up from paragraph 15 of
20 your affidavit and can you just tell us in broad terms after your return from the United States how did your – your relationship with AAR then develop?

MS SAMBO: Okay when I returned from the US on the first to AAR I tried several times to contact Ms Cheryl Jackson to continue the discussion and trying to probe more for – for us to get an agreement –

sort of an agreement with them. And I was also introduced to Mr Shah who was also working for AAR but based in the Middle East and looking after Middle East and Africa. And there were two – when I went to AAR I wanted – I talked to them about the components bid that normally comes out every five years from SAA Technical. But as soon as I got closer to working with SAA Technical then I also realised that they also have quotation systems for consumables. So on item 15 I think this was a quotation for one of the consumables that I sent to Mr Shah to –
10 Technical. It has got nothing to do with the contracts. The big components contract. It is a quotation for consumables.

ADV MICHAEL MBIKIWA: Indeed and what was the – what was your proposal as to how at that state your relationship would work?

MS SAMBO: No the quotation system is straightforward. I sent the enquiry – they give me a quotation – I put my mark-up and I quote the client. Then if I get the positive response then I would order and supply to the client. But I have never had that relationship with AAR. I have never ordered anything from them but for this one yes they did quote me but I did not get the – I was not awarded that quotation.

20 **ADV MICHAEL MBIKIWA:** Then you speak in your affidavit about your efforts to set up a meeting between Mr Shah and Mr Musa Zwane. Who is Mr Zwane?

MS SAMBO: Mr Musa Zwane was the CEO of SAA Technical at that time.

ADV MICHAEL MBIKIWA: And did you know him at this stage?

MS SAMBO: Kindly rephrase your question which stage?

ADV MICHAEL MBIKIWA: At the point at which you trying to set up a meeting between him on the one hand and representatives of AAR on the other around January 2013?

MS SAMBO: No, no, no I was still trying to get to have a meeting with him so that I could know him. Yes.

ADV MICHAEL MBIKIWA: And what were you trying to achieve by setting up a meeting with Mr Zwane?

MS SAMBO: I wanted to introduce AAR indicates that introduce SRS
10 aviation and indicate our interest in doing business with SAA Technical and for him as the CEO to guide in which is the route that we need to take to be able to do that. And also AAR from the beginning – from the first meeting in Chicago they requested that I get a meeting with him so that is what I wanted to get an appointment with him so that AAR can come and market themselves better. I did not – I was not technical savvy at that time.

ADV MICHAEL MBIKIWA: Can we then turn to what you describe as the first bid – the first SAAT bid? And here you describe a tender. What was the tender for?

20 **MS SAMBO:** It was for the supply of aircraft components for various aircraft types at SAA Technical.

ADV MICHAEL MBIKIWA: And you say that you downloaded this bid document and sent it to – to Mr Shah and Ms Jackson. What – what was your proposal in doing that?

MS SAMBO: It was a follow up on the discussion that we want to do

business with them and the tender was an open tender. I downloaded it from the SAA website and sent to them and said, now this is the opportunity for us to get that deal on the table. Here is a tender let us respond. If we get it then it will create that opportunity for us to go into the next stage of a full partnership or an agency agreement.

ADV MICHAEL MBIKIWA: And you – you say that you then visited the AAR offices again in around March 2013. What was the purpose of that visit?

10 **MS SAMBO:** The purpose of that visit was to show AAR the sincerity and the – how – how I really wanted to do this. How much I really wanted to do this. I used my own costs – at my own time, went back to say, here I am I still do believe there is an opportunity to supply SAA Technical and then the rest of the continent. Can we please have an agreement in place? Still I did not get the agreement.

CHAIRPERSON: Before you went there had they responded in any way to the correspondence you had sent to them alerting them to – to this bid?

MS SAMBO: Yes.

CHAIRPERSON: What had they – what had been their response?

20 **MS SAMBO:** Regarding the bid Mr Shah then decided to come to South Africa to come and work on the bid with me. So they did positively respond. And prior to that also the Department of Trade and Industry at the Embassy in Chicago between 2011 and 2013 they have been also probing AAR to engage with me. So there has been communication.

CHAIRPERSON: So after you had sent them the correspondence

alerting them to this tender and before you went there in March they responded positively in terms of wanting the two of you to work together on this bid?

MS SAMBO: Yes.

CHAIRPERSON: Okay alright.

MS SAMBO: Absolutely.

ADV MICHAEL MBIKIWA: You say that part of your reason for going there was to formalise the relationship between SRS and AAR. Were you able to do that in any way?

10 **MS SAMBO**: Unfortunately not. AAR said to me they will sign a teaming agreement with SRS when we respond to the bid. That is applicable to the period of that bid. But there was no long standing agreement.

CHAIRPERSON: Before you went to Chicago in March you said that Mr Shah responded and wanted to work with you on the bid. Was – did you – did the two of you do quite some work on the bid before you went to Chicago?

MS SAMBO: I will need to confirm. There are details of when Mr Shah came to my office. Can I just find the details to respond to that?

20 **CHAIRPERSON**: Ja that is fine ja. I just want to – to see what progress if any the two of you had made before you went to Chicago or in March?

ADV MICHAEL MBIKIWA: Ms Sambo I think paragraph 25 is the one you are looking for.

MS SAMBO: Okay thank you so much. Yes Mr Shah came to our

offices after I came back from the US. So they responded positively that they would work with me and hence I also went across to Chicago. Then when I came back Mr Shah came from Dubai side – from the Middle East to then come and work on the response for the bid with me.

CHAIRPERSON: Would this mean that the two of you did not work on the bid before you went to Chicago in March?

MS SAMBO: No.

CHAIRPERSON: No – no you did not or do you mean you did work together on the bid before you went to Chicago in March?

10 **MS SAMBO**: No we did not work on the bid together.

CHAIRPERSON: Okay. But had they responded to the correspondence at that time before you went to Chicago in March?

MS SAMBO: Yes they had responded.

CHAIRPERSON: And their response was positive?

MS SAMBO: It was positive yes.

CHAIRPERSON: Okay. So when you went to Chicago in March did you want to concretise the arrangement in the light of the positive response?

MS SAMBO: Yes because now there was bid.

20 **CHAIRPERSON**: Ja.

MS SAMBO: That we could both respond to.

CHAIRPERSON: Yes.

MS SAMBO: And AAR said yes we will sign a teaming agreement but as far as this bid is concerned.

CHAIRPERSON: Ja. Okay. Thank you.

ADV MICHAEL MBIKIWA: You say that shortly after your trip to Chicago you introduced AAR to someone in the Department of Trade and Industry. Can you tell us about that?

MS SAMBO: Yes one of the requirements on the bid is for any international or multinational company that seeks to get a contract that is worth more than 10 million US Dollars then they have a requirement to comply with the 30% localisation in a form of NIP which is the National Industrial Participation Program. So that program resides within the Department of Trade and Industry and the lady who was
10 responsible for NIP – the National Industrial Participation Program was Ms Nomvula Tsatsi whom I sent an email to introducing AAR and indicating that we responding to this bid and we would like to get more information in understanding what the program was all about.

CHAIRPERSON: Well Mr Mbikiwa you might wish to just spell that surname or for the transcriber or the – Ms Nomvula is it Tsatsi?

ADV MICHAEL MBIKIWA: Tsatsi that is T-s-a-t-s-i.

CHAIRPERSON: Ja just so that the transcribers will not write something that we cannot even understand.

ADV MICHAEL MBIKIWA: Thank you Chair.

20 **CHAIRPERSON:** Okay. And you can do the same for all the names that are not – might not be easy to spell if they do not see a document where they are written.

ADV MICHAEL MBIKIWA: Thank you Chair.

CHAIRPERSON: Hm.

ADV MICHAEL MBIKIWA: Ms Sambo you did – you did at some point

conclude an agreement with – with AAR, is that right?

MS SAMBO: Yes the teaming agreement for this bid.

ADV MICHAEL MBIKIWA: And tell us about the teaming agreement?

MS SAMBO: The teaming agreement was drafted by the legal department at AAR Corporation and it was emailed to me. It was talking about us responding to the bid and that – and it was actually outlining what their responsibilities would be and what would their responsibilities for SRS would be. I would guess we will see the teaming agreement on the evidence. I do not remember the full
10 agreement as it is but we can refer to it.

ADV MICHAEL MBIKIWA: No sure. I would like to go there very briefly. Could I ask you to turn to page 76 of your bundle that is at Tab9?

MS SAMBO: Yes I have got it.

ADV MICHAEL MBIKIWA: And if you turn over the page to page 77 you will see under 2.1A that the first of the objectives is the parties agree that the objectives of the SAAT program are to work together to propose a component SAAT program to SAAT and to consequently jointly identify the technical industrial and market requirements for
20 such a program. Can I ask if you just look further down the page at Principles of Cooperation?

MS SAMBO: Yes.

ADV MICHAEL MBIKIWA: SRSA that is SRS Aviation as we have been calling it, is that right?

MS SAMBO: Yes. Yes.

ADV MICHAEL MBIKIWA: When it says provides support to AAR in winning the SAAT program by providing intelligence, what does that mean?

MS SAMBO: We really did not unpack it but for me I believed that is for me to do market research. That is what I believed.

ADV MICHAEL MBIKIWA: And from what you have told us so far introducing them to NIP – trying to set up a meeting with Mr Zwane would it be fair to say that part of your role was to introduce AAR to SAA and to the Regulatory Requirements in South Africa?

10 **MS SAMBO:** Yes that is correct.

ADV MICHAEL MBIKIWA: Can we then talk about the – the process of preparing that first bid submission.

MS SAMBO: Yes.

ADV MICHAEL MBIKIWA: You did that with Mr Shah you say?

MS SAMBO: Yes.

ADV MICHAEL MBIKIWA: What did that involve?

20 **MS SAMBO:** It involved the technical aspects of responding to – to the bid. Every bid comes with mandatory requirements and part of the mandatory requirements was the submission of all the compliance documents from SRS Aviation such as the tax Clearance Certificate, the BEE Certificate, the full registration documents from CIPC, the Department of Trade and Industry. And Mr Shah was responsible to respond to the technical part of the – of the bid. Then once we compiled the two documents we bounded the document and submitted as a joint bid.

ADV MICHAEL MBIKIWA: And Ms Sambo what was the outcome of that tender?

MS SAMBO: It was cancelled.

ADV MICHAEL MBIKIWA: Do you know why?

MS SAMBO: Excuse me can I...

CHAIRPERSON: Was it cancelled before SRS and AAR submitted their bid?

MS SAMBO: Yes it was after the closing date. It was cancelled. I do not recall receiving a formal letter of cancellation until I enquired at
10 SAA Technical asking for feedback about the contract when is it going to be awarded? And that is when I ...

CHAIRPERSON: But you say SS – SRS and AAR had already submitted its bid?

MS SAMBO: Submitted. Yes, yes.

CHAIRPERSON: Jointly.

MS SAMBO: Yes.

CHAIRPERSON: Okay.

ADV MICHAEL MBIKIWA: Ms Sambo I think you were looking for the correspondence informing you of the – the cancellation. That is at
20 page 91. And the email starts at the bottom of the page but carries on over to page 92.

MS SAMBO: Thank you.

ADV MICHAEL MBIKIWA: Could you go to 92?

CHAIRPERSON: Okay. Yes. So on the – on the 14 August I received an email from Ms Nontsasa Memela and she had cc'd Ms Evelyn [Fallit]

who was the Commodity Buyer for this particular contract responding to my request for feedback and the email reads:

10 “Kindly take note that in light of the current cash flow challenges and the drive to significantly reduce operational costs. SAAT is reviewing its major supplier contracts hence the decision to exercise its option as per Clause 3.2.4 “condition” in the bid document to retract the bid process. SAAT is planning to go out and re-advertise the tender as soon as all the internal processes have been followed including ensuring that the tender requirements and the scope are in line with the long term turnaround strategy. Kindly take note that everyone is allowed to bid again.”

ADV MICHAEL MBIKIWA: And just tell us what the date of that email was?

MS SAMBO: The date of the email was on the 14 August 2014.

20 **ADV MICHAEL MBIKIWA:** Thank you. Ms Sambo you mentioned earlier and you say in your affidavit that Ms Jackson put the US Consulate in contact with you. What role did the US Consulate play in all of this?

MS SAMBO: Okay post submitting the first bid to SAA Technical AAR contacted the American Embassy here in South Africa and requested them to come and do a due diligence on my company and myself. And the meeting was set up and indeed I was interviewed and interrogated

in my office at SA Airways Park.

ADV MICHAEL MBIKIWA: And Ms Sambo you eventually did manage to set up a meeting with Mr Zwane, is that right?

MS SAMBO: That is correct.

ADV MICHAEL MBIKIWA: Can you tell us about that meeting?

MS SAMBO: Okay I am trying to find my communication.

ADV MICHAEL MBIKIWA: You describe it in your affidavit at paragraph 29.

MS SAMBO: Yes. On the 16 April 2014 I sent another email to Ms
10 Botha. Ms Botha was a personal assistant to Mr Zwane at SAA
Technical copying Mr Shah from AAR in the Middle East requesting Mr
Zwane's availability to attend a meeting on the 10 May 2014 between
SRS Aviation, AAR and SAAT. A copy of that email is attached in one
of the annexures, Annexure 13. That meeting eventually was confirmed
and it took place on a Saturday the 10 May 2014 at one o'clock and the
venue for that meeting was at Pigalle Village View Shopping Centre in
Bedfordview. This meeting was attended by myself, Mr Timothy
Romenesko.

CHAIRPERSON: I am sorry Ms Sambo. I am sorry Ms Sambo. Mr
20 Mbikiwa it will be important to ensure that as far as possible she is
able to give her evidence from her own memory except when she has to
refresh her memory.

ADV MICHAEL MBIKIWA: Indeed Chair.

CHAIRPERSON: Particularly because there are issues about her
memory so that we know when she is – she cannot remember and she

looks at the document because she cannot remember. But we know when she gives the evidence from her own memory.

ADV MICHAEL MBIKIWA: Certainly Chair. Chair I have been informed that we are having some audio issues with the – with the microphones.

CHAIRPERSON: Oh is that so.

ADV MICHAEL MBIKIWA: Could we adjourn just for five minutes to try and sort that out?

CHAIRPERSON: Yes okay.

ADV MICHAEL MBIKIWA: In fact it is not transcribing so it is quite
10 important that we... in fact it is not transcribing so it is quite important that we...

CHAIRPERSON: Oh okay.

ADV MICHAEL MBIKIWA: That will – recording for purposes of transcriptions. So it is quite important that we adjourn.

CHAIRPERSON: Okay we will adjourn to enable the technicians to sort out the technical problem. We adjourn.

REGISTRAR: All Rise.

INQUIRY ADJOURNS

INQUIRY RESUMES

20 **CHAIRPERSON:** I am told the problem has been fixed.

ADV MICHAEL MBIKIWA: It seems so, Chair.

CHAIRPERSON: Yes, but do - do we know how much of the evidence that she gave was not captured, because you might have to go back a little bit to make sure.

ADV MICHAEL MBIKIWA: Chair I am told that in fact we - it was

recording.

CHAIRPERSON: It - oh. Okay.

ADV MICHAEL MBIKIWA: Even though it was not amplifying the sound.

CHAIRPERSON: Oh. Okay.

ADV MICHAEL MBIKIWA: We did get the recording.

CHAIRPERSON: Okay.

ADV MICHAEL MBIKIWA: So there is no issue with the transcript.

CHAIRPERSON: Okay. That is fine.

10 **ADV MICHAEL MBIKIWA**: Ms Sambo you were telling us about the meeting with - with Mr Zwane. Could you tell us what - what happened at that meeting and - and as the Chair indicated relying as much as possible on your - on your memory of events and - and using your affidavit if necessary to - to refresh that memory.

MS SAMBO: Okay. Thank you. Thank you Chair. On 10 May Mr Zwane came to the meeting and he was accompanied by Ms Nomsa Memela who was the General Manager Procurement at SAAT - SAA Technical and there were two representatives from AAR and only myself from SRS Aviation.

20 At the meeting AAR was introducing themselves and the products that they offer and the services that they offer and that is what the content of that meeting was.

CHAIRPERSON: And how did SAAT receive this presentation?

MS SAMBO: They invited AAR to come back and do a formal presentation with line managers present at SAAT premises.

CHAIRPERSON: Yes and the way that this meeting went was it such that SRS and AAR were seen as working together or was AAR taken as working on its own?

MS SAMBO: At this - at that meeting it - we introduced ourselves as a collective. As AAR.

CHAIRPERSON: Okay.

MS SAMBO: In a partnership yes.

CHAIRPERSON: And then you were treated as such?

MS SAMBO: Yes. At the meeting. Yes.

10 **CHAIRPERSON**: At that meeting. *Ja*.

MS SAMBO: Yes.

CHAIRPERSON: Okay.

ADV MICHAEL MBIKIWA: And Ms Sambo just remind us. At this point was the tender still pending?

MS SAMBO: I do not recall ... (intervenes).

ADV MICHAEL MBIKIWA: Your - your evidence earlier was that you - you received notification of the retraction in August 2014.

MS SAMBO: I would need to check on the actual tender document. The closing date of that bid. I - I do not recall it right now.

20 **CHAIRPERSON**: You can check.

ADV MICHAEL MBIKIWA: Yes. Sorry. I am not referring to the date by which bids had to be submitted ...

MS SAMBO: Yes.

ADV MICHAEL MBIKIWA: But at this point a bid had been submitted, but there had not yet been any decision.

MS SAMBO: I do not - I do not remember.

ADV MICHAEL MBIKIWA: Okay. The - the - your evidence earlier was that the bid was advertised on 3 February - 23 February. That is on paragraph 19 of your affidavit.

MS SAMBO: Yes. Yes and the closing ...

ADV MICHAEL MBIKIWA: You see that?

MS SAMBO: Yes. I see it and the closing date was initially 5 March, but was then extended to 30 March as a closing date. Yes, but the formal communication that the bid was cancelled was only received ...

10 **ADV MICHAEL MBIKIWA**: We can go to page 9 ...

MS SAMBO: In - in August.

ADV MICHAEL MBIKIWA: Page 92 for that.

MS SAMBO: Yes. In - in August. That is the date that I referred to earlier on which is ...

ADV MICHAEL MBIKIWA: Page 92 and if you - if you then go back to 91. You can see the - the date of the email from Ms Memela.

MS SAMBO: It was the 14th - 14 August 2014. Yes.

ADV MICHAEL MBIKIWA: Thank you and then you described a follow up meeting with Mr Zwane taking place in - in June 2014. What - what
20 was the purpose of that meeting?

MS SAMBO: During the first meeting at Pigalle AAR introduced one of their subsidiaries called Arimar which is a company based in London and that company - they had recently bought that company and that company what they do. They have got a software that they use to assist airlines to buy their parts and components in a most economical

way and also assisting airlines to utilise their warranties, because when airlines do not use their warranties for instance an engine breakdown.

It is still under warranty, but instead of using the warranty. They purchase a new engine or they lease another one. It is an extra cost and that opportunity call sitting on a warranty is not utilised. So AAR marketed that product as one of the ways they could assist SAA Technical to save costs and the way it was introduced to SAA Technical.

10 It was in such a way that it would not need a bidding process, but AAR would come in with Arimar. Do a full analysis of SAA Technical. See the gaps. Then show them how much they can save from the program and only charge a percentage of the savings. So Arimar's representative needed to come down from London to come and give this full presentation to the line managers.

So that the line managers would be in line of what kind of information is requested to be inputted on the spreadsheet. So that a full analysis could be done. So that is the follow up meeting that took place at SAAT.

20 **ADV MICHAEL MBIKIWA:** And do you remember what the outcome of that meeting was?

MS SAMBO: At that meeting Mr Zwane did give AAR and Arimar and SRS a go ahead to conduct the analysis. A spreadsheet was sent to me which I then sent to SAA Technical asking for information, but unfortunately we did not get a very good response back from the

responsible line managers. So that exercise was null and void.

ADV MICHAEL MBIKIWA: You then deal at - at paragraph 33 and onwards with an approach you made to Ms Memela in order to introduce SRS as an independent company.

CHAIRPERSON: Well - well - let us try and let her tell the events as they unfolded Mr Mbikiwa.

ADV MICHAEL MBIKIWA: Certainly Chair.

CHAIRPERSON: *Ja.* Let him - let her tell the events as they unfolded.

What came next? After that meeting what happened and so on and if
10 she cannot remember she can refresh her memory, but try and let her
be the one who tells - who tells me what came next - what came next?
Okay.

ADV MICHAEL MBIKIWA: Certainly Chair. Ms Sambo, what - what happened after the - the second meeting with Mr Zwane?

MS SAMBO: Post the second meeting with Mr Zwane I believed that I have proven to AAR that the opportunity indeed exists at SAA Technical. I had already done the introduction to the CEO as they had requested and we were already also given an opportunity to do the Arimar audit.

20 So thereafter I called Cheryl - Ms Cheryl Jackson - back in Chicago and tried to negotiate again for my retainer fee, because I thought now they can see that I am a serious businesswoman and I have already started delivering on the promises that I have made and I made that call to Ms Cheryl on 15 July 2014 asking them for a retainer, but unfortunately Ms Jackson responded again to say as a woman of

colour in the United States of America she is always - she is also faced by similar challenges that Black women in South Africa are faced with.

Where if you are a Black woman in a male dominated industry you are not taken seriously. To be taken seriously you need to perform 10 times more than you would to be able to hold a position of power and be able to make decisions. So she is struggling with that at AAR. So it will be difficult for her to negotiate a retainer fee for me here in South Africa and she requested that we continue with the verbal agreement that we had in the past. That I will only get paid once the
10 deal is on the table.

CHAIRPERSON: So the verbal - what were the terms of the verbal agreement to which she was referring?

MS SAMBO: That was that American Foreign Agency ...

CHAIRPERSON: Hm.

MS SAMBO: Policy that she showed me that when American companies do businesses - business with foreign companies. They can pay up to eight percent of the value of the contract as a commission once the deal is concluded.

CHAIRPERSON: So that - that - so you were supposed to ensure that
20 they got the deal?

MS SAMBO: Yes. So ... (intervenes).

CHAIRPERSON: That is AAR?

MS SAMBO: Yes. Through tendering process. Upon getting a success bid ...

CHAIRPERSON: Hm.

MS SAMBO: Then we would look at the value of that contract and then I will only be paid up to eight percent. It was not even specific how much ...

CHAIRPERSON: Hm.

MS SAMBO: For SRS, but ...

CHAIRPERSON: Hm.

MS SAMBO: The document was saying up to eight percent.

CHAIRPERSON: Maximum eight percent?

MS SAMBO: Yes. So hence I worked so hard ...

10 **CHAIRPERSON**: Hm.

MS SAMBO: Over the years to try and get this deal.

CHAIRPERSON: Hm.

MS SAMBO: So that I can ultimately ...

CHAIRPERSON: But in terms of that verbal agreement it seems that SRS and AAR would not be partners. SRS would be like an agent who would get a commission for helping AAR to get the bid - to get the tender.

MS SAMBO: Hm.

CHAIRPERSON: Is my understanding correct?

20 **MS SAMBO**: No.

CHAIRPERSON: Yes.

MS SAMBO: The - the one part is correct, but the other component would be SRS was going to be then the BEE partner in the contract. So - so ...

CHAIRPERSON: Is the position that in regard to certain aspects SR -

SRS ...

MS SAMBO: Yes.

CHAIRPERSON: Could be taken as an agent, but in regard to other aspects of the work SRS would be a BEE partner for AAR?

MS SAMBO: Yes. You remember I mentioned at the beginning that part of my responsibility was to do market research for them and make sure that they understand how business is done in South Africa. So one of those components was the compliance with Black Economic Empowerment.

10 So when I went to AAR I marketed my company as 100 percent Black female owned company that through a bidding process there is already an advantage in terms of getting points on the Black Economic Empowerment. So for AI - for AAR not agreeing to pay me a retainer.

 That was then going to be substituted by a commission when the contract is concluded, but then once it is concluded then still participate in that contract now as a BEE partner to AAR.

CHAIRPERSON: Okay. Thank you.

ADV MICHAEL MBIKIWA: Thank you and - and your - your retainer
20 now having - your request for a retainer now having been refused. What steps did you take after that?

MS SAMBO: I wanted to make a living and I - I also through my engagements with SAAT identified an opportunity of supplying through quotation system as I (indistinct) to SAA Technical and met with Ms Memela and now introduced SRS Aviation as an independent local

company that wanted to become a supplier to SAA Technical.

ADV MICHAEL MBIKIWA: And - and as an independent company what would SRS Aviation supply?

MS SAMBO: Buy and sell. We would procure the consumables - the aircraft parts that they want. Find a supplier. Quote the client and upon success then we buy and supply the component or the commodity to SAA Technical. Then we invoice and get paid in 30 days.

ADV MICHAEL MBIKIWA: And you say you met with Ms Memela. I am - I am interested in how your relationship with Ms Memela developed
10 over time, but at - at this point in time what - what was - what was your relationship with her?

MS SAMBO: It was - I have known as a Manager at SAA Technical and I was regarded as a potential supplier to SAAT.

ADV MICHAEL MBIKIWA: Can we move then to the second tender? How did the second - the second tender differ from the first one?

MS SAMBO: The second tender I do not recall any difference, but it - for me it was the first tender reissued.

ADV MICHAEL MBIKIWA: Okay and did you submit a bid?

MS SAMBO: Yes. I also worked together with AAR in working on the
20 bid. This time they were more comfortable with working on their technical part on their own wherever they were, because it was coming back now the second time around. So they were familiar with what is required and on my side as well I compiled all the documents that were required and we then jointly submitted the bid.

With this one they couriered the tender document straight

from the US to SAA Technical and I submitted mine in the tender box at SAA Technical, but it was the same bid.

CHAIRPERSON: Let us get the time frames right. The tender when it was issued for the first time and was later cancelled or withdrawn. That was 2014 or 2013?

MS SAMBO: The tender was ...

CHAIRPERSON: When was that?

MS SAMBO: Advertised in 2013.

CHAIRPERSON: Huh-uh.

10 **MS SAMBO**: It closed in 2013 ...

CHAIRPERSON: Huh-uh.

MS SAMBO: But there was no communication from SAAT for a long time.

CHAIRPERSON: Huh-uh.

MS SAMBO: Till in 2014. I sent an email asking for feedback. That is when I received that feedback from Ms Nomsa Memela from SAAT in 2014.

CHAIRPERSON: When it was reissued. When was that?

MS SAMBO: It was reissued on 29 October 2014.

20 **CHAIRPERSON**: Okay. Thank you.

ADV MICHAEL MBIKIWA: And - and you - you described the process of putting together the - the bid and - and AAR being more comfortable with the technical stuff. How - how did the - the two of you work together on - on compiling the bid?

MS SAMBO: We had a telephone conference. We had a telecon on

various days to discuss the bid.

ADV MICHAEL MBIKIWA: And - and describe for us the - the telephone call you received from Mr Zwane around that time in October/November 2014.

MS SAMBO: Okay. In - around the November 2014 I received a phone call from Mr Zwane remind me of the discussion we had when we met at his office where he told me that when I work with international companies I need to be very careful in making sure that there are agreements in place and that they do not go behind my back to work
10 with other people and he made an example about an experience he had at that time. Then when he called me. He asked me if I am aware that AAR is now coming to SAA Technical with a new person called Mr Rafique Bagus. I do not know how - if you - that is how you pronounce the surname and he is now in - he has now been introduced to him as the BEE partner. So I said I - I did not know.

ADV MICHAEL MBIKIWA: Can you spell that surname?

CHAIRPERSON: You want to help the transcribers with spelling?

MS SAMBO: Mr Bagus. I do not see it on my file and I think it is - I think ...

20 **CHAIRPERSON:** Well ... (intervenes).

ADV MICHAEL MBIKIWA: You will find it - you will find it at paragraph 42.

MS SAMBO: B-A-G-U-S.

ADV MICHAEL MBIKIWA: And - and tell us what you did after you received this phone call from Mr Zwane?

MS SAMBO: I then contacted Ms Cheryl Jackson to find out why she came to South Africa and never informed me that she is in South Africa and her initial response was that they tried to call me and also sent me an email. Then I said I am looking at my phone. There are no missed calls from either yourself or from Mr Shah.

I - can I talk to you, because I need to understand who Mr Rafique Bagus is and what is the relationship. Then that is when she invited me to come and meet with her at the Intercontinental Hotel in Sandton.

10 **CHAIRPERSON:** Okay. Okay. Let us try and understand this. You got a call from Mr Musa Zwane ...

MS SAMBO: Yes.

CHAIRPERSON: And in that conversation that he had with you he warned you to be careful when dealing with international companies or companies from other countries. Is that right? She - he warned you of something. What did he warn you about?

MS SAMBO: Yes. When I came back from the US in 2011 I immediately started making contact with SAA Technical. That is when I got to know that Ms Botha is the PA to Mr Zwane and I requested to
20 have meetings with Mr Zwane and one meeting was successful before the Pigalle meeting. I met Mr Zwane in his office.

CHAIRPERSON: Yes, but you are going back ... (intervenes).

MS SAMBO: Yes. I am going back so that you can understand. Sorry Chair.

CHAIRPERSON: No. At this stage I just want you to confirm what your

understanding was of what Mr Zwane was alerting you to or warning you about.

MS SAMBO: He ...

CHAIRPERSON: Then we can move on.

MS SAMBO: Okay. He was warning me ...

CHAIRPERSON: And if you - if you ...

MS SAMBO: Yes.

CHAIRPERSON: Think he was not warning you about anything. You can say no. He was not warning me. This is what the call was about. I

10 just want us to take it from there.

MS SAMBO: No. The - the call definitely was a warning.

CHAIRPERSON: Yes. What is - what was he warning you about?

MS SAMBO: That AAR is - has introduced a new BEE partner to them at SAA.

CHAIRPERSON: Yes. After you had told us about - told me about that conversation. Later on you then said you spoke to Ms Jackson ...

MS SAMBO: Yes.

CHAIRPERSON: And she - an arrangement was made for a meeting between the two of you.

20 **MS SAMBO**: Yes.

CHAIRPERSON: At the airport. Is that right at the hotel?

MS SAMBO: No. In Sandton.

CHAIRPERSON: In Sandton?

MS SAMBO: Yes.

CHAIRPERSON: But I had not heard you tell me - maybe I missed it.

That how you got to know that she was in South Africa. Was she in South Africa when Mr Zwane called you?

MS SAMBO: Yes. She was - they had just left SAAT. Ms Cheryl Jackson, Mr Shah and Mr Rafique Bagus had just left SAA Technical from a meeting with him.

CHAIRPERSON: Yes. Is that - is that what Mr Zwane told you as well?

MS SAMBO: That is what Mr Zwane told me.

CHAIRPERSON: Oh. That they were in South Africa. They just had a meeting and then ...

10 **MS SAMBO**: With SAA Technical ...

CHAIRPERSON: Yes.

MS SAMBO: Where Mr Rafique was now introduced ...

CHAIRPERSON: Okay.

MS SAMBO: To them.

CHAIRPERSON: Now - now I understand. Okay. So you spoke to Ms Jackson and she said let us meet in Sandton?

MS SAMBO: Yes.

CHAIRPERSON: *Ja*. Okay. Then you can continue.

ADV MICHAEL MBIKIWA: So tell us about that meeting.

20 **MS SAMBO**: Okay. I met with Ms Jackson and Mr Shah at their hotel and I confronted them about Mr Rafique Bagus and I requested them to explain what was now happening. Then Ms Jackson ... (intervenes).

CHAIRPERSON: And who was in the meeting? Yourself, Ms Jackson and who else?

MS SAMBO: And Mr Shah.

CHAIRPERSON: Okay. Just the three of you?

MS SAMBO: Just the three of us.

CHAIRPERSON: Okay?

MS SAMBO: At that meeting Ms Jackson narrated a story to me that she was in London at some point at their - at their legal firm called Dentons firm for something else, but in the discussion that she had with the person at Denton - at Dentons.

CHAIRPERSON: At Dentons. I think it is Dentons. *Ja.*

MS SAMBO: Dentons. Yes. At Dentons she indicated her frustration
10 in trying to penetrate the South African market specifically with South African Airways Technical and the person that she spoke to then said. Do you know that we have a branch - Dentons as Dentons? Dentons we have got a branch in Cape Town.

We will introduce you to the office in Cape Town and see how they can assist you in penetrating the South African market. So that is how Cheryl - Ms Cheryl Jackson was then introduced to a gentleman called Mr Noor Kapdi who was a - a partner at Dentons firm and Mr Noor Kapdi then introduced Rafique - Mr Rafique Bagus to Cheryl Jackson.

20 So that is what she told me. Then she further indicated that they have engaged with Mr Rafique Bagus and as SAA - as AAR took a decision that Mr Bagus was bringing to the table a different strategic way of assisting them to get to penetrate the market in South Africa and they were looking at - I do not remember if they had already signed a consultancy agreement with him or they were still going to sign a

consultancy agreement with him, but she indicated to me that Mr Bagus is not coming in as a partner to AAR.

In fact Mr Bagus was told that the BEE partner is SRS Aviation. His was then to - to assist them in forming a broad based Black Economic Empowerment strata that will then be able to assist them to penetrate SAAT.

ADV MICHAEL MBIKIWA: And did - did Ms Jackson say Mr Bagus was or what his background was?

MS SAMBO: Yes. She did indicate at that time that Mr Bagus was the
10 CEO of Alexkor Mine and she would arrange a meeting between myself and Mr Bagus. Yes.

ADV MICHAEL MBIKIWA: We - we are now at paragraph 40 of your affidavit. Can you just tell us what - what happened next?

MS SAMBO: This introduction to Mr Rafique Bagus happened during the time that the second bid was still - we were working on the second bid. So it was - it was between the advertisement and the closing date. So in between there that is when the introduction happened.

CHAIRPERSON: You call it a second bid for convenience, but it was the first bid reissued as you indicated earlier on. Is that right?

20 **MS SAMBO:** Yes.

CHAIRPERSON: Okay.

MS SAMBO: On my affidavit Chair we have referred to it as the second SAAT bid. On page 11.

CHAIRPERSON: *Ja.*

MS SAMBO: Of my - yes.

CHAIRPERSON: *Ja* no that's fine, I just want to make sure that we are on the same page, we don't think there's a different bid, okay.

MS SAMBO: Yes, so from then I received an email that was sent in by the Vice – by Mr Robert Reagan from AAR and in that email he was now trying to get the perspective or to formalise this working relationship now with Mr Rafique now as a consultant and SRS as a BEE partner in the submission of this tender and I think – not that I think, I am sorry, part of Mr Rafique Bagus' consultancy was to advise them on how they should penetrate I think this market, yes.

10 **CHAIRPERSON:** So this meeting that you had with Ms Jackson and Mr Shah in Sandton did it happen before SRS and AAR submitted their joint bid to what you call a second tender?

MS SAMBO: Yes.

CHAIRPERSON: So when the second tender, when you submitted your bid to the second tender, Mr Bagus had started advising AAR?

MS SAMBO: Yes.

CHAIRPERSON: Was he advising AAR, just AAR, or was he advising both SRS and AAR as people who were working together?

MS SAMBO: He was advising just AAR.

20 **CHAIRPERSON:** Okay, alright.

ADV MICHAEL MBIKIWA: Can I go to the correspondence you've just referred to, it's at page 144 of your bundle.

MS SAMBO: Yes.

ADV MICHAEL MBIKIWA: Is this the email you were referring to?

MS SAMBO: Yes absolutely.

ADV MICHAEL MBIKIWA: And that is ...[intervenes]

CHAIRPERSON: And that is – I’m sorry, the email she was referring to that she said came from Mr Robert Reagan, is that right?

MS SAMBO: Yes.

CHAIRPERSON: *Ja*, okay.

ADV MICHAEL MBIKIWA: And can I just ask you to read into the record the first sentence and the three bullet points?

MS SAMBO:

10 “All, Cheryl, Rahool, Jennifer and I spoke today with the following folks about AAR’s pursuit of several business opportunities in South Africa, including the recently issued RFP for aircraft component support.

- Rafique Bagus, a former DPE official turned businessman who is acting as a strategic business consultant for AAR in South Africa;
- Spongile Sambu, a South African businesswoman who will be our BEE partner on the RFP; and
- Noor Gabdi, a lawyer with Dentons in South Africa who we have retained to assist our business development efforts there.”

20

ADV MICHAEL MBIKIWA: So just explain how these parties were going to be working together on a single bid submission?

MS SAMBO: Post the introduction a telephonic introduction by Ms Jackson there was a conference call between Ms Cheryl Jackson, myself, Mr Gabdi and Mr Bagus discussing the bid. In that telephone

call Mr Bagus and Mr Gabdi proposed that AAR partner with Denel Aviation as well in responding to this bid because they have a technical expertise in this market. My response was I don't think that will be relevant looking at the requirements of the bid and what I know Denel offers as products and services so I suggested that there is not even enough time to start creating new relationships to respond to this bid, and I advised in that telephone call that the submission of the bid what matters there is the price, more than if they bring in the technical expertise I have the BEE component which were the key requirements of the bid, I didn't see a reason why Denel would be introduced into this bid because the bid was already out and there was enough time to interrogate a third party into this relationship, so they – by the time we ended that call we had made an agreement that AAR and SRS Aviation would proceed as planned in the submission of their bid.

CHAIRPERSON: Did you understand how their idea would work of bringing Denel into this when Denel is a State entity?

MS SAMBO: No I did not.

CHAIRPERSON: I don't seem to understand how Denel would be brought into the bid. You also didn't understand?

20 **MS SAMBO:** I did not, I did not understand.

CHAIRPERSON: Okay.

ADV MICHAEL MBIKIWA: In that email can I ask you to go to number 2, where it says Sibongile advised that SRT will bid on the RFP at a loss. Sorry, are you there?

MS SAMBO: Where?

ADV MICHAEL MBIKIWA: It is at page 144.

MS SAMBO: Yes.

ADV MICHAEL MBIKIWA: At number 2.

MS SAMBO: Page 144, number 2, yes?

ADV MICHAEL MBIKIWA: Sibongile advised that SRT will bid on the RFP at a loss, she reminded us that price will dictate the RFP winning bid regardless of any political or other connections.

CHAIRPERSON: Well will you start by telling me whether SRT was a mistake, it was meant to be SRS or whether SRT is something else?

10 **MS SAMBO:** SRT is another company that was based inside SAA Technical that was – that I also went to – as part of my market research I visited them to understand what they do and if they are responding to the bid and the gentleman that I spoke to, if my memory serves me well, was Mr Mohamed, I stand for correction, with the surname and we discussed the bid, and he indicated that SRT didn't have the capacity that the other bigger players like Lufthansa and Air France and perhaps AAR as well so they would bid but they know they would bid at a loss because they don't have the full resources, so from that discussion that I had with Mr Mohamed I was then giving them feedback of part of the
20 market research that I have done that one of the other bidders is going to be SRT and they have indicated to me that they will be bidding at a loss, and ja, that's all.

CHAIRPERSON: Why would anybody bid at a loss, do you know?

MS SAMBO: He indicated to me that they wouldn't – they don't have the kind of capacity that airlines like Air France, which was supplying at

that time, would have, he indicated that when – should they get the bid when Air France leave they are going to leave with everything that they have brought into SAA Technical and they will have to start afresh so if they need to be a competitive bidder it – they are going to operate on the first bid at a loss because they have to capitalise to get the business off the ground, that's what he meant, or that is what I understood when he told me.

CHAIRPERSON: In other words they would have a long term benefit later but not immediately?

10 **MS SAMBO:** Yes, yes.

CHAIRPERSON: Okay.

ADV MICHAEL MBIKIWA: And in that sentence that you read it is indicated that you advised that price would dictate the winning bid regardless of any political other connections. Why did you think it necessary to say that political or other connections would make no difference?

MS SAMBO: Okay, Mr Rafique was introduced to me as somebody who is politically connected and that is what he was bringing on the table, which I was not, and hence Cheryl said to me I must not worry
20 about Mr Rafique Bagus, he is bringing a different strategy consultancy into the whole relationship and in the discussion of how we should respond to the second bid as stated in my affidavit, is that it came very clear that Mr Rafique was proposing that AAR gets a letter of support from the Department of Public Enterprises, SAA was still reporting to the Department of Public Enterprises at that time and when he was

introduced to me he was introduced as somebody who has worked with the DPE in the past as the advisor of the former minister Alec Erwin, so that whole political, I don't know if I should call it connection but it is what he is bringing in and for me as a business woman I was straightforward to say even if you can have those political connections if your price is out of place you will not get that contract.

ADV MICHAEL MBIKIWA: Thank you Chair. I see we are almost at quarter past eleven.

CHAIRPERSON: Yes, are you about to move onto something else?

10 **ADV MICHAEL MBIKIWA:** I am about to move on to something else.

CHAIRPERSON: Okay, we will take the adjournment and we will resume at half past eleven.

We adjourn.

REGISTRAR: All rise.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Okay you may proceed...

20 **ADV MICHAEL MBIKIWA:** Thank you Chair. Miss Sambo just before the tea adjournment you were telling us about an e-mail that Mr Reagan had sent sort of describing the partnership between yourself and SRS Aviation and AAR and Mr Bagus. Can we pick it up at paragraph 42 of your affidavit and can you tell us what happened after that?

MS SAMBO: Chair can I please refer to my notes?

CHAIRPERSON: Yes.

MS SAMBO: Thank you. Subsequent to that, on the 18th of November

2014, I met with Mr Gabde from Dentons firm. The meeting was arranged by Miss Jackson, and in our discussions we talked about Rafique, who Rafique was and he was trying to make me at ease in understanding that Rafique is coming to deliver on a different role than I do for AAR.

ADV MICHAEL MBIKIWA: And what happened after your meeting with Mr Gabde?

MS SAMBO: Post that meeting with Mr Gabde, a meeting was then scheduled for me to meet Mr Bagus and the meeting was scheduled for
10 me to meet him at his offices in Rosebank at the Alexcor offices and that is where we had our meeting.

ADV MICHAEL MBIKIWA: And what was the purpose of that meeting?

MS SAMBO: The purpose of the meeting was for him in person now, to outline to me what his role was at AAR and also that he has been told that SRS aviation is the BEE partner for AAR.

ADV MICHAEL MBIKIWA: And is that what was discussed at the meeting?

MS SAMBO: That is what we discussed at the meeting.

CHAIRPERSON: What was your understanding of what exactly
20 Mr Bagus was going to do at a particular level in advising [intervenes]

MS SAMBO: What?

CHAIRPERSON: In AAR ...[intervenes].

MS SAMBO: Sorry Chair.

CHAIRPERSON: What was going to be his advices about? Was it just business or was what exactly was he going to advise on that SRS was

not able to assist on?

MS SAMBO: What I remember very well is that he had already indicated to AAR that partnering with SRS Aviation alone is not broad enough and at that time it was during the time that the DTI had recently announced that when they started with the compliance of BEE it was Black Economic Empowerment but they had added another element that says, now it needs to be broad, it needs to be broad based black economic empowerment and Rafique believed that SRS alone is not broad enough for the relationship with AAR.

10 So one of the tasks that I remember very well, he told me he was going to do, is to create a broad-based black economic empowerment structure that can work with AAR.

CHAIRPERSON: Okay.

ADV MICHAEL MBIKIWA: And what was your response to Mr Bagus in this meeting when he described his role?

MS SAMBO: I was agreeable to that. I indicated I cannot block anyone if they want to add other partners, especially given that we didn't have the terms of reference, we didn't have a contract that was binding between me and AAR so there was nothing much I could say.

20 **ADV MICHAEL MBIKIWA:** And tell us what happened after your meeting with Mr. Bagus?

MS SAMBO: Post that meeting with Mr. Bagus I, sorry can I just go through and just check my notes?...

CHAIRPERSON: Yes, you can refresh your memory.

MS SAMBO: Thank you. Okay. One of the things that happened post

my introduction to Mr Gabde and Mr Bagus is that Mr Shah came to South-Africa to me and finalise the bid because the bid was due on the 2nd of December if I am correct and he was due to be in South-Africa in November 2014.

So I met with Mr Shah as well at his hotel at the Inter-Continental in Sandton, where; okay, during that meeting he then organised another teaming agreement that we were supposed to sign to submit the bid, so...[intervenes]

CHAIRPERSON: You say another. Was there one that had already
10 been signed before?

MS SAMBO: Yes. When we submitted the initial bid, the first one, we signed a teaming agreement and with the cancellation of the bid [intervenes]

CHAIRPERSON: You needed to sign another one?

MS SAMBO: Yes.

ADV MICHAEL MBIKIWA: So, do I understand correctly that it was a teaming agreement per bid.

MS SAMBO: It was, yes indeed.

ADV MICHAEL MBIKIWA: And tell us about the process of preparing
20 the bid with Mr Shah?

MS SAMBO: Mr Shah came with the technical. He worked on the technical bid, I didn't work on the technical part of the bid. Remember it was e-mailed to them. They started working on it.

So, the technical bid is, most of it was done by the people in Chicago. Mr Shah was playing more a role of a business development

person for AAR to for stakeholder management, relationship management, and also making sure that the bid is, is submitted on time; that we all work on what we required to work on and it's submitted on time. So that is what we discussed.

ADV MICHAEL MBIKIWA: And, and what happened after your prepared the bid submission?

CHAIRPERSON: Maybe before that, you said Mr Shah was working on the technical side of the [intervenes]

MS SAMBO: Co-ordinating that they, yes, co-ordinating the technical
10 [intervenes]

CHAIRPERSON: And SRS was working on what part?

MS SAMBO: With the compliance. The regulatory compliance documents, and your tax clearances, and, yes.

CHAIRPERSON: Okay. Did you then submit the bid on time?

MS SAMBO: Yes, that's the bid that was couriered from Chicago and SRS submitted our portion at the tender box at SAA Technical.

CHAIRPERSON: Yes, and once again still, SRS and AAR submitting the bid jointly [intervenes]

MS SAMBO: Yes.

20 **CHAIRPERSON:** Okay. Alright. But before the submission of the bid was there any other important thing that happened?

MS SAMBO: I would need to remind myself, let's see. Yes. According to my affidavit on paragraph 51 I was informed by Miss Jackson that Mr Bagus had organised a meeting between; organised a meeting for AAR to meet the Deputy Minister of Finance in Cape Town.

So, so many things happened during the second bid. The State President moved the reporting line of SAA from Department of Public Enterprises to Department of Finance. So, so then Mr Bagus organised that AAR now meets the Deputy Minister of Finance in Cape Town.

This is what Sharon mentioned to me. I don't know if the meeting took place or not.

CHAIRPERSON: Did you understand what, did she say what the purpose of that meeting was going to be?

10 **MS SAMBO:** To introduce AR [intervenes]

CHAIRPERSON: To the Deputy Minister?

MS SAMBO: Yes.

CHAIRPERSON: Okay.

ADV MICHAEL MBIKIWA: Who was the Deputy Minister at the time?

MS SAMBO: It was Deputy Minister Mcibisi Jonas.

ADV MICHAEL MBIKIWA: Mr Jonas has submitted a statement in response to having received a Rule 33 notice. I would like to take you just to the relevant paragraphs of that and to ask for your comment on what he has said in reply. If I could ask you to turn to page 546.

20 **MS SAMBO:** Yes, I am.

ADV MICHAEL MBIKIWA: Are you there? Okay. If we can start at paragraph 13. There, Mr Jonas has addressed other matters in his affidavit which we will return to later.

MS SAMBO: Yes.

ADV MICHAEL MBIKIWA: But for present purposes if we could start at

paragraph 13, and he says

“As regards, the alleged meeting with AAR mentioned in paragraph 51 of her statement”.

That is your statement.

MS SAMBO: Yes.

ADV MICHAEL MBIKIWA:

10 “I recall being invited to a dinner by Mr Bagus in Cape Town. Mr Bagus told me that the dinner would be with a US based entity which was interested in investing in South- Africa. I attended this dinner for a short period of time. Miss Jackson was introduced to me and provided me with background on AAR and expressed its desire to invest in South-Africa. She provided me with information about the capabilities of AAR which seemed impressive at face value and it appeared that AAR maybe able to assist SAA and also the potential investment in South-Africa or collaboration with SAA in Africa would be beneficial

20 to the South African economy more broadly. I told her that I was not involved in the management of SAA and that she should speak to the relevant management of SAA in order to find out about the procurement policies which are followed by SAA about opportunities for collaboration with SAA.”

He then says:

“This meeting took place the evening before the State of the Nation Address in Cape Town. The following morning, I coincidentally met Miss Dudu Myeni, who at that stage was the chair of SAA. I told Miss Myeni about the meeting which I had with Miss Jackson and that AAR appeared to have meaningful capabilities of AAR and maybe interested in investing into investment in South-
10 Africa. However, I also told her that I had said that if AAR wished to do work with SAA it should speak to the relevant management of SAA directly. She indicated that she would be interested in meeting Miss Jackson and I accordingly put them in touch with each other.”

Paragraph 15

“To the best of my recollection that was the end of my involvement in this matter.”

Miss Sambo do you have any comment on that?

20 **MS SAMBO:** No. I was not party to this meeting and I was not *privy* to it.

ADV MICHAEL MBIKIWA: So, you have no reason to doubt what Mr Jonas has said?

MS SAMBO: No.

ADV MICHAEL MBIKIWA: So, we have just dealt with the bid, your bid

submission, the bid preparation, the bid submission, and this meeting which took place in Cape Town. What happened thereafter?

CHAIRPERSON: Where about in the ...[intervenes].

ADV MICHAEL MBIKIWA: In the affidavit we are at Paragraph 52.

CHAIRPERSON: Ja. Okay.

MS SAMBO: Okay, towards the end of 2014 and 2015 SRS Aviation was not active in the activities of AAR at SAAT. The meetings that they were having were predominantly with Mr Bagus so we were not active, so I don't really know what was happening during that period.

10 **CHAIRPERSON:** Just repeat what period that was?

MS SAMBO: The end of 2014 and April 2015.

CHAIRPERSON: Okay. You didn't have much interaction as SRS than with AAR. Is that what you are saying?

MS SAMBO: Yes.

CHAIRPERSON: But you do know that they were having; AAR was having a lot of interaction with Mr Bagus.

MS SAMBO: Yes. There is an e-mail that Mr Bagus sent to me, including other Consortium members where he indicated that he has had meetings about five times, or three times, or many times with AAR,

20 we will refer to...[intervenes]

ADV MICHAEL MBIKIWA: We can go to that e-mail. It is at Page 163.

MS SAMBO: Would you like me to read or give a context?

CHAIRPERSON: Well, is there anything particularly important in the contents of the e-mail other than that he mentions that he was having a number of meetings with AAR, Mr Mbikiwa?

ADV MICHAEL MBIKIWA: Chair, the thrust of the e-mail is that Mr Bagus had been meeting with AAR. There is just one aspect in the third full paragraph starting with: “*At the meeting*”. If you could just read the first sentence of that into the record. Starting with “*At the meeting.*”

MS SAMBO: Reads into the record.

“At the meeting in Chicago last week, AAR and David specifically requested that Bongani attend the meeting with a delegation.”

10 **ADV MICHAEL MBIKIWA:** And the next sentence, sorry.

MS SAMBO: Reads into the record.

“Bongani will be leading the BEE Consortium.”

ADV MICHAEL MBIKIWA: Who is the Bongani that is being referred to?

MS SAMBO: Post the meeting that I had with Mr Bagus at Alexcor, he confirmed that he was putting together a broad based black economic empowerment structure, and in that structure that is where I saw the name and got to know about Mr Bongani More. I don't know where the structure is on my file.

20 **ADV MICHAEL MBIKIWA:** We will go there in a moment.

MS SAMBO: Okay. So, Mr More, I didn't know him. I saw him on the structure, and I tried to get information about the different people that I see on the structure. But I was particularly interested in Bongani because I saw Bongani taking the role that I have been playing all along with AAR as a lead BEE partner.

And this e-mail clearly indicates that they were in, Rafique and the team were invited to go to Chicago and they appointed Bongani as a lead for the BEE Consortium. And in my quest to get the info about who Bongani was, during that time I had already known Miss Nontsasa Memela for quite some time and we would talk about my relationship with AAR; what is happening because now I believe we are acquaintances; we could talk about my relationship with AAR and she, and I mentioned Bongani and she came back to me saying that she has been told that Bongani is ...[intervenes].

10 **CHAIRPERSON**: Mr More.

MS SAMBO: Mr More, I apologise Chair. That Mr More is related to the Deputy Minister of Finance, Mr Mcibisi Jonas, and the shares that he is holding on this broad based black economic empowerment structure, he is holding those shares on behalf of the Minister that is what I was told.

CHAIRPERSON: You mean on behalf of the Deputy Minister? You said Minister.

MS SAMBO: On behalf of the Deputy Minister, I apologise.

ADV MICHAEL MBIKIWA: Miss Sambo that is the other aspect on
20 which Mr Jonas has filed an affidavit ...[intervenes].

CHAIRPERSON: Now just to clarify, who was giving you this information? Miss Memela?

MS SAMBO: Miss Memela. Yes.

CHAIRPERSON: And once again, who was she?

MS SAMBO: Miss Memela was the head of procurement at South

African Airways Technical.

CHAIRPERSON: Okay.

ADV MICHAEL MBIKIWA: Can I ask you to return to Mr Jonas's affidavit and that's at Page 544 I would like you to go to.

CHAIRPERSON: Did Miss Memela tell you where she was getting this information from or did you not ask?

MS SAMBO: I don't remember. I didn't ask. I didn't get where she got it from.

CHAIRPERSON: Okay.

10 **ADV MICHAEL MBIKIWA**: So at Page 544, If I can start at Paragraph 5 of Mr Jonas's affidavit, he says

“In essence, as discussed further below, she suggests that I had an undisclosed interest in one of the proposed BEE Consortia which was involved in AAR. There is no truth to this allegation whatsoever. There is also no evidence provided by Miss Sambo for this preposterous allegation other than what is colloquially referred to as double hearsay. (It is premised on a statement allegedly
20 made by Mr More to Ms Memela and in any event Mr More denies ever making such a statement to Ms Memela given it the alleged statement is false.”

If I can then ask you to turn to Page 546 and at Paragraph 12. Mr Jonas says

“I stress in this regard that I have never held any

interest whatsoever in any BEE Consortium which partnered with AAR either in my own name or through Mr Bongani More, furthermore I am not related to Mr More.”

Lastly if we can turn to Page 550, this is a supporting affidavit from Mr More which was provided together with Mr Jonas’s. And at Paragraph 3 he says

10 “In particular I have denied I have ever held any shares in any BEE Consortium which was intended to partner with AAR Corporation “on behalf’ of Mr Jonas. I also deny having suggested to Miss Memela that I would have done so. I confirm that Mr Jonas had no direct or indirect financial or ownership interest in the proposed consortium of which I formed part.”

Miss Sambo, do you have any comment in response to that?

MS SAMBO: As I have mentioned, I was informed by Miss Memela that Mr More is holding shares or on behalf of Deputy Minister Mcibisi Jonas. I therefore cannot vouch or deny or agree, but what is coming
20 out of this statement is it alleges that I said Miss Noncasa heard that from Mr More and its nowhere on my affidavit. I did not say Miss Noncasa was told by Mr More that he is holding shares on behalf of the Deputy Minister. That is the correction I would like to make.

ADV MICHAEL MBIKIWA: We have also received a statement from Ms Memela which is in support of the cross-examination application.

Most of that we will get to in due course, but I would just like to take you to Page 516.

MS SAMBO: Yes.

ADV MICHAEL MBIKIWA: And Paragraph 12 where Miss Memela says

10 “The same, Miss Sambo claims in her affidavit that
I had confirmed that I did not know Mr More but in
the same affidavit she asserts that I informed her
that Mr More was standing for Mr Jonas. I further
deny and refute the allegation as misrepresentation
of facts by Miss Sambo as I didn’t know Mr More to
an extent that I would have known such details
about him.”

So, Miss Memela denies having told you. What is your comment in response to that?

MS SAMBO: Miss Memela did tell me that she has been told that Mr More is holding shares on behalf of the Minister. I did not insinuate anywhere in my affidavit that Miss Memela knows Mr More.

ADV MICHAEL MBIKIWA: Thank you so ...[intervenes].

20 **CHAIRPERSON**: So, what you insist on is that Miss Memela told you
that Mr More was holding certain shares on behalf of the Deputy
Minister of Finance at the time [intervenes]

MS SAMBO: Yes

CHAIRPERSON: What you say, you never said was that she told you that she got that information from Mr More.

MS SAMBO: Correct.

CHAIRPERSON: Okay.

ADV MICHAEL MBIKIWA: If we can then return, Miss Sambo, to your affidavit and pick it up at Paragraph 53. You had just told us that between the end of 2014 and April 2015 you had had very little involvement. Can you tell us what then happened in April 2015?

MS SAMBO: In 2015 I was informed again by Miss Memela that AAR has invited SAAT representatives to visit their facilities in the United States and she indicated to me that the people who are invited or that would be going to visit AAR was herself, the CEO Mr Zwane, the
10 member of the board Doctor Tambi, the Chairperson of the board of SAA technical Miss Yakhe Kwinana. Those are the people that would be visiting and to represent the Consortia, the person that will be representing the consortia was Mr Bongani More.

CHAIRPERSON: Was it Miss Memela who was telling you this information?

MS SAMBO: Yes.

CHAIRPERSON: Had AAR not told you anything about this trip that was planned by this time?

MS SAMBO: No, I confronted AAR afterwards [intervenes]

20 **CHAIRPERSON:** You were hearing about it for the first time?

MS SAMBO: Yes.

CHAIRPERSON: Okay.

ADV MICHAEL MBIKIWA: And so, what did you do when you were told this information?

MS SAMBO: Like I normally do, I called Miss Sheryl Jackson because

she was the point of contact between SRS and AAR. So I mentioned to her that I have managed to find out that there is a planned trip and I see that I am excluded from the trip and according to the knowledge that I have now is that the delegation will be visiting your Chicago operations but they will also be visiting your Miami operations, which I have never visited but I have visited your Chicago operations twice.

So, I suggested to her that I would like to be part of the delegation that is coming to visit their facilities. But Ms Jackson declined my request indicating that they will have a challenge when
10 they transport the delegation between the facilities in Chicago and Miami because they will be using their private jet.

So, I responded to Ms Jackson by saying that I do not need to be in the private jet and I do not need to be at the Chicago facilities because I have been there. But I am interested in knowing the Miami facilities so I can get myself on a flight from Johannesburg to Miami. I will not be bothering anyone. Be part of the meeting when they conclude the meeting in Miami. Then I can return back. And I was prepared to finance my trip and but unfortunately, she still insisted that I am not required to be there. So, I did stand down.

20 **CHAIRPERSON:** What did she say- what explanation did she give for the fact that one, they did not include you in this delegation? Two, they did not tell you about it before you heard from Ms Memela?

MS SAMBO: She did not respond about why they did not tell me but ...
(intervenes)

CHAIRPERSON: Did you ask her?

MS SAMBO: Yes, I did.

CHAIRPERSON: Ja.

MS SAMBO: Yes, I remember I did ask but she did not respond why they did not tell me. All she mentioned is that according the Broad Base Black Economic Consortium structure that Mr Rafiq proposed to AAR, SRS was now a component or part of the consortium. So, for this trip they have appointed Mr More to be a lead for the BEE consortium and hence I was not required to be there. So, Mr More indirectly was going to also represent me because now according to that structure, I
10 am part of the consortium.

CHAIRPERSON: Okay.

ADV MICHAEL MBIKIWA: And do you know whether that delegation went ahead?

MS SAMBO: Yes indeed, the delegation went ahead. I became friends with Ms Memela on Facebook and Ms Memela would then post the activities in Chicago. I had vested interest because AAR is- I regarded AAR as a baby that I brought in to South Africa. So, I wanted to know each and everything that was happening and Ms Memela happened to be the person that provided the information directly or indirectly. So,
20 through Facebook because now I had a sense of what was happening so my natural instinct told me that it is time to start gathering any information that I come across that has to deal with AAR because I have vested interest.

CHAIRPERSON: Before that delegation went to Chicago, did those who were part of the BEE component- BEE partners for AAR have any

discussions about each one's role and what would happen and who would play a leading role and so on? And was SRS involved in any such discussions?

MS SAMBO: Not to my knowledge. I was not party to any discussions that planned for the trip.

CHAIRPERSON: Okay.

ADV MICHAEL MBIKIWA: Now you mentioned that you learned about the trip from Facebook and you have attached to your affidavit some of the photographs that you downloaded of the delegation. The
10 unfortunately the attachments to your affidavit are very unclear. Chair they have been blown up in the bundle of Mr Human who will be coming tomorrow. If I could refer you to what is provisionally DD22C. And if I could beg leave to hand a copy of this to the witness because I do not think she has it.

CHAIRPERSON: Yes, I am just thinking whether you should not have made copies of what is in that bundle for me and for her so that could be part of this one.

ADV MICHAEL MBIKIWA: Indeed Chair, we can arrange for that to be done.

20 **CHAIRPERSON**: We can do that?

ADV MICHAEL MBIKIWA: We certainly can arrange for that to be done.

CHAIRPERSON: Okay. Now it might be better that you deal with that aspect maybe later.

ADV MICHAEL MBIKIWA: Certainly Chair.

CHAIRPERSON: After lunch ja.

ADV MICHAEL MBIKIWA: Ja.

CHAIRPERSON: Okay.

ADV MICHAEL MBIKIWA: We will return to that. Ms Sambo then tell us what happened after the delegation went to visit the AAR facilities.

MS SAMBO: What happened after?

ADV MICHAEL MBIKIWA: Yes.

MS SAMBO: Oh okay. On the 30th of April 2015 Mr Bagus informed me that he has been officially appointed as a consultant for AAR and he
10 indicated to me that he has had various trips to AAR as well to engage with them in the- as part of his role as a consultant for AAR. He further introduced the consortium structure ... (intervenes)

CHAIRPERSON: That is after the delegation had come back from the US?

MS SAMBO: Sorry, this is before.

ADV MICHAEL MBIKIWA: Are we in the period before the delegation?

MS SAMBO: Before they went.

ADV MICHAEL MBIKIWA: That is my error, I apologise.

MS SAMBO: Oh.

20 **ADV MICHAEL MBIKIWA**: If there are events that occurred before the delegation actually went but after you were informed that it was going.

MS SAMBO: Oh okay.

ADV MICHAEL MBIKIWA: Please deal with those.

MS SAMBO: One of the distinct things that I remember is that Ms Memela requested me to assist her with a visa application because I

was- I knew very well what the process was to apply for a visa to the United States. She had never travelled to the United States at that time and also she had to apply for an emergency visa because the time that she told me that she needed to be- she is going to be part of the delegation and the date that was already set for the travel, it suggested that she needed to get an emergency visa.

And a few weeks prior to her request we had discussed that my employee was going to go to the US as well but for a different reason not at AAR for other businesses and we managed to fast track and get
10 the visa speedily. So, she asked me to assist her in that process which I did.

ADV MICHAEL MBIKIWA: We spoke briefly earlier about your relationship with Ms Memela. How would you describe that relationship at this point where you are arranging her visa for her?

MS SAMBO: Over a period of time working with her, we became friends at least that is what I believe.

ADV MICHAEL MBIKIWA: And tell us what happened after that. After you assisted her with her visa application.

MS SAMBO: They then travelled to the USA and that is when I started
20 following up on the activities because I wanted to know what was happening in the US. And that is when Mr Bagus also confirmed that he is fully a vested consultant for AAR.

CHAIRPERSON: Did that confirmation come after they had come back from the US?

MS SAMBO: No, it was before they left. So, when I wanted to be part of the delegation that was going to the US, I think it was May. The trip was scheduled to be in May.

CHAIRPERSON: Yes.

ADV MICHAEL MBIKIWA: You deal with that at paragraph 65.

MS SAMBO: Yes. So yes, the trip was scheduled to be on the 8th of May. So when I wanted to be part of the delegation, I was told that I cannot be part of this delegation but there will be a follow up visit to AAR in June. And Rafiq sent me an email suggesting that I plan to be
10 part of the delegation that would be going in June.

ADV MICHAEL MBIKIWA: Alright. Can we then pick it up at paragraph 60 and can you tell us what happened after you told that you will not be able to join the delegation?

MS SAMBO: Okay. I received a call from Ms Memela indicating that Ms Kwinana would like to talk to me. She would like to have a discussion with me and she asked for my permission to give her my contact details because she wanted to meet with me at my residence. So, I agreed. I said you can give her my contact details and Ms Kwinana indeed contacted me. And we arranged to meet at my
20 residence.

CHAIRPERSON: What was her position if any with South African Technical at that time, Ms Kwinana?

MS SAMBO: She was the chairperson.

CHAIRPERSON: Chairperson of the board.

MS SAMBO: Chairperson of the board of SAA Technical.

CHAIRPERSON: Ja okay.

MS SAMBO: Yes.

CHAIRPERSON: So, she came to the meeting?

MS SAMBO: Yes.

CHAIRPERSON: At your residence.

MS SAMBO: At my residence, yes.

CHAIRPERSON: And what happened?

MS SAMBO: She came to my residence. She indicated to me that she was planning to resign as the chairperson of SAA Technical and she
10 was keen to know more about my relationship with AAR and at that meeting she also indicated that when she leaves as a chairperson of SAA Technical, she wants to get her hands on other contracts at SAA such as the- there was a contract for tyres aircraft tyres, a contract for logistics, I cannot remember what else besides the components. But to me she was very clear that she wanted me to introduce her to Ms Cheryle Jackson, she wanted to have a direct contact with Ms Cheryle Jackson which I gladly gave her the contact details and they started talking directly.

ADV MICHAEL MBIKIWA: What did you understand her to mean when
20 she said she wanted to get her hands on those contracts?

MS SAMBO: I do not know.

CHAIRPERSON: Did you ask her, what do you mean?

MS SAMBO: I do not remember if I have asked her what she meant. I do not know what she meant. I think she can answer that one herself. But she wanted her hands, it is what she told me, on those contracts.

CHAIRPERSON: Well she asked for a meeting, she came to your residence and she wanted Ms Jackson's contact details which you gave her.

MS SAMBO: Yes.

CHAIRPERSON: One would have thought that at least you would want to understand what the purpose was or what she was talking about because it looks like she wanted those contact details so that she could achieve what she was talking about namely getting her hands on those contracts.

10 **MS SAMBO:** The meeting with Ms Kwinana was very brief.

CHAIRPERSON: About how long?

MS SAMBO: It is such a pity that we tried to get the time at which she came in at the gate and the time that she left but as of today we have not received the information because then that could prove my statement that the meeting was very brief.

CHAIRPERSON: Yes, did you say she came to the gate?

MS SAMBO: Yes, normally I ... (intervenes)

CHAIRPERSON: Or she got into the house and she had a meeting with you or did you both talk at the gate?

20 **MS SAMBO:** No, she came into the gate.

CHAIRPERSON: Ja.

MS SAMBO: Drove to my residence. She had a driver. She came inside alone. We had a very brief meeting where she indicated her interest on the components tender and hence, she wanted to talk to

Cheryle at AAR. And that she was planning to resign and she wants her hands- I was a bit ... (intervenes)

CHAIRPERSON: On certain contracts.

MS SAMBO: Yes. I was a bit uncomfortable with that meeting because a person of my capacity at that time it was now ringing what was happening. And I did not prolong the meeting. I did not want to know the details of what does she mean, she wants her hands on those contracts. I did not want to really entertain it.

CHAIRPERSON: Okay, how long do you think the meeting took?

10 **MS SAMBO**: It was less than an hour.

CHAIRPERSON: Oh.

MS SAMBO: I would say ... (intervenes)

CHAIRPERSON: Maybe 30 minutes? You are not sure.

MS SAMBO: I do not know specific.

CHAIRPERSON: No, it is fine. But it was a short meeting you say.

MS SAMBO: It was a short meeting.

CHAIRPERSON: Okay.

ADV MICHAEL MBIKIWA: And apart from giving her the details of AAR was she suggesting that you do anything else to assist her to get her
20 hands on these contracts?

MS SAMBO: She did ask me if I know anybody who is in logistics. At that time I did not know anyone that I could think of and I indicated to her that I would tell her if I know of somebody or I would tell Ms Memela because that is the person I engage with if there is anybody that I could think of that is in logistics.

ADV MICHAEL MBIKIWA: And Ms Sambo are you able to place this meeting in time at all?

MS SAMBO: This is one of the areas Chairperson that I struggle to place it in time because there is no written document that will remind me of the date at which this meeting took place. I tried very hard to go back in time.

CHAIRPERSON: Was it before the outcome of the bid of what you call the second the tender was announced?

MS SAMBO: Was it before?

10 **CHAIRPERSON:** Was it before?

MS SAMBO: It was- it would have been between the second- the advertisement of the second bid and before the third bid was advertised.

CHAIRPERSON: Okay and does that help at all in terms- does that help you at all in terms of months? And I am taking it that the year would have been 2015.

MS SAMBO: Yes, it was 2015.

CHAIRPERSON: The year would be 2015.

MS SAMBO: Yes.

20 **CHAIRPERSON:** And in terms of months does that help you at all to say it probably would have been around which months?

MS SAMBO: Unfortunately, not chairperson.

CHAIRPERSON: You cannot. Okay, no that is fine.

ADV MICHAEL MBIKIWA: Ms Sambo you say that the purpose of Ms Kwinana coming to your house was to ask you to give her details to

introduce her to Ms Jackson. Does that suggest at all that it may be before Ms Kwinana went on a delegation to meet AAR?

MS SAMBO: It suggest that because at that time she did not know Ms Jackson. So, she would not have met Ms Jackson by this time that we met. Because you remember she went on the delegation to the US so she would not have asked me for the contact details post the trip. So, I think based on that we can try and figure out when this meeting happened.

CHAIRPERSON: Okay, continue.

10 **ADV MICHAEL MBIKIWA**: Thank you Chair. If we can then pick it up at paragraph 61 of your affidavit. Can you tell us what happened thereafter?

MS SAMBO: Within a few weeks or a week or so Ms Kwinana gave me a call again asking to meet with me and she suggested that we meet at the Protea Hotel in Midrand which I agreed to. I went to Protea Hotel and I found her with Dr Tambi, one of the board members at SAA Technical. And when I got to the meeting she indicated that she wanted to introduce me to people that she works with and she introduced Dr Tambi as an aviation specialist who is part of the board
20 at SAA Technical and also she indicated that he is originally from Sierra Leone, I think that is what she indicated to me.

And then she got into the continuation of the meeting we had at my house that as she is planning to exit SAA Technical, Mr Tambi is the one who will take care of her interest when she is gone because he will

remain as a board member at SAA Technical. And her interest being all the contracts that she mentioned she wanted her hands on to me.

CHAIRPERSON: Now just to tie that up. At that stage, at the stage of this meeting at the Protea Hotel.

MS SAMBO: Yes.

CHAIRPERSON: Did you know exactly which contracts she wanted to lay her hands on?

MS SAMBO: Yes, she had already indicated the logistics.

CHAIRPERSON: Ja.

10 **MS SAMBO**: The tyres.

CHAIRPERSON: Mm-hmm.

MS SAMBO: And the components.

CHAIRPERSON: And that was in respect of SAA Technical.

MS SAMBO: Yes.

CHAIRPERSON: Yes. Now prior to her meeting you at your residence.

MS SAMBO: Yes.

CHAIRPERSON: Had you had any interactions with her prior to that?

MS SAMBO: Not at all.

CHAIRPERSON: Was that the first time?

20 **MS SAMBO**: That was the first time.

CHAIRPERSON: And do you know how she got your details?

MS SAMBO: Ms Memela contacted me asking if she could give Ms Kwinana ... (intervenes)

CHAIRPERSON: Ms Kwinana.

MS SAMBO: My details because she is asking for that from Ms Memela, yes.

CHAIRPERSON: Okay.

MS SAMBO: So, I agreed.

CHAIRPERSON: So, when she came to see you that was the first time you had an interaction with her?

MS SAMBO: Yes.

CHAIRPERSON: Yes, and then you had this second meeting ...
(intervenes)

10 **MS SAMBO**: Second meeting.

CHAIRPERSON: At the Protea Hotel.

MS SAMBO: Yes.

CHAIRPERSON: Yes, you were still talking about that one.

MS SAMBO: Yes.

CHAIRPERSON: And how did the discussion proceed after she told you what Dr Tambi's role would be after she had left?

20 **MS SAMBO**: Yes, then she also introduced me to Ms Mdlulwa, Ms Kuki Mdlulwa as in Zulu as "Ihashi". And I was asking her what is Ihashi because as a person that speaks isiZulu as well, I know Ihashi to be something else, to be an animal ... (intervenes)

CHAIRPERSON: Well just say what it is.

MS SAMBO: To be a horse.

CHAIRPERSON: Yes.

MS SAMBO: And she said in her world- she may not have put it in that particular words that I am saying but, in her context, ... (intervenes)

CHAIRPERSON: You are paraphrasing.

MS SAMBO: Yes, in her context lhashi was a runner. And I still probed further to understand what is a runner and she said a runner is a person that is a go in between making deals for her. Yes. And at that meeting she indicated to me that as part of her interest in the components tender which is what- which is where I feature in is that she wanted Ms Mdlulwa to go and negotiate on her behalf to AAR that she will make sure that AAR gets the contract.

10 However, they need to pay them- I will say them because later on she quantified who is them, I will come to that now. That they wanted 100 million rand to make sure that AAR gets the contract and they want that money from AAR. So Ms Mdlulwa as the lhashi then she will run to go and negotiate and collect the money.

CHAIRPERSON: Now at this meeting just tell me all the people who were there. Yourself, Ms Kwinana, Dr Tambi, Ms Mdlulwa.

MS SAMBO: Yes.

CHAIRPERSON: Was there somebody else?

MS SAMBO: No.

CHAIRPERSON: It was just ... (intervenes)

20 **MS SAMBO:** It was just- yes.

CHAIRPERSON: The 4 or 5 of you?

MS SAMBO: It was just us but can I just also make a disclaimer Chairperson. The people that I remember very well were there is myself, Dr Thambi and Ms Kwinana. Ms Kuki Mdlulwa, I do not remember very well that if she was there in person or we discussed her.

That memory is failing me. I do not remember if she was there in person.

CHAIRPERSON: Or whether Ms Kwinana just talked about her.

MS SAMBO: Yes.

CHAIRPERSON: Okay.

MS SAMBO: Yes.

CHAIRPERSON: Where in the Hotel was this meeting held?

MS SAMBO: The meeting it was in an open place. There is a bar on the right-hand side as you enter.

10 **CHAIRPERSON**: On the ground floor?

MS SAMBO: On the ground floor.

CHAIRPERSON: Ja.

MS SAMBO: There is a bar area or a lounge area as you enter.

CHAIRPERSON: Yes.

MS SAMBO: And as you enter that Hotel we were on the right-hand side behind the wall.

CHAIRPERSON: Okay.

MS SAMBO: Yes, that is where we were sitting.

20 **CHAIRPERSON**: Okay. So, continue with the discussion and tell us how the meeting ended.

MS SAMBO: Yes.

CHAIRPERSON: Continue how the discussion continued and then up to where how it ended.

MS SAMBO: That is what we discussed and I left them there being confused- for me it became very clear that a corrupt activity is starting

here. I want to correct something I said on my affidavit where I indicated- I do not know if Advocate would assist me.

CHAIRPERSON: Yes.

MS SAMBO: Where I said in my affidavit, this is when I realised that we are in a corrupt mode. And I want to take the “we” because I was not part of the “we”. Because the issue of the 100 million and having a runner, it was coming from the other side. I was receiving from this side the end. At that time, I was also very shocked that a figure like 100 million is just called like that. That is what a company needs to
10 pay for to make sure that they get a tender.

CHAIRPERSON: But now what – why did you need to know all of this? Did you ask, why do I need to – to know all of this Ms Kwinana? I am not – I am not interested in any R100 million why do you need to call me to a meeting to discuss this? I have nothing to say about it. Where do I fissure in? What is required of me?

MS SAMBO: At that time for me I just thought that because I have always been the BEE partner for AAR and now she wants to be part of what I started with AAR and hence...

CHAIRPERSON: But did you ask her?

20 **MS SAMBO:** I do not remember if I asked her Chairperson.

CHAIRPERSON: Hm.

MS SAMBO: Why she is involving me.

CHAIRPERSON: Hm.

MS SAMBO: But all I remember is that she is the one who even said from the beginning, Sibongile you are not part of this R100 million.

This R100 million is negotiated for myself and my people inside SAAT.

CHAIRPERSON: Is that what she said?

MS SAMBO: That is what she said to me.

CHAIRPERSON: At that meeting?

MS SAMBO: Yes. That is what she said.

CHAIRPERSON: Hm. So – so she – she mentioned to you that R100 million would have to be obtained from AAR?

MS SAMBO: Yes.

CHAIRPERSON: But you must not think that you are part of – you will
10 get anything out of the R100 million.

MS SAMBO: Yes.

CHAIRPERSON: That is herself and other people.

MS SAMBO: Yes.

CHAIRPERSON: Inside South African – SAA Technical?

MS SAMBO: Yes.

CHAIRPERSON: Okay. And what did you say to all of this?

MS SAMBO: I had no say Chairperson. I was just being informed. I
just received the information and I was just so surprised that this is
how things are done. It was the first time I was face to face with such
20 a requirement.

CHAIRPERSON: Hm.

MS SAMBO: Ever since I started my business as an entrepreneur.

CHAIRPERSON: Hm.

MS SAMBO: So for me it was confusing.

CHAIRPERSON: Hm.

MS SAMBO: It was extremely confusing. It was – I was just so surprised. I was so – I do not know the big English words that I can use.

CHAIRPERSON: Hm.

MS SAMBO: To say [African language].

CHAIRPERSON: Hm.

MS SAMBO: You know.

CHAIRPERSON: Hm.

MS SAMBO: R100 million.

10 **CHAIRPERSON**: Hm. Yes. So how did the meeting end – end then? Or is there something else important that was said at the meeting that you want to tell me about?

MS SAMBO: Yes. So the other people that are part of this R100 million she indicated that it was Mr Musa Zwane the CEO of SAA Technical and Ms Memela at Procurement at SAA Technical.

CHAIRPERSON: Hm.

MS SAMBO: So then I – after that I left.

CHAIRPERSON: Did she ask you to do anything or SRS to do anything to ensure that this R100 million that she wanted was obtained?

20 **MS SAMBO**: No.

CHAIRPERSON: No?

MS SAMBO: It was very clear that the runner is Ms [?] Ndlula.

CHAIRPERSON: Hm.

MS SAMBO: No from myself she just wanted Cheryl's contacts which I gave her.

CHAIRPERSON: But you had given her the contact details for Mr Jackson in...

MS SAMBO: Prior.

CHAIRPERSON: At the meeting at your residence?

MS SAMBO: Yes, yes.

CHAIRPERSON: Yes you see the question that arises is why did she need you to know all of this information if she was not going to ask you to do anything and if you are not going to be part to benefit in any way or to be asked to do anything for them?

10 **MS SAMBO:** I was not asked to do anything. I would plead with the Chair that she can answer why she was telling me.

CHAIRPERSON: Yes.

MS SAMBO: My testimony is that that is what I was informed.

CHAIRPERSON: Yes.

MS SAMBO: I was not asked to do anything.

CHAIRPERSON: Yes.

MS SAMBO: But I was an informed party.

CHAIRPERSON: Yes.

MS SAMBO: Yes.

20 **CHAIRPERSON:** Okay. Thank you.

ADV MICHAEL MBIKIWA: Thank you Chair I am grateful. Ms Sambo are you certain that the figure of R100 million was mentioned at this meeting?

MS SAMBO: The figure of R100 million was mentioned at this meeting and it was repeated at another meeting.

ADV MICHAEL MBIKIWA: And can I clarify one other thing? Are you certain that Ms Kwinana phoned you to ask – ask for this meeting and that you did not phone her to ask for a meeting?

MS SAMBO: I would not have anything to call her for so she called me to the meeting and the context of the meeting was the information she was giving to me.

CHAIRPERSON: You see why I was asking you whether she asked you to do anything at that meeting is that I have not seen her version. I do not know whether her version is here. But if she denies that there was
10 such a meeting she might say, why would I have called her if there was no role for her in this whole thing? It does not make sense. She might say that. That I called her to a meeting and just told her, I wanted R100 million and she was not going to benefit from it. I was not asking her to do anything. What was the purpose of asking to come to the meeting? Why did I want to tell her about this illegal activity that I was about to get involved in?

MS SAMBO: They knew I was the BEE partner to AAR. Though there was no signed contract but I was introduced – when we introduced ourselves to SAA Technical we introduced ourselves as partners AAR
20 and SRS. Why she decided to tell me she is the one who needs to respond. However in her response to the notice 3.3 is it?

ADV MICHAEL MBIKIWA: That is right.

MS SAMBO: In her – okay. Should I get to that?

ADV MICHAEL MBIKIWA: Ja.

CHAIRPERSON: Well just continue to tell me whatever you want to tell

me in response to what I am saying to you what she might say. I do not know what she definitely will say. I am just saying if she denies that there was such a meeting. Or she might admit that there was such a meeting but deny that – that is part of the conversation this R100 million and so on.

MS SAMBO: Yes Chairperson it is my word against hers.

CHAIRPERSON: Yes okay thank you. No – but I was just wanting to alert you that you know there is a possibility that they might say but there was no purpose on her own version for calling her to the meeting
10 because she was not going to be asked to do anything. But you say definitely she – she said what you say she said and definitely the meeting did take place?

MS SAMBO: She – she did not deny in her response to Notice 3.3 that there was a meeting.

CHAIRPERSON: Yes.

MS SAMBO: In fact on the Notice 3.3.

CHAIRPERSON: Hm.

MS SAMBO: She indicated that she have meetings any way there.

CHAIRPERSON: Yes.

20 **MS SAMBO**: So this proves that I did not call her.

CHAIRPERSON: Yes.

MS SAMBO: She called me.

CHAIRPERSON: Yes.

MS SAMBO: She used that place as her office.

CHAIRPERSON: Yes.

MS SAMBO: If I could put it that way.

CHAIRPERSON: Yes.

MS SAMBO: But of course she denied that she mentioned the R100 million.

CHAIRPERSON: Yes. Okay.

MS SAMBO: There were no minutes taken.

CHAIRPERSON: Yes.

MS SAMBO: It is her word against mine.

CHAIRPERSON: Yes and even if the minutes were taken probably they
10 would not include that.

MS SAMBO: Yes.

CHAIRPERSON: Yes Mr Mbikiwa.

ADV MICHAEL MBIKIWA: Chair I think it is an appropriate moment to
turn to ...

CHAIRPERSON: Unless of course we dealing with the other matter
which I heard what two weeks ago where a lot of minutes were there
for.

ADV MICHAEL MBIKIWA: That is right.

CHAIRPERSON: All kinds of things. Yes okay continue.

20 **ADV MICHAEL MBIKIWA**: Chair I think it is an appropriate moment to
go to Ms Kwinana's response.

CHAIRPERSON: Yes.

ADV MICHAEL MBIKIWA: She filed a statement in response.

CHAIRPERSON: Yes.

ADV MICHAEL MBIKIWA: To receipt of a Rule 3.3 Notice.

CHAIRPERSON: Yes.

ADV MICHAEL MBIKIWA: If I can ask you turn to page 502?

MS SAMBO: Yes.

ADV MICHAEL MBIKIWA: And at paragraph 3 and she says there:

“Concerning para 4.1”

She is referring there to the paragraph numbers in the Notice that she received I believe.

10 “I do not understand why I would tell Ms Sambo that I
want to resign and lay my hands on tenders as I
would not be destitute when I resign. I was
operating an audit and accounting firm which I
started in 1999. I was operating a property
development company which I started in 2000 and I
was sitting in other boards which had nothing to do
with SAA. Ms Sambo called me and said she would
like to meet and greet and introduce herself to me as
she is doing work for SAAT. I decided to go with
Doctor Tambi who was also a board member at SAAT.
The meeting was held at Protea Hotel which is the
20 place that was convenient for Doctor Tambi and I. At
the meeting she introduced her company as the only
black female owned company in aviation and she
owns a fleet of aircraft that she leases out. During
our meeting I learnt that she in fact had a complaint
against her partner AAR and wanted us to intervene.

She told us that she has been nhashi runner for AAR since 2011 without any form of remuneration and now they owe her R100 million. We advised her that SAAT cannot intervene in their business as it is between them and has nothing to do with SAAT. I did not know Ms Sambo at all before this meeting. Reading her affidavit I am convinced that indeed she was a nhashi a runner for AAR.”

What is your response to that Ms Sambo?

- 10 **MS SAMBO:** This statement to me has no substance. It has been very clear that I was introduced to AAR by the South African government and it was said when I was – when we went to SAA Technical so I cannot have been nhashi or the runner that I did not even know that a human being can become that runner or nhashi if it directly translates. The definition of nhashi. I think Ms Kwinana is making allegations that she must bring to the commission to prove that I was that nhashi that she suggests and she must bring the proof that I demanded the R100 million that she is talking about. And she is mis – she misinterpreted what SRS Aviation was doing. I do not own airplanes. I run an air
- 20 charter company that is fully licenced to operate, manage and lease airplanes. She misunderstood me. I do not understand where she took this I said I own a fleet of aircrafts. She must bring that proof here at the commission.

ADV MICHAEL MBIKIWA: Did you in the meeting refer to any of the difficulties you had been having with AAR?

MS SAMBO: I do not – I did not. I did not.

CHAIRPERSON: Well you see she says in her affidavit she admits that the meeting at Protea Hotel did take place. But she says it took place at your instance. You asked to meet with her and she says at that meeting you told her about challenges in your relationship with AAR and that you said to her you had been nhashi. You are the – she says you are the one who came up with the idea of nhashi. She says you said you had been doing the work and running around but you were not paid by AAR and you – you said they owed you R100 million and you
10 wanted her or them to intervene in your relationship with AAR. What do you say to that?

MS SAMBO: She must bring the proof.

CHAIRPERSON: Well she says you – that is what you said and you say she came and said she want to lay her hands on contracts and said she wanted to get R100 million. Did you say what she says you said?

MS SAMBO: This is – this is a very serious allegation that she is making against me.

CHAIRPERSON: Hm.

MS SAMBO: And I have always dealt with my partners directly.

20 **CHAIRPERSON**: Hm.

MS SAMBO: Each time I can – it has been proven as we were going through my statement that each time I had a challenge.

CHAIRPERSON: Hm.

MS SAMBO: With my partners.

CHAIRPERSON: Hm.

MS SAMBO: I would confront them. There was no need for me to go to her as a Chairperson. I do not see a link, strategically of anything that she would have done for me.

CHAIRPERSON: Hm.

MS SAMBO: I address my issues most in writing and they are on the file as proof.

CHAIRPERSON: Yes.

MS SAMBO: Each time I spoke to AAR having a challenge it was followed by emails. There is proof. This is the only allegation that is
10 on top of the table right now with no proof. And according to me with no substance at all.

CHAIRPERSON: Ms Mbikiwa – Mr Mbikiwa I am sorry. Does she deal with the allegation by Ms Sambo that she came to her house? I do not seem to see that here.

ADV MICHAEL MBIKIWA: No Chair she does not.

CHAIRPERSON: Ja.

ADV MICHAEL MBIKIWA: She refers to the allegation of wanting to lay her hands on contracts which – which Ms Sambo says was said for the first time at her house. She deals with that allegation but she does not
20 deal head on with Ms Sambo's allegation that that meeting at her house took place.

CHAIRPERSON: Yes.

ADV MICHAEL MBIKIWA: It simple is not dealt with.

CHAIRPERSON: Yes. And what paragraph – what paragraph in Ms Sambo's affidavit deals with that meeting? I just want to see how far

that paragraph is from the paragraphs that she is responding to in her affidavit Ms Kwinana?

ADV MICHAEL MBIKIWA: Yes Chair they are in consecutive paragraphs Chair.

CHAIRPERSON: Ja consecutive paragraphs.

ADV MICHAEL MBIKIWA: 60 and 61.

CHAIRPERSON: Yes.

ADV MICHAEL MBIKIWA: Paragraph 60 is the – is the meeting at the private residence and paragraph 61 is the one at the Protea Hotel in
10 Midrand.

CHAIRPERSON: Yes.

ADV MICHAEL MBIKIWA: Ms Kwinana responds to 61.

CHAIRPERSON: So she could not have not seen ...

ADV MICHAEL MBIKIWA: It is very doubtful Chair.

CHAIRPERSON: The allegations in paragraph 60?

ADV MICHAEL MBIKIWA: It is very doubtful.

CHAIRPERSON: Yes. And she has chosen to say nothing about that part.

ADV MICHAEL MBIKIWA: Indeed.

20 **CHAIRPERSON:** About that allegation.

ADV MICHAEL MBIKIWA: Indeed Chair.

CHAIRPERSON: Okay.

ADV MICHAEL MBIKIWA: Ms Sambo one further question on the – on both the Protea Hotel and the – the meeting at your – at your residence. Did you – did you tell anyone else about what had occurred

at those meetings?

MS SAMBO: I had employees yes. So my employees at that time were aware of the discussions that were moving between the different parties about this AAR relationship. Yes.

ADV MICHAEL MBIKIWA: And you would have said to your employees that Ms Kwinana had approached you and said that she wanted to lay her hands on contracts and that she was going to use a runner for purposes of paying a R100 million?

10 **MS SAMBO**: Yes. This is something that was amazing. It is something that I could just keep to myself. I needed to talk to somebody to make sure that maybe somebody could make sense to me you know. So yes I discussed this with my team.

ADV MICHAEL MBIKIWA: Thank you. Chair we have managed to obtain those enlarged photographs of the delegation to AAR.

CHAIRPERSON: Yes okay.

ADV MICHAEL MBIKIWA: If we could beg leave to hand a copy up and to the witness?

CHAIRPERSON: Have you marked where they should go into this – or you have not marked into this?

20 **ADV MICHAEL MBIKIWA**: We have not done so yet Chair.

CHAIRPERSON: You see if you – would it not be better that you do so after marking them so that when you refer to each one of them you give the page number that will correspond.

ADV MICHAEL MBIKIWA: That will correspond to...

CHAIRPERSON: Yes.

ADV MICHAEL MBIKIWA: To Ms Sambo's bundle.

CHAIRPERSON: To the bundle. Yes.

ADV MICHAEL MBIKIWA: Indeed.

CHAIRPERSON: Yes. Otherwise it becomes difficult.

ADV MICHAEL MBIKIWA: Alright.

CHAIRPERSON: Ja.

ADV MICHAEL MBIKIWA: That is fine Chair we will – in that case we will address that after ...

CHAIRPERSON: After lunch ja.

10 **ADV MICHAEL MBIKIWA:** After the lunch – lunch adjournment.

CHAIRPERSON: Ja okay.

ADV MICHAEL MBIKIWA: Ms Sambo if we could pick it up in your affidavit at paragraph 66 and this is after your meetings with – at the Protea Hotel and at your residence. Can you tell the commission what happened thereafter?

MS SAMBO: Please give me a second?

CHAIRPERSON: Where about in her affidavit ...

ADV MICHAEL MBIKIWA: At paragraph 66 Chair.

CHAIRPERSON: Okay. Yes.

20 **MS SAMBO:** Okay thereafter Ms Jackson contacted me. She sent me an email and gave me feedback about the recent visit by SAAT at their premises that everything went very well and they were – sorry. And that they were working on determining a date when AAR team would then reciprocate the visit to SAAT. Yes.

ADV MICHAEL MBIKIWA: Alright and after she told you about the

success of the – of the delegation what happened then?

MS SAMBO: Thereafter I received an invitation from the CEO of AAR
Mr David Storch

ADV MICHAEL MBIKIWA: Sorry to interrupt you that is S-t-o-r-c-h for
the transcript.

MS SAMBO: Mr Storch invited me to a party that was going to be at
the Paris Air Show in France on the 16 June 2015. Initially I accepted
the invitation but as I started unpacking the activities prior to the
invitation I took a decision not to attend the party. One of the things is
10 I felt they wanted me to be there where they think it is necessary for
me to be and where it is not necessary for me then I would be
excluded. And all along I have been paying my money. I have been
using my own resources to introduce them to open opportunities to
them to teach them about the market. What is necessary for them to be
able to do business in South Africa? I felt very much that I was taken
for granted and Ms Jackson completely decided to exclude me towards
the end of 2014 at the beginning of 2015 in the activities surrounding
SAAT. And there I am invited to go and celebrate. So I did not attend
that invitation. But when they came back – when they were at Paris Air
20 Show it was on the news that SAAT has signed a MOU with AAR. I sent
an email off congratulating Ms Jackson and her team in making strides
in signing a MOU which gave them – which I believe gave them a
leverage to be able to then do business with AAR or with SAAT.

ADV MICHAEL MBIKIWA: And do you remember when the MOU was
concluded?

MS SAMBO: I was not party to it, no.

ADV MICHAEL MBIKIWA: Do you know anything about what it provided for?

MS SAMBO: No. It is – I did read about it but I guess I was not interested in it so I cannot put it as my – as my statement. Here today – we can – I guess we can just download and read the MOU. I...

CHAIRPERSON: What did the signing of that MOU without your participation mean for the relationship between SRS and AAR? What – what was the significance of the fact that SAAT has signed a MOU with
10 AAR without SARS as you saw it. What was the significance?

MS SAMBO: Yes. There was no significance. They – when I had a discussion with Sharon she said this is the work that they have been doing in the past year with Rafiek and his team. So – so it was very clear that it is something that I was not party to and I also did not feel that I wanted to be part of it. Hence I congratulated them.

CHAIRPERSON: The BEE consortium.

MS SAMBO: Yes.

CHAIRPERSON: That you told me earlier on you had been told was going to be led by Mr More.

20 **MS SAMBO**: Yes.

CHAIRPERSON: At this stage of the signing of the MOU were you still part of that consortium? Because I understood you earlier on to say you were said to be part of that consortium that is SRS?

MS SAMBO: That consortium, the structure.

CHAIRPERSON: Hm.

MS SAMBO: The proposed structure was still on the table with AAR.

CHAIRPERSON: Hm.

MS SAMBO: And my engagement with AAR was that I do not want to be part of this structure.

CHAIRPERSON: Hm.

MS SAMBO: You are welcome to include other people but please leave me as an independent.

CHAIRPERSON: Hm.

MS SAMBO: In this consortia.

10 **CHAIRPERSON**: Hm.

MS SAMBO: And during the time of the discussion with the consortia unfortunately my name still remained within that consortia on paper.

CHAIRPERSON: Hm.

MS SAMBO: There was no formalised – yes.

CHAIRPERSON: So you did not want to be part of the...

MS SAMBO: No.

CHAIRPERSON: Of the – of them. You wanted to remain an independent entity.

MS SAMBO: Yes.

20 **CHAIRPERSON**: Having a relationship with AAR.

MS SAMBO: Yes.

CHAIRPERSON: And they could have a relationship with AAR if they wanted to. You had no problem.

MS SAMBO: Yes.

CHAIRPERSON: But you did not want to be part of them

MS SAMBO: Yes.

CHAIRPERSON: Okay.

ADV MICHAEL MBIKIWA: Chair we are close to the lunch adjournment and I am almost on a – on a new topic. There is just one email I would like to refer Ms Sambo to.

CHAIRPERSON: Okay.

ADV MICHAEL MBIKIWA: Before we adjourn.

CHAIRPERSON: Hm.

ADV MICHAEL MBIKIWA: Ms Sambo can I ask you to turn to page
10 208? Are you there?

MS SAMBO: Yes.

ADV MICHAEL MBIKIWA: The – there is two emails here. One is from Rahul Shah and then at the top it is forwarded by John Holmes and you are one of the people cc'd, do you see that?

MS SAMBO: Yes.

ADV MICHAEL MBIKIWA: Can I ask you to read just the first two paragraphs of the email from Mr Shah?

MS SAMBO: Okay the one that says John, Chris and Ken?

ADV MICHAEL MBIKIWA: That one yes.

20 **MS SAMBO**: Alright.

“One of the questions procurement has for Ms Sambo and us is about the start date in the event that we come to the terms for supporting PBH. Their contract with Air France is ending on June 30th. The question posed by them is, if they finalise the

contract how quickly we get ready and whether we
will be to support them from July 1st.”

I think there has been some typo errors there.

ADV MICHAEL MBIKIWA: Sure.

CHAIRPERSON: Ja.

ADV MICHAEL MBIKIWA: Sure.

MS SAMBO: But I think we get the gist

CHAIRPERSON: Hm. What was PBH?

MS SAMBO: PBH is the same contracts – they are components
10 contracts. Sometimes it is referred to power by the hour.

CHAIRPERSON: Oh okay.

MS SAMBO: Yes.

CHAIRPERSON: Thank you.

ADV MICHAEL MBIKIWA: And who do you understand procurement to
be? When it says, one of the questions procurement has for Ms
Sambo?

MS SAMBO: Yes I was called by their commodity buyer for the
components contracts Ms Evelyn Fallit [?] and that question was posed
to me telephonically that, if they conclude the five month's contracts
20 will AAR be ready and be able to commission the contract. That is what
it was all about.

ADV MICHAEL MBIKIWA: Okay. And at what point was the tender
process at this stage, do you remember?

MS SAMBO: No. I think we can just refer to the dates on the contracts
– on the tender bid.

ADV MICHAEL MBIKIWA: Alright.

MS SAMBO: To confirm.

ADV MICHAEL MBIKIWA: Chair we will pick this up after the lunch adjournment.

CHAIRPERSON: Okay. We will adjourn for lunch and we will resume at two o'clock. We adjourn.

REGISTRAR: All rise.

INQUIRY ADJOURNS

INQUIRY RESUMES

10 **CHAIRPERSON:** Let us continue.

ADV MICHAEL MBIKIWA: Thank you Chair. Ms Sambo, can we pick it up at paragraph 73 of your affidavit and that is where you deal with what you have called the third SAAT bid.

MS SAMBO: Yes.

ADV MICHAEL MBIKIWA: Can you describe for us what this tender was?

MS SAMBO: This was the third bid that was advertised by SAA Technical for aircraft components, because the second bid was also not awarded to anyone.

20 **CHAIRPERSON:** So was it withdrawn or was a decision made that nobody was good enough for it or what was the story?

MS SAMBO: There ...

CHAIRPERSON: Second - second one.

MS SAMBO: There was no formal communication to - from SAAT.

CHAIRPERSON: So they just - you never - you were never told

anything until there was what you call the third bid?

MS SAMBO: Yes. It - it - they cancelled, but they never - they did not

...

CHAIRPERSON: Explain?

MS SAMBO: The - the bid was not formally cancelled. We submitted the bid. We were expecting feedback, but there was no formal feedback that was sent to us. I do not know. Maybe they would have sent it to AAR and they did not communicate with me ...

CHAIRPERSON: Hm.

10 **MS SAMBO**: But to my knowledge and from the communication I have with SAAT. I do not have anything confirming the cancellation of the second bid.

CHAIRPERSON: Okay. Now the third bid was that still the same bid as the first and the second?

MS SAMBO: Yes, but the difference with the third bid is that it was only for five months and not five years.

CHAIRPERSON: The previous one was for five years?

MS SAMBO: The last two were five years each.

CHAIRPERSON: Yes.

20 **MS SAMBO**: Yes.

CHAIRPERSON: The last one that happened twice.

MS SAMBO: I am sorry Chairperson.

ADV MICHAEL MBIKIWA: Chair in fair - in fairness to Ms Sambo they were issued at least with - with separate bid numbers.

CHAIRPERSON: Oh. Okay, but in substance it was the same thing?

ADV MICHAEL MBIKIWA: In substance ...

CHAIRPERSON: Same ... (intervenes).

MS SAMBO: Yes.

CHAIRPERSON: *Ja.*

ADV MICHAEL MBIKIWA: Identical.

CHAIRPERSON: *Ja.* I guess it might be convenient to continue to call them first, second and third bid.

MS SAMBO: Yes. Yes. Thank you Chair.

CHAIRPERSON: But you say the third one was the same except that
10 there was some difference?

MS SAMBO: Yes.

CHAIRPERSON: Maybe it was for five months and no longer for five years?

MS SAMBO: Yes.

CHAIRPERSON: Okay. That was the only difference?

MS SAMBO: That was the only difference.

CHAIRPERSON: Okay.

MS SAMBO: Yes.

CHAIRPERSON: Right.

20 **ADV MICHAEL MBIKIWA:** And do you know why a tender was - was issued for only five months?

MS SAMBO: We did inquire and we were told that the current tender that was running. It was coming to an end and they needed a temporary contract whilst they were working on the new technical requirements for the five year bid. So - so they - whoever was holding

the contract at that time.

The bid was coming to an end and SAAT decided that the advertise another one for five months and during that five months it will give them time to work on the technical requirements of the next five years.

ADV MICHAEL MBIKIWA: Can I ask you to turn to the - the email that you received sending you the tender document? That is at page 2-2-1.

CHAIRPERSON: Maybe in - just to make sure we get the timeframes right. This was now around July 2015 when the third tender was
10 advertised. 30 July 2015. Is that right?

MS SAMBO: It was on 30 July 2015.

CHAIRPERSON: Yes and the closing date was initially 10 August 2015

...

MS SAMBO: Yes.

CHAIRPERSON: But this was extended to 17 August.

MS SAMBO: 17 August 2015. Yes.

CHAIRPERSON: Okay. Alright.

ADV MICHAEL MBIKIWA: Ms Sambo, can I ask you to go to page
2-2-1?

20 **MS SAMBO:** Yes.

ADV MICHAEL MBIKIWA: Do you see the email there from
Mr Robbertse ...

MS SAMBO: Yes.

ADV MICHAEL MBIKIWA: To Mr Fiddes?

MS SAMBO: Yes.

ADV MICHAEL MBIKIWA: Who is Mr Fiddes?

MS SAMBO: Mr Fiddes is one of AAR Corporation's Managers.

ADV MICHAEL MBIKIWA: And can I ask you just to read the very last sentence before it says kind regards?

MS SAMBO: "All Communications should be limited to the Project Manager, myself or to Evelyn Fallit (?) in copy."

ADV MICHAEL MBIKIWA: Thank you. I will - I will return to that in a moment. If we can then pick it up at your affidavit at - from paragraph
10 75 and tell us what happened after the bid - the - the third bid was issued.

MS SAMBO: On - okay Mr Leon Robbertse issued the bid and it was sent straight to AAR. It was not on their website as usual and then AAR forwarded the bid to me. Subsequent to that AAR arranged a third teaming agreement for this five months bid with SRS. On 10 August 2015 Ms Cheryl Jackson came to South Africa and I met with her at the restaurant in Sandton and we - we discussed the bid, because they had received the bid already - the third bid - and I was - and I wanted to - to negotiate with Ms Cheryl Jackson that I do not - when we respond to
20 this bid.

I do not want to be part of the consortia. I want to remain as an independent partner in - in this consortia. Ms Jackson at the time she was also staying at Sandton at Michelangelo. So our meetings would be around where she booked the hotel. At that meeting also she told me that Mr Bagus and Mr More worked very hard in getting them to

sign an MOU with SAAT.

The one that was signed at the Paris Air Show and therefore Mr - Mr More and Mr Bagus they will form a part of the consortia going forward. Meaning what I was told before. That Mr Rafique Bagus is only a consultant. On - at that meeting the *status quo* changed. Giving him an opportunity to now participate on the bid. Yes.

CHAIRPERSON: What had happened to the fact that - as I understood your evidence - after the Paris Air Show you and AAR seemed not to want to or you did not want to interact with them, because you were
10 aggrieved? You thought they - they invite you when it is convenient for them and they do not invite you when it is not convenient for them and - and I thought you - you said that Ms Jackson after that seemed also to exclude you or did I misunderstand?

I got the impression that the relationship between SRS and AAR after the Paris Show - Air Show party - was not so good.

MS SAMBO: Not - not ...

CHAIRPERSON: But I see now you - you are back together. So what happened?

MS SAMBO: Oh. Okay Chair.

20 **CHAIRPERSON:** Or did I misunderstand something?

MS SAMBO: Maybe a little bit.

CHAIRPERSON: Huh-uh.

MS SAMBO: When Mr Rafique and Mr More came to the picture - when they started featuring with AAR. AAR parked me on the side and operated with Mr More and Mr Bagus with their strategy which they said

it was different from mine and leading up to the Paris Air Show the decision I took not to go to the air show.

Yes. It was the beginning - it was when I was realising that now I am being side-lined. So I decided that I will not go to the air show, but the relationship was not completely strained yet. I still believed that AAR will come back on the table and we discuss how we are going to work together going forward.

Hence I did email them congratulating them on the MOU signed and subsequent to that Ms Jackson told me she is coming to
10 South Africa. Let us have a sit down and discuss. Yes.

CHAIRPERSON: Well I did not ask you when you told me about emailing them congratulating them, but I wanted to find out whether that was genuine congratulations.

MS SAMBO: It was ...

CHAIRPERSON: Or - or whether it was not really genuine.

MS SAMBO: It was genuine.

CHAIRPERSON: Okay.

MS SAMBO: I was congratulating them ...

CHAIRPERSON: Okay.

20 **MS SAMBO:** Genuinely.

CHAIRPERSON: Despite the fact that they had done this without your involvement?

MS SAMBO: Yes. I am a businessman.

CHAIRPERSON: Hm.

MS SAMBO: It was genuine.

CHAIRPERSON: Hm.

MS SAMBO: I congratulated them.

CHAIRPERSON: Hm.

MS SAMBO: They had reached a milestone.

CHAIRPERSON: Hm.

MS SAMBO: Yes.

CHAIRPERSON: Okay.

MS SAMBO: That is what I saw in front of me.

CHAIRPERSON: Okay, but at that time - am I - am I right to say that
10 was still the period during which you felt you were being side-lined?

MS SAMBO: Yes. It - it was at the beginning of me realising that I am
actually being side-lined.

CHAIRPERSON: Hm. Okay.

MS SAMBO: Yes.

ADV MICHAEL MBIKIWA: And so what was the outcome of your
meeting with - with Ms Jackson what you have described at the
(indistinct) company.

MS SAMBO: And then she - that is when she indicated that Mr Bagus
is going to circulate a structure that will now respond with AAR on the
20 third bid. The broad based Black Economic structure I referred to
earlier.

CHAIRPERSON: And what did Ms Jackson say to you at that meeting
when you said you did not want to be part of the consortium? You
wanted to stand alone having a partnership with AAR.

MS SAMBO: She insisted that Mr Bagus has already negotiated with

AAR that through his consulting engagement that he will create this broad based Black Economic Empowerment. So that is what they had agreed upon. So she did not give me an option to exit from - from the consortia.

It - it was - that is what we want to work with. The third bid we want to submit with one consortium. Not with different parties. Yes.

CHAIRPERSON: Did you then accept that that was the position? Then you would continue with them being part of the consortium. Even though you would have preferred differently.

10 **MS SAMBO:** I did not accept. I still pushed for SRS to submit as an independent to a point where I indicated to AAR that this consortia you are talking about is not formally constituted. The - the consortium does not exist. It - it is more like a plan that is on the table. So when you submit a bid. The consortium needs to be registered.

There needs to be Directors appointed. Shareholders, certificates. You know. All the regulatory required documentation and the consortia did not have that. It had not gone to that stage. So I suggested - I was suggesting to Cheryl that they continue bidding with SRS as we have been bidding, because the - the company is ready.

20 It complies with all the requirements, but that is when Ms Jackson said Mr Rafique Bagus and Mr More have worked very hard on the MOU. So they cannot - we cannot leave them out. They need to be part of the submission for the five months.

CHAIRPERSON: *Ja*, but I want to understand what your attitude was after she had said that. Did you leave the meeting ...?

MS SAMBO: I did not agree.

CHAIRPERSON: Did you leave the meeting on an acceptance that if you were going to be part of the bid as SRS you would have to be part of the consortium or did you leave the meeting on the understanding that you would submit your own separate bid or did you leave the meeting with - on the basis that you would submit something.

Say to SAAT you were part of the bid involving the consortium and AAR. What was the understanding? Your - your attitude as you left the meeting in terms of where do you feature in this bid.

10 **MS SAMBO**: We did not have a conclusion. She understood ...

CHAIRPERSON: But in your own mind?

MS SAMBO: I was still waiting to see the structure ...

CHAIRPERSON: Okay.

MS SAMBO: Because I had not received the structure yet.

CHAIRPERSON: Oh.

MS SAMBO: All I knew is that Cheryl assured me that I am still the lead ...

CHAIRPERSON: Hm.

MS SAMBO: BEE partner.

20 **CHAIRPERSON**: Hm. Okay.

MS SAMBO: So - so I was still waiting for the structure.

ADV MICHAEL MBIKIWA: And - and then tell us what happened after your meeting with Ms Jackson at the (indistinct) company?

CHAIRPERSON: Are you refreshing your memory?

MS SAMBO: Yes Chair. I am sorry.

CHAIRPERSON: Okay.

MS SAMBO: Okay. I have also - I have already indicated that AAR inquired why five months and not five years and the feedback was given that the other contract is ending and they need somebody to - to hold the contract and then Ms Jackson - then Ms Jackson started you know indicating to me that she has been coming back and forth to South Africa to try and get this deal.

It has been a long time. AAR has spent a lot of money trying to capture this market. You know and get into SAA Technical. So she
10 was frustrated. She - she also looked very much under pressure and she told me that if she does not get this contract this time around. She is going to be dismissed from - from AAR. That was during the day when we met.

Then later on - a few days after that meeting we met again with Ms - Ms Cheryl Jackson at Bukhara Restaurant which was just outside Michelangelo where she stayed. That meeting took place. It was in the evening. I do not have the specific date, but it was in August 2015.

When we met at - I found her already at the restaurant,
20 because she - she called me and she did not sound too good and she wanted to talk to me. So I went to see her. It was early evening. So I went to see her. I found her there. Ms Jackson was drinking. She - she was really frustrated.

She vented verbally also her frustration about not managing to - to get this contract. Back and forth and - and that AAR is now

putting so much pressure on her to get the contract. So in that state - and she insisted that she wanted information from me. That could help them to win this bid.

So I took it as part of my fact finding or information finding for AAR as I have been doing since we started the working relationship and giving that I had a very close - now - friendly relationship with Ms Nomsa Memela. Then I called Ms Nomsa Memela at that time. I said here is the situation I am faced with right now at Bukhara Restaurant.

10 Cheryl Jackson is drinking. She is so drunk. She is frustrated. She insists she wants information that can assist her to win the bid. What can we do and then Ms Nomsa Memela invited me to come to her in Alberton to get some information. So I told Cheryl that I am going to meet with Nomsa to get some information that can assist.

CHAIRPERSON: That is Ms Memela?

MS SAMBO: Ms Memela.

CHAIRPERSON: Hm.**MS SAMBO:** I apologise.

CHAIRPERSON: Was Alberton where she was working or was that her home?

20 **MS SAMBO:** Her home.

CHAIRPERSON: Okay.

MS SAMBO: But we did not meet at her home. She directed me to meet with her at the Shell Garage as you enter Alberton next to - next to SARS Offices. Before you could proceed to the SARS Offices at - at Alberton. So she came in her vehicle. I moved from my vehicle. I

went inside to hers and she saved information for me on the memory stick which I took and went back to Bukhara Restaurant to Ms Jackson.

So when I got to - to Ms Jackson at Bukhara Restaurant I indicated to her that I do have some information, but I have a problem that I have been working for AAR for so many years and you refuse to pay me a retainer and you do not want to pay anything. So for me that information was key for me at that time to ask Ms Cheryl Jackson to reconsider the decision of not paying me the retainer.

ADV MICHAEL MBIKIWA: You have referred to information. What -
10 what was the information?

MS SAMBO: The information - it was on a memory stick. It was an Excel spreadsheet that contained pricing for - previous pricing for the same components bid.

ADV MICHAEL MBIKIWA: And just take us through step by step.

CHAIRPERSON: I am sorry. Pricing provided by whom in regard to previous bids? By the entity that had the contract at the time that was going to come to an end or by other bidders who had put in bids, but they had not got the tender?

MS SAMBO: It was - I looked at a - at that spreadsheet. Scanned - I -
20 I basically scanned and I saw the names of some of the bidders like Air France which holding the - the contract at that time and Lufthansa's name was mentioned on - on that spreadsheet and I saw - those are the two that I remember very well that I saw on that spreadsheet and Ms Memela said to me. Here is the information of the previous bids. Yes.

CHAIRPERSON: Okay.

ADV MICHAEL MBIKIWA: You say that you - you asked Ms Memela whether she had any information for you. Did - did you ask her whether she could give you bid prices?

MS SAMBO: No. I said information. What information can she help with? Then she said I must come to her, but when I got to her then she gave me the Excel spreadsheet which had the prices.

ADV MICHAEL MBIKIWA: Chair, we have also received a response to a Rule 3.3 Notice sent to Ms Memela. I would like to take you to that
10 Ms Sambo.

MS SAMBO: Okay.

ADV MICHAEL MBIKIWA: It is at page 5-12 - 5-1-2. This is - this is the relevant part of her - her statement. It is not an affidavit. Sorry.

CHAIRPERSON: Hm.

ADV MICHAEL MBIKIWA: It is a statement in support of her cross-examination application ...

MS SAMBO: Okay.

ADV MICHAEL MBIKIWA: And at paragraph 8.2 on page 5 - 5-12 - 5-1-2. She says ...

20 **CHAIRPERSON**: Well is - is this an affidavit or just ...

ADV MICHAEL MBIKIWA: It is just a statement Chair.

CHAIRPERSON: A statement. Why is it not an affidavit or affirmed declaration? Do the rules not require that it should be - her version should be on affidavit or affirmed declaration?

ADV MICHAEL MBIKIWA: Chair, I do not believe so. I believe that the

- she has the option to submit an affidavit or a statement, but we are just double checking that.

CHAIRPERSON: Have you found it?

ADV MICHAEL MBIKIWA: Yes. If you go to Rule 3.4 Chair.

“An application in terms of Rule 3.3.6 above must be submitted in writing to the Secretary of the Commission within 14 ...”

CHAIRPERSON: I am - I am sorry. What rule?

ADV MICHAEL MBIKIWA: 3.4.

10 **CHAIRPERSON**: 3.4.

ADV MICHAEL MBIKIWA: And you will see there in the second sentence Chair of 3.4 the application must be accompanied by a statement from the implicated person respond ...

CHAIRPERSON: No - no later on there is a rule that says an application - where the rules require an application that must be an application on affidavit. I think that is towards the end of the Rules.

ADV MICHAEL MBIKIWA: You may well be right about that Chair. I believe it is 11.3 Chair. Rule 11.3.

CHAIRPERSON: *Ja.*

20 “Wherever these rules make provision for any person who applies to the Commission or to the Chairperson. The application must be a substantive application on affidavit with a motion. The affidavit must among other things reflect the relevant facts, the order sought and the grounds relied upon to

seek that order.”

Now she might not have applied for leave to cross-examine and just put up an - a statement, but do the provisions have provision for just a statement that is not under oath?

ADV MICHAEL MBIKIWA: A - a statement that is not under oath as a - as a response to a Rule 3.3 Notice Chair.

CHAIRPERSON: Do the Rules make provision for that or is the position that people who might not want to go under oath just put - I can put up a statement without going under oath or an affirmation?

10 Maybe for what it is worth continue ...

ADV MICHAEL MBIKIWA: Yes.

CHAIRPERSON: And put to her. Then investigate the issue.

ADV MICHAEL MBIKIWA: Chair, if I ...

CHAIRPERSON: So that, because it would better if - if somebody has a version. They put their version under oath or an - an affirmed declaration.

ADV MICHAEL MBIKIWA: Certainly Chair.

CHAIRPERSON: *Ja* and not to challenge somebody's evidence that is given under oath on the basis of a document that is not under oath or
20 that is not an affirmed declaration.

ADV MICHAEL MBIKIWA: Indeed Chair.

CHAIRPERSON: Let everybody be under oath or affirmed declaration for their versions and then let us take it from there. Okay.

ADV MICHAEL MBIKIWA: Thank you Chair. Chair, are you - are you happy for me to proceed to put Ms Memela's version?

CHAIRPERSON: Yes you can do so for now and then you can investigate later on so that, going forward we can look at that.

ADV MICHAEL MBIKIWA: So Ms Sambo I was at paragraph 8.2 on page 512.

MS SAMBO: Yes.

ADV MICHAEL MBIKIWA: And there Ms Memela says,

10 “I deny and refute the allegation as false by Ms Sambo, in that I have never arranged to meet Ms Sambo anywhere outside SAAT. I further deny and refute her allegation that I furnished her with a memory stick containing the identities of bidders and their bid prices, there is no way that I would have such information because in my capacity as HOD SCM –
What does that stand for?

MS SAMBO: I don't know.

ADV MICHAEL MBIKIWA: “I did not sit on the evaluation team cross-functional sourcing team”.

What is your response to that?

20 **MS SAMBO:** My response is that I have submitted evidence to the Commission that Ms Memela is – the allegation that we never met is not true, so the evidence is before the Commission.

ADV MICHAEL MBIKIWA: Tell us about that evidence?

MS SAMBO: What exactly would you like to know?

ADV MICHAEL MBIKIWA: What evidence have you provided to the Commission in support of your allegation that you met with Ms Memela and obtained the flash disk...[intervenes].

CHAIRPERSON: No she means her oral evidence, isn't it?

MS SAMBO: Excuse me Chair?

CHAIRPERSON: You're talking about your oral evidence?

MS SAMBO: Okay.

CHAIRPERSON: Or is there something else you have submitted in support of your evidence?

MS SAMBO: I have submitted the actual memory stick.

CHAIRPERSON: Yes.

MS SAMBO: Where the excel spreadsheet was saved on.

10 **CHAIRPERSON:** Yes, okay, take it from there.

ADV MICHAEL MBIKIWA: Thank you. Ms Sambo can you just explain to us why you were only able to find the memory stick on Monday night when you gave it to the Commission's investigators?

MS SAMBO: When I was initially looking for the memory stick I was looking in my office, I was looking at home, I looked everywhere and I couldn't find the memory stick, hence when I was writing my affidavit the memory stick was not there and I had put on the affidavit that I don't have the memory stick. Then on Friday – last Friday, if you could please remind me the date?

20 **CHAIRPERSON:** No it's fine, last Friday yes.

MS SAMBO: Last Friday we – I then had a consultation with my legal counsel and the Commission's investigators and the legal team. During that engagement I was given all the feedback to Notice 3.3 of the implicated parties on my affidavit and one of – and all three of the statements that I received on Friday, one from Mr Zwane, one from Ms

Kwinana and one from Ms Memela, all of them had a personal attack in my memory and the medical condition that I dealt with at the beginning of my statement and over and above that, Ms Memela denied the allegations that I put on my statement and I decided to go an extra mile to find this evidence. So on Friday when I left Sandton from the consultation I went home and I then called my ex-employees that I worked with at that time and requested them to please remind me, because the Commission is sitting on the 4th and the 5th and this is what I'm faced with, I need information. Please remind me if there's
10 anything that we can take back to the Commission, please assist me. Then two of the former employees are in Soweto which is Ms Mazwi Sebeko and Samkelsiwe Sebeko, they are cousins and I also invited my sister because I worked with her, Thembelihle Twala. So it was the four of us and as we were deliberating that's where Mazwi said, I remember I have the memory stick, you gave it to me, but I'm going to look for it. So she gave me that undertaking, I went back home...[intervenes].

CHAIRPERSON: Mazwi being one of your former employees.

MS SAMBO: Former employees yes.

20 **CHAIRPERSON:** Okay.

MS SAMBO: Then I went home comforted that we might get this evidence that will prove that I am telling the truth. On Saturday I called Mazwi, asking, did you find the memory stick and she said to me, no we haven't found the memory stick yet but I do remember that I also gave it to a friend of mine to keep it for me, a lady by the name of

Gugu, I don't know her surname. So I will try and get it and get the memory stick from Gugu. Then on Sunday when I came back from Church I called again to find out if she has the memory stick and she said, no she still doesn't have the memory stick in her possession, she will let me know on Monday morning. Monday morning came and as I was about to start a meeting that I had on Monday, then I called again, asking about the memory stick and she said to me, they have found the memory stick. Then I arranged one of my current colleagues and asked him – his name is Mr Siphwe Thembe and asked him to go and fetch
10 the memory stick for me from Mazwi and then – to go and fetch the memory stick because Mazwi said she is going to give the memory stick to Shadrack because on that day she was moving houses, from Diepkloof to somewhere else I don't remember where she was moving to but it's easier to access Diepkloof so she will leave the memory stick with a gentleman called Shadrack whom I know very well that assist us when we move office or move houses, he's got a van, he is their neighbour in Diepkloof. So I got a text message from Siphwe because I was already in a meeting now, saying I'm struggling to get hold of Shadrack, so I immediately sent him the contact numbers for Mazwi, I
20 said, please talk to Mazwi because I'm in a meeting. So I gave him both Shadrack's number and Mazwi's number to talk to them. Then later on when I checked my messages he confirmed that he found the memory stick from Mazwi, then I asked him to take the memory stick to a friend of mine who works just outside of Diepkloof, I don't know what that area is called [indistinct] something, just before you go to the

stadium, who had planned to come and see me after work – when she leaves work. So I asked Sipiwe to take the memory stick and give it to my friend Ms Bawinnie Lemalele who was going to bring it with when she comes to see me in the evening and that's how the memory stick got to me.

CHAIRPERSON: It was a long journey.

ADV MICHAEL MBIKIWA: Quite a chain of custody [laughter].

CHAIRPERSON: Okay let's try and get going.

ADV MICHAEL MBIKIWA: Chair can I say that Ms Hofmeyr, in her
10 introduction, explained the process that had happened within the Commission, the data forensic team has imaged the flash disk that Ms Sambo provided to us, they have advised us that the properties of the spreadsheet that is on the flash disk show that it was created – sorry last saved on the 3rd of August 2015 and that the user that saves it was Ms Nontsasa Memela.

CHAIRPERSON: Okay.

ADV MICHAEL MBIKIWA: There's an affidavit forthcoming from the investigators within DFT...[intervenes].

CHAIRPERSON: So those are the technical people who have looked
20 at the computers and so on?

ADV MICHAEL MBIKIWA: Indeed Chair.

CHAIRPERSON: Okay.

ADV MICHAEL MBIKIWA: Chair we've also printed a copy of the spreadsheet which we've included in Ms Sambo's bundle and perhaps we can go there.

CHAIRPERSON: Okay, before you proceed, lets go back to the meeting that you say you had with Ms Memela at the Shell garage in Alberton, did you say Shell garage?

MS SAMBO: Shell garage.

CHAIRPERSON: Yes next to...[intervenes].

MS SAMBO: Confirmed.

CHAIRPERSON: Not far from SARS?

MS SAMBO: Not far from SARS.

CHAIRPERSON: Yes, how did it come about that, that spot was
10 chosen and who chose the spot as the spot where the two of you should meet?

MS SAMBO: Ms Memela lives in Alberton, so she's the one who suggested we meet.

CHAIRPERSON: Is that what she told you at the time, that she lived in Alberton or is that what you knew?

MS SAMBO: No this is what I knew, remember it was over the time when I've indicated ...[intervenes].

CHAIRPERSON: You have become friends?

MS SAMBO: We had become friends yes, so I knew that she lives in
20 Alberton yes.

CHAIRPERSON: Yes, but at that time when you met her at the Shell garage, had you been to her house or her home already or not really?

MS SAMBO: In the past yes, I visited her.

CHAIRPERSON: You had been to her home?

MS SAMBO: Yes I visited.

CHAIRPERSON: And you know it is in Alberton?

MS SAMBO: I know it is in Alberton.

CHAIRPERSON: And where did she – was she working at the Airport where did she work?

MS SAMBO: She worked at the Airport at SAA Technical.

CHAIRPERSON: So the Shell garage was on her way home or was that on her way home would that be more or less where she would pass if she was going home or not really?

MS SAMBO: Yes it is on her way home.

10 **CHAIRPERSON:** It was on her way?

MS SAMBO: Ja it's just as you on-ramp.

CHAIRPERSON: Yes, and where were you coming from, where were your offices?

MS SAMBO: From Sandton, I was coming from Sandton from [indistinct].

CHAIRPERSON: From the meeting?

MS SAMBO: From the meeting with Ms Jackson.

CHAIRPERSON: Yes okay alright, so you say she was the one who suggested that you meet at the shell garage.

20 **MS SAMBO:** Yes.

CHAIRPERSON: But initially she had said at home?

MS SAMBO: No she did not.

CHAIRPERSON: Oh I thought you said she said you should come to her home but later she changed and said, let's meet at the garage.

MS SAMBO: No, no, no.

CHAIRPERSON: No she said Shell garage?

MS SAMBO: Shell garage.

CHAIRPERSON: Okay, alright.

ADV MICHAEL MBIKIWA: Thank you Chair. Ms Sambo can I ask you to turn to page 553.

MS SAMBO: Yes I've got it.

ADV MICHAEL MBIKIWA: And you'll see that from 553 to 557 do you recognise those spreadsheets?

MS SAMBO: Yes I do.

10 **ADV MICHAEL MBIKIWA:** What are they?

MS SAMBO: This is the pricing for the component bid.

CHAIRPERSON: Just repeat that, what are they?

MS SAMBO: It's the pricing for the component bid.

CHAIRPERSON: Where did you get it from?

MS SAMBO: I got it from Ms Memela.

CHAIRPERSON: Through the memory stick?

MS SAMBO: Through the memory stick yes.

CHAIRPERSON: Yes, all three pages?

MS SAMBO: Yes.

20 **ADV MICHAEL MBIKIWA:** There are five pages.

CHAIRPERSON: Oh, okay.

ADV MICHAEL MBIKIWA: Each page represents a tab from the excel spreadsheet.

CHAIRPERSON: Okay so these are the spreadsheets that you got from the memory stick that Ms Memela gave you?

MS SAMBO: Yes.

CHAIRPERSON: Okay.

ADV MICHAEL MBIKIWA: And Ms Sambo, what did you do with this information?

MS SAMBO: On the night that I received the memory stick, I didn't do anything with the information but I went back to Ms Jackson and told her that I've got the information, I've got the pricing, I actually told her because at that time I already knew, the information is the pricing.

CHAIRPERSON: Did you know that from what Ms Memela had told you
10 at the meeting at the Shell garage?

MS SAMBO: No when she saved the memory stick she opened – it was – she was sitting on the driver's seat when we met...[intervenes].

CHAIRPERSON: Yes that's what I mean.

MS SAMBO: And she opened her laptop...[intervenes].

CHAIRPERSON: Oh she opened it, then you saw?

MS SAMBO: Yes, then she saved.

CHAIRPERSON: Oh okay.

MS SAMBO: Yes and she said this is the pricing of the last bids, yes.

ADV MICHAEL MBIKIWA: So tell us what happened next, what did
20 you do with the flash disk?

MS SAMBO: Then I went home – after the meeting with Ms Jackson I went home with the disk...[intervenes].

CHAIRPERSON: And how did the meeting with Ms Jackson end, I remember at some stage you said that you said to her you were not going to give her the information, you've got the information but you

won't give it to her because you want your R100million.

MS SAMBO: No I never asked for R100million [laughter].

CHAIRPERSON: Okay maybe you didn't say that but you said you want to be paid.

MS SAMBO: I asked her to review her decision or the AR's decision not to pay me my retainer fees for the work that I do.

CHAIRPERSON: Okay.

MS SAMBO: Yes.

CHAIRPERSON: I'm sorry you didn't say R100million?

10 **MS SAMBO**: No, no, no.

CHAIRPERSON: But did you say how much you believed you should be paid?

MS SAMBO: No, no we didn't even talk about the figures.

CHAIRPERSON: Okay, did she refuse to review?

MS SAMBO: Well, no she didn't agree nor did she refuse.

CHAIRPERSON: Ja what did she say?

MS SAMBO: She was very drunk, I'm sorry to say that, that night she was completely drunk that's when she even told me that she had cancer and she had recently divorced, it was a lot of things, so we couldn't
20 have a very constructive discussion. Then I left, we agreed that we'll meet again.

CHAIRPERSON: Did you say your meeting with her was in the evening?

MS SAMBO: It was in the evening, early evening.

CHAIRPERSON: It had started around what time, before you went to

the Shell garage meeting?

MS SAMBO: It would have been around 5h30, 6h00PM.

CHAIRPERSON: Okay and what time did you meet with Ms Memela at the Shell Garage, more or less?

MS SAMBO: It could have been around 7h00PM.

CHAIRPERSON: Oh, okay and then from there you went back to Sandton to do your meeting with Ms Jackson?

MS SAMBO: Yes.

CHAIRPERSON: And then later on you went home?

10 **MS SAMBO:** Then I went home.

CHAIRPERSON: Okay, alright.

ADV MICHAEL MBIKIWA: Ms Sambo you did ask Ms Jackson if she would pay you, in which case you would give her the flash disk, is that right?

MS SAMBO: It was not a condition like that, it was asking her to review the decision of paying me a retainer because I've been doing a lot of work and they don't want to pay me and with the information at hand, for me, I thought I would use that as a leverage but not to say she is paying only for this information, but for them to review the
20 decision of paying me my retainer for all the work I've been doing.

ADV MICHAEL MBIKIWA: Is the reason that you didn't give her the flash disk because she wouldn't pay you the retainer?

MS SAMBO: No.

ADV MICHAEL MBIKIWA: Why didn't you give her the flash disk?

MS SAMBO: When I got back to her and I started negotiating my

retainer – because I have this information now...[intervenes].

CHAIRPERSON: Which she wanted.

MS SAMBO: Which she wanted.

CHAIRPERSON: Yes.

MS SAMBO: She cried foul saying that in the United States if she were to pay me now because I've got this pricing information of the bid that was running at that time it will be regarded as bribery and corruption. As soon as she said that I said – you know inside myself I was like, thank you for opening my eyes I actually didn't think it was
10 bribery and corruption so I'm not going to give you the information, that's how I left with the information.

ADV MICHAEL MBIKIWA: Ms Sambo do you accept that asking SAAT for any tender information while a bid was open was wrong?

MS SAMBO: Yes it was wrong, at that time my judgement was clouded. When I was doing it at that time, my judgement was clouded, I have this pressure, Rafiek is delivering, his making those introductions, this side I'm being side-lined, it's like I'm not performing and this one is crying foul and I thought, okay let me get this but then when I realised that what I'm doing is wrong, I did not give the
20 information. I held the information and hence the memory stick ended up, even moving from me to be kept away – far away from me. So yes, I realised it was wrong to take it, I admit it was wrong.

CHAIRPERSON: And you never gave the information to Ms Jackson?

MS SAMBO: No I never gave them any information.

CHAIRPERSON: Okay.

ADV MICHAEL MBIKIWA: Ms Sambo if we can then pick it up at paragraph 83 of your affidavit and just tell us what happened after your meeting at Bukhara Restaurant with Ms Jackson? Sorry that's on page 24.

MS SAMBO: Okay, you were asking about which element?

ADV MICHAEL MBIKIWA: I'm just asking you to tell us what happens next, after the meeting with Ms Jackson at Bukhara?

MS SAMBO: Oh okay, alright. So after that meeting at Bukhara I received an invitation to attend a meeting now by that group from the
10 Broad Based Black Economic Empowerment structure and the meeting was scheduled to take place in Cape Town for us to discuss how we're going to respond to this bid. I couldn't travel to Cape Town but rather requested that, once they are together they can call me so that I join the meeting in the form of a teleconference. During that phone call Mr Burgers informed me that they will use my company documents to respond on the bid, so when the bid goes in it will still be mentioned as AR & SRS Aviation, however I must know that, once we get the contract, that structure that was on the table with the names of people I didn't know would kick in. so I actually taped that discussion because,
20 already at that time I was aware of what is the plans and the activities. I decided, one, I was with one of my employees and we decided to tape the discussion with a recorder. So Mr Burgers just mentioned this is what we're going to do...[intervenes].

CHAIRPERSON: Is this the telephone conversation or is this now in a meeting that you decided to record?

MS SAMBO: It is in the telephone discussion.

CHAIRPERSON: Okay.

MS SAMBO: I put Mr Burgers on a speaker and [indistinct] had the recorder with her, so we recorded the communication. So – and then that's what Mr Burgers meant – indicated, I didn't dispute, I just said okay and I asked to be excused because I was driving yes.

ADV MICHAEL MBIKIWA: And what did you do with that recording?

MS SAMBO: That recording unfortunately is one of the things that we have lost, it's something that we are still looking for so if we find the
10 recording...[intervenes].

CHAIRPERSON: Which you might still find.

MS SAMBO: If we find the recording we will submit it to the Commission, Sumka believes that we downloaded it to one of the laptops, the recording but in the laptops that I still have, there's no recording, so yes.

CHAIRPERSON: Okay.

ADV MICHAEL MBIKIWA: Alright and what then happened after your teleconference which you recorded?

MS SAMBO: After that then that's – excuse me, can I refer Chair to
20 my document?

CHAIRPERSON: Yes.

MS SAMBO: Okay on the 13th of August we received an email, when I say we, myself and other members of the consortium, we received an email from Ms Jackson formally indicating that AR will be responding to the components bid that [indistinct] emailed to them directly and the

email sought to formalise that relationship with the consortia. The consortia, at that time – when I look back at the documents, there are two different names that were used, there was Africa Aviation and later is was called Diza Aviation, the consortia that was formed. On the same day I also received Ms Jackson's call, asking me if I would be able to physically go and submit the tender document when it's completed. The plan was for them to work on the bid, email it to me and then I would go and print, bind and submit. So at that time I agreed, however, before AR submitted the component bid I called Ms
10 Jackson and requested that I want to be excluded from this contract and the main reasons why I wanted to be excluded from the contract is that I was not comfortable with the consortia as I had been discussing with Ms Jackson and secondly I didn't like the attitude from Mr Rafiek Burgers who was now instructing me that my company document will be use to partner and submit this bid and thirdly because I realised that I have information that would potentially have a bad record on my name, I decided that I will not give them the information and I will not participate on the bid, so I walked away.

ADV MICHAEL MBIKIWA: And what was the reaction to you walking
20 away?

MS SAMBO: Sorry?

ADV MICHAEL MBIKIWA: What was the reaction...[intervenes].

MS SAMBO: From Ms Jackson?

ADV MICHAEL MBIKIWA: From Ms Jackson and AAR to you walking away?

MS SAMBO: Ms Jackson called several times that day, she still insisted that I – it was the first time after I had indicated that I am walking away, that Ms Jackson offered that AR will pay me my consulting fee. So I said to Ms Jackson it's too late I have made a decision I will not participate, however, I would like us to go back to the drawing board, sit around the table and let's fix this relationship. For now, because the contract is only for five months, I will not have much to lose, you can continue with your consortia, I will stand back but let's sit around the table and agree to agree or agree to disagree. That is
10 what I proposed to Ms Jackson. Then Ms Jackson responded to say, if I walk away from the five-month contract, I must know that they will not even work with me on the five-year contract, so I still confirmed that I'm choosing to walk, so I walked.

ADV MICHAEL MBIKIWA: And did the info, did the issue of the information on the flash disk ever arise again?

MS SAMBO: On the phone calls when she was offering now my consulting fee, she was insisting to call me with the guys who work on the technical part of the bid, on a conference call so that I give them the information, then I said no. So that was the end of that discussion
20 with the memory stick.

ADV MICHAEL MBIKIWA: Alright and let's pick it paragraph 90 of the affidavit and tell us what happened after you refused to give the memory stick.

MS SAMBO: Sorry?

ADV MICHAEL MBIKIWA: Tell us what happened after you decided to

walk away and refused to provide them with the information on the memory stick.

MS SAMBO: No, I decided I did not participate on the contract with them, but I still sent e-mails requesting to meet with them when they come to South-Africa.

ADV MICHAEL MBIKIWA: And do you know whether the bid that was submitted still contained your Company documents?

MS SAMBO: I was in the dark until I received a call from Mr Badenhorst, Mr Ettienne Badenhorst. Can I confirm the name and
10 surname?

ADV MICHAEL MBIKIWA: Yes.

CHAIRPERSON: Yes.

ADV MICHAEL MBIKIWA: At paragraph 96 you refer to Mr Badenhorst.

MS SAMBO: Yes Mr Ettienne Badenhorst from Ernest and Young, requesting to interview me, because Ernest and Young had been appointed to investigate various, to do an internal investigation of various contracts within SAA as a whole. Not SAAT only. SAA as a whole.

So, my response to him was I don't have a contract with SAA
20 or SAAT, why would you want to interview me. Then he said my name feature on the components contract. Then I indicated that I did not bid on their, because he called, when he contacted me there was not, the tender had closed but it had not been awarded. So, it was during the process adjudication of that bid.

So, he requested that, if I could come to SAA offices for an

interview, so I agreed. But this time, because I always go alone, I decided I am going to take of my employees. So, I requested Miss Sibeko, to attend the meeting with me. Because I was confused why do they need to interview me.

So, we arrived at SAA He introduced himself again as I have indicated. He interviewed me, and I gave the statement as I am giving the statement here to the Commission to the best ability of the memory I had at that time, and at that time I still had the recording as well, which I have indicated I have, but I have indicated that I am not sure if
10 I should give it to him, because I didn't tell the other party that I was recording them. So I did not give the recording to Ernest and Young, but I still had sms or WhatsApp communication between myself and Miss Jackson, asking to be released from the bid and all that.

So when we concluded our interview, it is only then that he told me that I am being interviewed because AAR decided to still put in my documents, because they are Indezar, or Deezar or this other company did not have any formalised documents.

They would have disqualified for not having the BEE component. So, it was the first time I realised that AAR proceeded to
20 use my documents without my knowledge.

ADV MICHAEL MBIKIWA: Thank you. And we can then go to paragraph 99 of your affidavit and if you could just explain what happened after you met with Mr Badenhorst.

MS SAMBO: Okay post the meeting that I had with Mr Badenhorst, it was about September 2015. I was invited by Miss Jackson to come in

and discuss the BEE structure in planning for the five-year contract. I was surprised to be invited after I had walked away from ...[intervenes].

CHAIRPERSON: Miss Jackson invited you?

MS SAMBO: Miss Jackson invited me and said there will be a meeting with the members of the Consortia to discuss a way forward in planning for the five-year contract.

CHAIRPERSON: Was this the first contact or communication you were having with Miss Jackson since the conversation where she said if you walk away you must know that they will, they would not work with you
10 on the five year contract, or they had a bit communication in-between?

MS SAMBO: I would have to go back to my e-mails and check ...[intervenes].

CHAIRPERSON: You are not sure?

MS SAMBO: I do believe there was ...[intervenes].

CHAIRPERSON: Some communication.

MS SAMBO: Communication where I expressed my grievance of how they managed or mismanaged the whole process of bringing in new partners and forcing me to be part of that. And the whole issue about information they want, but now they are introducing the bribery and the
20 corruption element.

So, I was not happy about that. There is a grievance that I had sent.

CHAIRPERSON: Okay.

MS SAMBO: Yes. So I indicated to Miss Jackson that the last time we spoke, the discussion was not in a cordial or happy manner, so I would

like to meet with her first before going to that meeting.

At that time, she had booked in at the Inter-Continental Hotel at O R Tambo. So, I went in there, it was in the morning, I don't have the exact date, but it was in September 2015. I went in there, as I went in at the foyer, as you are coming or at, what do you call it, a corridor but it has got, it is a lounge sort of, I saw Ms Jackson sitting with Mr Ndzeke. That I could recognise because I knew him, and I was surprised ...[intervenes].

CHAIRPERSON: Do you want to Ndzeke or the surname for the
10 transcription.

MS SAMBO: Yes, it is N-d-z-e-k-u ...[intervenes].

CHAIRPERSON: Yes.

MS SAMBO: Mr Ndzeke.

CHAIRPERSON: Yes. Yes okay.

MS SAMBO: So I found Miss Jackson sitting with Mr Ndzeke at the
foyer and as I came in, Mr Ndzeke immediately stood up and in a very
flamboyant way, said, hi Miss Sambo, good to see you. And he now
tried to introduce me to Sheryl, and say Sheryl this is Miss Sambo, she
is our bright star in aviation. If you talk aviation is South-Africa, you
20 will hear the name Sibongile Sambo.

You know like, but at that time I am confused, I am trying to
place Mr Ndzeke and Miss Sheryl Jackson together, and before I could
even respond much, I just smiled and you know. Listen to this
statement.

And immediately Mr Ndzeke offered to explain why he is with

Miss Jackson and he indicated to me that he met Miss Jackson on a flight from somewhere in the Continent, in our Continent. African Continent. I don't remember the Country, but when they met, they were introduced to each other by a common friend who was an Ambassador.

I can't recall which Country he mentioned, and they want to import and export coffee. Basically that is what he mentioned and he offered to, and he said good-bye to Sheryl and they were going to see other later, and he left because I had a meeting with Miss Jackson.

ADV MICHAEL MBIKIWA: And how did you know Mr Ndzeko from
10 before?

MS SAMBO: Mr Ndzeko was introduced to me by a friend who said, I know somebody else who is in aviation. He is one of the shareholders at Swissport, so I would like to introduce the two of you. So, I was introduced to Mr Ndzeku and that was years before the components bid.

That is why I know him.

CHAIRPERSON: Lets get to your meeting with Miss Jackson. What happened?

MS SAMBO: At the meeting with Miss Jackson, we both vented out the previous experience that we had, and I asked Miss Jackson if they
20 would still consider working with me when the five year contract comes out, and she indicated that the people at AAR were extremely disappointed with me dropping them at the last minute, the way I did.

So, as she was sitting there at that time she cannot confirm whether I would still work with them or not. But she still invited me into the meeting that she planned to have with the members of the

Consortia and Miss Mdlulwa was going to be at the meeting as well.

So that was the discussion that I had with Miss Jackson. She said, lets see. Let's have a discussion, we will take it from there.

ADV MICHAEL MBIKIWA: And did you then go into the meeting with the rest of the Consortia?

MS SAMBO: Yes, I did.

ADV MICHAEL MBIKIWA: And tell us about that meeting.

MS SAMBO: In that meeting it was brief. We introduced ourselves. The people that I remember were in the room was Miss Kuki Mdlulwa
10 which was referred to as "ihhashi" previously. And it was me representing SARS Aviation, and it was Advocate Kellerman who was representing the Consortia.

She was working with Mr Rafique Bagus. At that meeting it was very straight forward. Miss Mdlulwa indicated that she was there to come and tell AAR that her people that she is representing which is Miss Kwinana and her people at SAAT wants the hundred million from AAR to make sure that the get the contract.

And then Miss Mdlulwa also confirmed that the hundred million exclude anyone else but for Yakhe Kwinana and her people at SAAT.

20 And she also indicated that Sibongile we found you here with AAR, you will continue your negotiations directly with AAR which I agreed to, and then Ms Jackson wanted to know from Advocate Kellerman if they also have an advanced requirement, and Miss Kellerman was very clear, that no they don't want any cash upfront but they see this as a long term relationship that they can build with AAR.

That is what I remember at that meeting.

CHAIRPERSON: Just remind me. Who did, whom did Ms Kellerman represent?

MS SAMBO: Mr Rafique brothers and the members of that Consortia.

CHAIRPERSON: Okay. Was she part of the Consortium or was she only a representative of, a lawyer for the Consortium?

MS SAMBO: My understanding is that she was the lawyer, but she was allocated shares, but can we just refer to the structure.

Do we have it in the bundle.

10 **ADV MICHAEL MBIKIWA**: We do have the structure is at page 234.

CHAIRPERSON: Okay. Well if she tells me, or you tell me what her capacity was, that would do. Was she part of the Consortium as well?

ADV MICHAEL MBIKIWA: Chair I am not sure if she was a shareholder of the Consortium. If you turn to 235 it lists the shareholders.

CHAIRPERSON: Okay.

ADV MICHAEL MBIKIWA: She is not listed as a shareholder in

MS SAMBO: No, she is not.

ADV MICHAEL MBIKIWA: In her personal capacity or as a member ...[intervenes].

20 **CHAIRPERSON**: Yes.

ADV MICHAEL MBIKIWA: As a member of this organisations. This company.

CHAIRPERSON: Alright.

MS SAMBO: Yes, now is not ...[intervenes].

CHAIRPERSON: But at the meeting did she say anything to indicate

how she came into the meeting or did she simply say she was representing the Consortium?

MS SAMBO: She said she was representing the Consortium.

CHAIRPERSON: Okay.

MS SAMBO: No, she is actually a shareholder. If you look at page 235. The second last point, it refers to ZK Consulting Services held by Zarina Kellerman.

ADV MICHAEL MBIKIWA: Indeed.

CHAIRPERSON: Okay so she was part of the Consortium?

10 **MS SAMBO**: Yes.

ADV MICHAEL MBIKIWA: And I see in the shareholding structure, ZK Consulting held 8.33 percent of Mzansi Aviation Woman's Consortium. Which in turn held 33.33 percent of the ...[intervenes].

CHAIRPERSON: So, Miss Kwinana was not part of the Consortium, but as you understood the position Miss Mdlulwa represented her at this meeting.

MS SAMBO: Yes, Miss Mdlulwa yes represented Miss Yakhe Kwinana.

CHAIRPERSON: Yes, oh.

MS SAMBO: She was not part of the Consortium.

20 **CHAIRPERSON**: Okay. Alright.

MS SAMBO: Yes.

ADV MICHAEL MBIKIWA: And did Miss Mdlulwa made it clear that was acting on behalf of Kwinana.

MS SAMBO: Yes.

ADV MICHAEL MBIKIWA: And the request for a hundred million rand

payment, did she make that openly to the whole meeting?

MS SAMBO: Yes.

CHAIRPERSON: What was Miss Jackson's response to this request for the payment of hundred million rand?

MS SAMBO: She said she doesn't have the authority to approve anything, she would go back and discuss it with her principals.

CHAIRPERSON: Was she the only person representing AAR there?

MS SAMBO: As far as I remember.

CHAIRPERSON: Yes, okay.

10 **ADV MICHAEL MBIKIWA**: And how did other people in the meeting react?

MS SAMBO: Miss Kellerman was very clear that they don't want any cash up front. They want to have a long-lasting working relationship with AAR. I was on the same boat that, I have been AAR anyway so I would like to continue working with AAR as an independent company.

CHAIRPERSON: Did Miss Mdlulwa say what the hundred million rand was going to be for.

MS SAMBO: No, she did not.

20 **CHAIRPERSON**: Did anybody ask, did Miss Jackson asked her what would this hundred million rand be for?

MS SAMBO: If you, sorry Chairperson she was very clear that she is representing Miss Yakhe Kwinana and Miss Yakhe Kwinana, that is that amount that she wants to make sure that AAR gets the contract.

CHAIRPERSON: Did she say that at the meeting?

MS SAMBO: She said that at the meeting yes.

CHAIRPERSON: Okay. Okay. Thank you.

ADV MICHAEL MBIKIWA: Miss Sambo we can then turn to the, to what you describe at the fourth bid.

MS SAMBO: The?

ADV MICHAEL MBIKIWA: The fourth SAAT bid. That is on page 33.

MS SAMBO: Page?

ADV MICHAEL MBIKIWA: Page 33. Paragraph 113.

MS SAMBO: Sorry I was paging the annexures 33. Page 33.

CHAIRPERSON: Of your affidavit. Page 33 of your affidavit.

10 **MS SAMBO:** Yes, I am going there. Okay.

ADV MICHAEL MBIKIWA: And you deal there with what you describe as the fourth SAAT bid. Can you describe this tender for us?

CHAIRPERSON: Lets just finalise on the five month one. Because I am not sure I know what ultimately happened to that tender. The five month one. You were not interested in it. You told Miss Jackson and you decided to walk away.

MS SAMBO: Yes.

CHAIRPERSON: Do you know whether they ultimately got the five-month tender. That is AAR.

20 **MS SAMBO:** Hey I was no longer part of, of that contract so I didn't have any formal communication indicating whether they got they got the contract or not but ...[intervenes].

CHAIRPERSON: To this day you don't know.

MS SAMBO: What I know by now. Now, after effect is that contract that contract was also not awarded to any, oh as far as I know it was not

awarded to anyone or it didn't get any feedback whether it was awarded to anyone.

CHAIRPERSON: Yes.

MS SAMBO: That one I don't know.

CHAIRPERSON: You don't know.

MS SAMBO: I don't know. I don't know.

CHAIRPERSON: Okay. Alright.

ADV MICHAEL MBIKIWA: Miss Sambo can you then tell us what the fourth tender was?

10 **MS SAMBO:** The fourth tender was the components bid again, and this time around it was the full five year contract and it was an open tender. When I saw this tender, as usual I downloaded it, sent it to Ms Jackson at AAR and requested that we work together on the bod.

CHAIRPERSON: Now you said earlier on that when you asked her at the last meeting or I think you, Mr Ndzeko, where you met Mr Ndzeko. When you asked her whether they would, they could still work with you on the five year contract she said she was not sure because other people were very disappointed, the fact that you dropped out when they needed you.

Had she in the meantime come back to you, to say whether they
20 were prepared to work with you on the five year contract. By the time this tender was advertised?

MS SAMBO: Nol. No there was no discussions, so ...[intervenes].

CHAIRPERSON: Ja.

MS SAMBO: When I saw the tender, I just downloaded it. Forwarded it to them.

CHAIRPERSON: Ja.

MS SAMBO: As usual ask them that we respond ...[intervenes].

CHAIRPERSON: Okay.

MS SAMBO: To the bid together. Yes.

CHAIRPERSON: Okay.

ADV MICHAEL MBIKIWA: And what was the response to that?

MS SAMBO: There was no response at all.

ADV MICHAEL MBIKIWA: And tell us what happened after the RFP was issued. Picking up from paragraph 114.

10 **MS SAMBO:** Thereafter I received a call from Miss Memela suggesting that the Chairperson, Miss Yakhe Kwinana wanted to meet with me again and they suggested we meet at the Emperors Palace, because Miss Memela was at work, then she quickly pop into the meeting and then go back to work.

I agreed to that. We met at the Spur. I think it is called the Spur Ranch, Gold Rush Spur Steak Ranch inside Emperors Palace. At that meeting Miss Kwinana wanted to know if I have resolved my issues with AAR, because at that time they knew that I walked away from the five months contract, because I had been talking to Miss Memela. Yes. So,
20 at that meeting Miss Kwinana also wanted to ...[intervenes].

CHAIRPERSON: Well I just mention this and Mr Mbikiwa you can, well you can take it further if you want to take it further and Miss Sambo you can comment if you want to comment.

It is possible that she might say that she asked about your relationship with them because on her version you had told her at the

Protea, was it the Protea Hotel meeting?

MS SAMBO: Yes.

CHAIRPERSON: About your problems with them and asking her to intervene, or them to intervene.

I am just saying she might say that is why she asked, because you had told her, not because she had had heard from Miss Memela about your problems with them

MS SAMBO: I would dispute with her in response, because at that time I don't think I had walked away from the bid. So yes.

10 **CHAIRPERSON**: I interrupted you. You can continue.

MS SAMBO: Yes. So at that meeting Miss Kwinana wanted to know the relationship with myself and AAR, if it was still intact, and also wanted to know if I have seen Mr Ndzeko with Miss Jackson before this fourth bid was advertised.

I have been discussing with Miss Memela as often. Very often about the activities of the AAR, of my relationship with AAR so I assumed that she would be *privy* to that information through Miss Memela.

20 And when I am with Miss Memela or when I speak to Miss Memela I would express the disappointment in how AAR has treated me in the whole process, and at this meeting Miss Kwinana said she could, because at that time I was then told that AAR is partnering with, is partnering, Miss Memela had told me that AAR is partnering with Mr Ndzeko company. J N Aviation.

And it is then when I realised why Mr Ndzeko met with

Miss Jackson in September at the Inter-Continental Hotel.

So, it confirmed, this meeting confirmed that they were already discussing a possible partnership for the five-year contract. Yes.

CHAIRPERSON: What had happened in the meantime to the Consortium that was led by Mr Morai?

MS SAMBO: It disappeared. I don't know what happened.

CHAIRPERSON: Do you know when about it disappeared or did it disappear when the third tender was withdrawn or cancelled when they didn't get that tender maybe. You don't know.

10 **MS SAMBO**: I have not heard of them since the third bid yes.

CHAIRPERSON: Ja by the time you saw Mr Ndzeke with Miss Jackson you had not ...[intervenes].

MS SAMBO: No on that particular day when I saw Miss Jackson and ...[intervenes].

CHAIRPERSON: Mr Ndzeke.

MS SAMBO: That is when there was that meeting where Miss Kuki Mdlulwa was, and Advocate Kellerman was and myself. That was the last time.

CHAIRPERSON: The Consortium was still in place at the time.

20 **MS SAMBO**: At that time ...[intervenes].

CHAIRPERSON: Yes.

MS SAMBO: It was.

CHAIRPERSON: Okay.

MS SAMBO: Yes, sorry.

CHAIRPERSON: Okay.

MS SAMBO: I just say ja.

ADV MICHAEL MBIKIWA: And tell us what happened after your meeting with Miss Kwinana and Miss Memela at the Spur at Emperors Palace.

MS SAMBO: At that meeting it came across as if Miss Kwinana is now driving now, it was more like she is control now of who must ultimately partner with AAR. Because at the meeting she called Miss Jackson to find out if they could drop Mr Ndzeke and revive my relationship with, with AAR. But there was no conclusion. There was no conclusion on
10 that telephone call, and I don't remember the other details of that meeting, but Miss Kwinana wanted to know if I know Mr Ndzeke.

Because I had mentioned to Miss Memela in our informal discussions that I know Mr Ndzeke and I know him running a fuel or petroleum company because he had an agency with ENI petroleum company from Spain. And I know him so they wanted to know what is it that I know about him and I told them they can Google Mr Ndzeke's information is on Google so yes.

ADV MICHAEL MBIKIWA: If we can then pick it up at paragraph 117 and tell us what happened next.

20 **MS SAMBO:** Okay. So, in January 2016 Ms Memela contacted me that she wanted to have a meeting with me. She has got information regarding the outcome of the bid.

CHAIRPERSON: The 4th bid.

MS SAMBO: The 4th bid which she also knew that I did not submit because I could not get a partner to with technical expertise to submit

the bid with. So, I met with Advocate Memela in Alberton because she lives in Alberton.

CHAIRPERSON: That is the same Memela you have been referring to throughout your evidence.

MS SAMBO: Yes, that is the same Memela that I am referring to.

CHAIRPERSON: Ja.

MS SAMBO: And she ... (intervenes)

CHAIRPERSON: You say you met with her this time around where, where did you meet?

10 **MS SAMBO**: We met at the Maxis restaurant.

CHAIRPERSON: In Alberton.

MS SAMBO: In Alberton.

CHAIRPERSON: Yes.

MS SAMBO: I might have the sequence of events ... (intervenes)

CHAIRPERSON: You might be getting that wrong.

MS SAMBO: Yes.

CHAIRPERSON: Okay but at some stage you met with her in Alberton.

MS SAMBO: Yes, at some stage I met with her in Alberton. And she indicated to me that the bid was awarded to AAR with JM Aviation. So,
20 I was not- I did not take the news very well. I actually broke down. I literally broke down so badly that it seemed like I was told the news that a very close family member had passed away. It cut so deep inside me. I could not hide it. People at the restaurant were looking at me, why am I crying so hard.

And the reason why I was crying is the realisation of I would say

feeling and knowing that I have really been stabbed at the back working so hard, putting in all my efforts and financial resources and human resources and everything and introducing AAR and going all out for AAR and then next thing somebody else just come in like that and they are awarded a 1.3 billion rand contract that I worked for.

CHAIRPERSON: Was that the value of the tender?

MS SAMBO: That is the value of the tender that Ms Memela had indicated to me when she told me it was awarded and the value was 1.2 billion.

10 **CHAIRPERSON:** Yes.

MS SAMBO: Yes. So, at that time Ms Memela just realised also what she has done. I do not think she expected that I would react in that way and she became very defensive in that I was now very hard on her wanting to know what really happened. How did Mr Ndzeke get to partner with AAR? And that is when she indicated to me that Ms Kwinana introduced Mr Ndzeke to her and she also asked her to assist Mr Ndzeke in preparing the bid ... (intervenes)

CHAIRPERSON: Who is the she, who is the her now?

MS SAMBO: Oh, I am sorry.

20 **CHAIRPERSON:** Who is Ms Kwinana? Who is Ms Memela?

MS SAMBO: Ms Kwinana the chairperson of SAA Technical requested Ms Memela the Head of Procurement the South African Airways to assist Mr Ndzeke from JM Aviation in preparing for the submission of the bid.

CHAIRPERSON: Okay. This was- this you were told by Ms Memela at

this meeting at your second meeting that you have told me about in Alberton.

MS SAMBO: Yes.

CHAIRPERSON: Yes. Let us just go back a little bit. That meeting, who requested that the two of you have a meeting? Was it Ms Memela or yourself?

MS SAMBO: Ms Memela, she wanted to break the news to me.

CHAIRPERSON: And she would have known that you had not been part of those who put in a bid. You did not put in a bid.

10 **MS SAMBO**: Yes.

CHAIRPERSON: And why would she have wanted to have a meeting to break the news to you?

MS SAMBO: Because she knew how hard and how much I really wanted this components business ... (intervenes)

CHAIRPERSON: This particular job.

MS SAMBO: Yes.

CHAIRPERSON: Okay.

MS SAMBO: And because we have developed a friendship in the process.

20 **CHAIRPERSON**: Yes.

MS SAMBO: So, we were talking about anything and everything.

CHAIRPERSON: Ja okay.

MS SAMBO: So, she felt that- she felt she needed to tell me.

CHAIRPERSON: She needed to tell you.

MS SAMBO: Before I could hear it on the news.

CHAIRPERSON: Ja okay.

MS SAMBO: Yes.

CHAIRPERSON: So, it continues. So, she was surprised that you reacted to this news the way you did. You cried and so on.

MS SAMBO: Yes.

CHAIRPERSON: Yes, and what did she say? You said she became defensive. What did she say?

MS SAMBO: Ja. Yes Chair, because now I was questioning her role in all this. Then that is when she indicated that Ms Yakhe Kwinana the
10 chairperson of SAA Technical had requested her to assist Mr Ndzeke in preparing for the bid and for the bid submission. And also, she told me that Mr Ndzeke also requested her because she is an advocate by profession, asked her to assist in their joint venture- the joint venture between JM Aviation and AAR Corporation. So, to prove what she was telling me then she emailed me the emails that I am now talking about on page 34.

CHAIRPERSON: The email was to prove what?

MS SAMBO: To prove to me that she was assisting ... (intervenes)

CHAIRPERSON: Mr Ndzeke.

20 **MS SAMBO:** That she assisted, yes, Mr Ndzeke. She initially sent in the joint- the draft joint venture agreement which was sent to her to assist and that documentation. And then later on she also forwarded a trail of emails that were going forth between- back and forth between AAR, JM Aviation and her. So, she emailed to me that trail of emails.

CHAIRPERSON: That is now after the meeting? After the meeting in

which she broke the news to you.

MS SAMBO: I would have to confirm the exact ... (intervenes)

CHAIRPERSON: Sequence.

MS SAMBO: Sequence yes.

CHAIRPERSON: Okay, but at some stage.

MS SAMBO: Yes, this is the area where the sequence is ...
(intervenes)

CHAIRPERSON: Is problematic.

MS SAMBO: Is problematic in that the content is correct but the
10 sequence could be disjointed.

CHAIRPERSON: Okay.

MS SAMBO: Yes.

ADV MICHAEL MBIKIWA: Chair, it may assist if we actually go to the
emails.

CHAIRPERSON: Let us go to the emails yes.

ADV MICHAEL MBIKIWA: If we can go to page 367. Ms Sambo who is
that email in the middle of the page from?

MS SAMBO: This was from Ms Nontsasa Memela dated the 23rd of
January 2016 and it was sent to my iCloud account.

20 **ADV MICHAEL MBIKIWA**: Okay and then the email that she is
forwarding to you, who is that from?

MS SAMBO: The email subject was the draft proposal and Ms Memela
had received it on the 14th of January from Ms Khosi Sokhulu from JM
Aviation.

ADV MICHAEL MBIKIWA: And can you read the content of the email?

MS SAMBO: Hi coz, so here is the latest proposal. Please let me know if it is acceptable.

ADV MICHAEL MBIKIWA: And if we can turn ... (intervenes)

CHAIRPERSON: Or maybe she can read the Ms Sokhulu's email address there into the record. Just read that email address from Ms Sokhulu it indicates the- her connection with the JM Aviation entity.

MS SAMBO: The email address is khosi@jmaviationsa.com

CHAIRPERSON: Yes okay.

MS SAMBO: Yes.

10 **ADV MICHAEL MBIKIWA:** And if you turn over two pages to 369. This is the attachment to the email.

MS SAMBO: Yes.

ADV MICHAEL MBIKIWA: Can you read what its title is in the middle of the page there?

MS SAMBO: I see the AAR logo and the JM Aviation logo and the title is Proposal for South African Airways. This AAR Proposal Outlines Components Support for SAA Technical Fleet of Airbus A390s, A320s, A330, A340 and Boeing 7373 Aircraft.

20 **ADV MICHAEL MBIKIWA:** Thank you. Can I then ask you to turn to page 339?

CHAIRPERSON: I am sorry. The proposal starts at 369.

ADV MICHAEL MBIKIWA: Indeed Chair.

CHAIRPERSON: Up to where does it go? Do you want her to identify up to what page it goes?

ADV MICHAEL MBIKIWA: Yes. Can you identify the last page? Just

before the tab that says 44.

MS SAMBO: It goes to- okay, which page numbers ... (intervenes)

ADV MICHAEL MBIKIWA: You can give us the page number in the bundle. It starts ... (intervenes)

MS SAMBO: In the bundle not ... (intervenes)

ADV MICHAEL MBIKIWA: It starts on page 369, where does it finish in the bundle?

MS SAMBO: At 442.

ADV MICHAEL MBIKIWA: Thank you.

10 **CHAIRPERSON**: Okay so that, all those pages that is the proposal. Is that the proposal that was sent to Ms Memela in terms of the email we looked at a few minutes ago to- from Ms Sokhulu of JM Aviation? Is that right?

MS SAMBO: Yes, it is correct.

CHAIRPERSON: And then all this was sent to you by Ms Memela.

MS SAMBO: Ms Memela, yes.

CHAIRPERSON: To show that she had been involved in assisting JM Aviation.

20 **MS SAMBO**: For me that is what I believed at the time when I received given the context of the discussion, I had with her.

CHAIRPERSON: Yes.

MS SAMBO: Yes.

CHAIRPERSON: Okay.

ADV MICHAEL MBIKIWA: If we can just turn to the other email that Ms Memela forwarded to you. That is at 339.

MS SAMBO: Yes. This email it came from Ms Nontsasa Memela on the 23rd of January 2016. It was sent to my iCloud email address and the title- and the subject was Joint Venture Draft Agreement.

ADV MICHAEL MBIKIWA: Thank you and who was it sent by?

MS SAMBO: The trail of emails shows that the initial document came from Ms Khosi Sokhulu from khosi@jmaviationsa.com and it was sent to Ms Nontsasa Mememla on her iCloud account.

CHAIRPERSON: Give the date and the time of the email that was sent to Ms Memela.

10 **MS SAMBO**: The date is the 14th of January 2016 at 16:01:34 PM.

CHAIRPERSON: Yes.

MS SAMBO: So 4 PM, half past 4 PM.

ADV MICHAEL MBIKIWA: And you can you read that email for us please?

MS SAMBO: Hi cousin, this is the first draft of the JV so far. Jules did a quick review and noticed the following;

1a. 'i Agreed participation JM 5% AAR 95% then there is a 6 participation interest JM 5% AAR 95%.

20 **ADV MICHAEL MBIKIWA**: You can pause there Ms Sambo. Do you know what the relationship was between Ms Sokhulu and Ms Memela?

MS SAMBO: No, I did not know the relationship. I just saw the cousin, cos on the trail of emails.

CHAIRPERSON: I was going to ask you to confirm that the "Hi coz" that you read earlier on was a reference to cousin.

MS SAMBO: Yes, the first one it a ... (intervenes)

CHAIRPERSON: It is a short version.

MS SAMBO: Short version coz.

CHAIRPERSON: Ja.

MS SAMBO: But the second one is in full cousin.

CHAIRPERSON: Ja.

MS SAMBO: Yes.

CHAIRPERSON: Did you know who Jules was? That the one you have just read refers to Jules having done a quick review and noticed certain things.

10 **MS SAMBO:** No, I do not know Jules.

CHAIRPERSON: No, okay.

MS SAMBO: Yes.

ADV MICHAEL MBIKIWA: The allegation that Ms Memela told you that she has been asked by Ms Kwinana to assist JM Aviation with its bid is one that she that she has responded to in her statement. If I can ask you to turn to page 512.

MS SAMBO: Yes.

20 **ADV MICHAEL MBIKIWA:** And at paragraph 8.3 she says upon realising that Ms Sambo had no knowledge of what is expected of her of a local black owned company regarding supplier development, I forwarded her a draft copy of JM Proposal that was sent to me to guide them on supplier development. Since supplier development was a new program to all the local black owned companies therefore it was my duty to guide all black owned local suppliers specifically on the part of supplier development and Ms Sambo is well aware of this fact.

BBBEE and supplier development were part of my business score card. Since Ms Sambo had expressed her intention to either approach Air France and or Lufantsa as their local black owned company, I saw it fit to forward her a draft from other black owned companies to guide her and ensure that she knows what role she would play as their BEE partner. There is absolutely nowhere in the track changes of the draft proposal that was sent to her where it shows that I had worked or commented on their proposal. As the intention was merely to guide them on the supplier development part which I also did for others- I will
10 pause there and ask you to comment on that Ms Sambo.

MS SAMBO: I would- I find her statement is not authentic because at the time that I was dealing with SAA Technical and trying to do business with AAR, during that same period I was the Deputy Chairperson of the BBBEE Charter Council for the whole Department of Transport. And there is no way I would not have- I would not understand the requirements of the BBBEE score card. So, I would argue this. I think Ms Memela- would not I think let me pause there. Thank you Chair.

CHAIRPERSON: Okay. Well I see Mr Mbikiwa that she seems to- Ms
20 Memela she seems to say she is not giving her full version here. She reserves the right to give her full version somewhere else. That is not good enough.

ADV MICHAEL MBIKIWA: Indeed Chair.

CHAIRPERSON: If she has a version, we must have the whole version here.

ADV MICHAEL MBIKIWA: Chair, unfortunately she has been summons to appear on Friday.

CHAIRPERSON: Yes.

ADV MICHAEL MBIKIWA: Which gives us the opportunity to ask her to confirm under oath this version.

CHAIRPERSON: Yes.

ADV MICHAEL MBIKIWA: And to ask her the remainder of her version.

CHAIRPERSON: Well it is Wednesday today. If there is somebody representing her, she must get here with a full version. I do not want
10 piecemeal versions. Okay.

ADV MICHAEL MBIKIWA: Thank you Chair.

CHAIRPERSON: Let us continue.

ADV MICHAEL MBIKIWA: If I can continue with that paragraph. From where I was sitting there was no conflict of interest on my side as I did not sit on the committees that were doing the valuation and the voting for the suppliers. I was surprised when I learned from her affidavit that she had twisted the facts to fit her personal agenda. I also only realise now that the reason Ms Sambo is presenting all these false allegations against me is because I refused to help her with prices and other
20 tender information when she needed it for AAR in the past.

And when she saw the draft from JM, she conveniently assumed I may have assisted them with information that would help them to win. This allegation is far from the truth and she knows what I said when I forwarded her that draft. It was for her to have an informative BEE info when she approaches the multinational companies. Ms Sambo is fully

aware that I assisted all the Black owned companies including herself but I had since noticed that she suffered from an extreme case of self-entitlement. When she does not get what she wants, she uses exactly what one had used to assist her against you. What is your response to that portion of her statement?

MS SAMBO: Her statement has got a lot of personal attack which I do not want to respond to. She must come and clarify what does she mean when she said, I have requested pricing from her in the past. She must bring that evidence to the Commission that I have indeed
10 asked her for pricing in the past besides the USB. So, and she says she refused so this is a personal attack. She says I have a self-entitlement. She must define and give a full version of what does she mean about this self-entitlement.

CHAIRPERSON: Well you are being given an opportunity to respond to her version and take this opportunity to respond to her version in so far as she may be saying things about you or against you that you say are not true.

MS SAMBO: Yes.

CHAIRPERSON: If you say I cannot respond to the particular
20 allegation because I do not understand what she means. You may say so but everything that you understand, particularly if you say it is not true what she is saying, you must take this opportunity to deal with it.

MS SAMBO: Thank you Chair. The allegation is not true and her allegation is full of personal attack ... (intervenes)

CHAIRPERSON: Just because I have interrupted you. Just go back to

say which allegation that she is making against you that you say is not true so that we understand.

MS SAMBO: All the allegations she refers to on paragraph 8.3 that we are dealing with right ... (intervenes)

CHAIRPERSON: Ja of the statement.

MS SAMBO: Of her statement.

CHAIRPERSON: Yes.

MS SAMBO: The 8.3 that we are dealing with right now.

CHAIRPERSON: Yes.

10 **MS SAMBO**: That she merely forwarded the information to assist me in understanding supplier development. And I am saying the statement is not true.

CHAIRPERSON: Yes.

MS SAMBO: Because at that time I understand supplier development very well. As a Deputy Chairperson of the BBBEE Charter Council for the Department of Transport, that was our responsibility to actually draft the new code for the entire transport sector. So, what she is alleging here, it is not true. And I am going to confirm that in one of the SMSs that we are going to deal with, where she was going into the
20 meeting and she was asking me for the information of supplier development.

CHAIRPERSON: Mr Mbikiwa just make sure that you take those important parts of her version, Ms Memela's version and make sure you put that to her.

ADV MICHAEL MBIKIWA: Indeed.

CHAIRPERSON: So that she can deal with them properly.

ADV MICHAEL MBIKIWA: Indeed.

CHAIRPERSON: Because on her own she might not be able to deal with all of them.

ADV MICHAEL MBIKIWA: Yes. Ms Sambo can I ask you to respond in particular to the allegation that Ms Memela refused to help you with prices and other tender information when you needed it for AAR in the past.

MS SAMBO: The only time I have asked Ms Memela for information, it
10 was on the night that I had a meeting with Ms Jackson at Bukhara and I subsequently met with Ms Memela and she saved the information on the memory stick for me. And I came back with the information.

There has never been any other time that I have requested her to help me in any way with information related to any bid besides that information. And I have already submitted the prove to this Commission so I would expect Ms Memela to also perhaps submit her prove that she did not give me any information.

ADV MICHAEL MBIKIWA: And then Ms Sambo at 8.4 and I do not- I am
20 not going to read the whole paragraph but the key allegation that Ms Memela makes is that she denies the allegation that she ever told you that Ms Kwinana had asked her to assist Mr Ndzeke and Ms Sokhulu to prepare a winning bid. What is your response to that?

MS SAMBO: This one Chairperson there is no written prove so it is her word against mine except that she forwarded the emails that proved that she actually did communicate with Mr Ndzeke or Ms Sokhulu, with

Ms Sokhulu in particular from JM Aviation.

ADV MICHAEL MBIKIWA: Chair, I see that we are approaching 4 o'clock.

CHAIRPERSON: Yes, but I think we must finish with Ms Sambo.

ADV MICHAEL MBIKIWA: Indeed Chair.

CHAIRPERSON: We have not moved with the kind of speed that I would have like.

ADV MICHAEL MBIKIWA: That is my fault Chair.

CHAIRPERSON: But I think we are not left with much.

10 **ADV MICHAEL MBIKIWA:** Indeed Chair.

CHAIRPERSON: So, let us try and finish.

ADV MICHAEL MBIKIWA: There is not much in the affidavit.

CHAIRPERSON: Yes.

ADV MICHAEL MBIKIWA: Then there is something that Ms Sambo just referred to which is a set of WhatsApp messages that she has provided to the Commission.

CHAIRPERSON: Ja.

ADV MICHAEL MBIKIWA: Which are in her bundle but not in her affidavit.

20 **CHAIRPERSON:** That is fine.

ADV MICHAEL MBIKIWA: Which makes it quite important that we deal with them.

CHAIRPERSON: Ja.

ADV MICHAEL MBIKIWA: In some detail.

CHAIRPERSON: Ja, let us do that.

ADV MICHAEL MBIKIWA: If we can pick it up back at your affidavit Ms Sambo from paragraph 121. Tell us what happened after you were sent those emails by Ms Memela? Sorry, that is on page 35, paragraph 121 on page 35.

MS SAMBO: Okay. On page 35. Can you repeat your question please?

ADV MICHAEL MBIKIWA: I am just asking you to tell us what – what happened next in the chronology after you were sent the emails by Ms Memela? After she forwarded you the emails that had been sent to her
10 by JM Aviation?

MS SAMBO: Oh yes I just safe kept the information. I made sure that I am keeping this information in case I need it one day. And the next time I talked or used the information was on the 15 March 2017. AAR was attending AAR, SRS, SAAT and a whole lot of organisations that deal with maintenance, repair and overhaul of aircrafts. There is a yearly conference called the Africa MRO Conference. So AAR was represented, I was there. In that meeting I met with Ms Cheryl Jackson again still you know expressing how I felt and how she treated or managed our relationship but she was adamant that they were
20 disappointed when I walked away and that is where the umbilical cord was cut basically with SRS. There was – at the – in attendance there was also a lady called Donna Dahlia Maluleke who was working for the Embassy in Chicago in 2011 when I was introduced to AAR.

CHAIRPERSON: I am sorry I just want to try and locate what you are testifying about now in terms of time. Is this a meeting with whom,

where, when that you are now talking about?

MS SAMBO: This was at the conference at – which was at the...

CHAIRPERSON: What conference was it I may have missed that?

What conference was it?

MS SAMBO: There was a conference at Emperors Palace from the 13 to 17 March.

CHAIRPERSON: 20?

MS SAMBO: 2017.

CHAIRPERSON: Ja.

10 **MS SAMBO**: And...

CHAIRPERSON: Long after the five ...

MS SAMBO: Long after...

CHAIRPERSON: Five year – yes.

MS SAMBO: Long after the – even the award.

CHAIRPERSON: Yes.

MS SAMBO: Yes. Yes. That meeting there was a lady who used to work for the Embassy in Chicago Mr Donna Dahlia Maluleke that knew me and also knew Ms Memela and the rest of the team. Post to her resigning at the Embassy she went to join AAR as an employee for AAR
20 but she was not working on the components deal. But she is somebody that I would talk to as well with my frustration because she was there from the beginning and she joined AAR. And what she did during that conference she tried to intervene to get myself and Ms Nontsasa to sit down and talk about what really happened with the AAR contract. So On that day of the 15 March that is when for the first time I disclosed to

Ms Maluleke that I have this information that Ms Memela forwarded to me that suggested to me that she knew what was happening. She assisted JM Aviation in preparing the bid. And she came – she is the one who told me that JM Aviation was awarded the bid. So I was not happy with that and Donna then – Ms Maluleke then tried to intervene I think that is what Advocate Mbikiwa wants to get to now.

CHAIRPERSON: Ja. I do not think I understood how your meeting with Ms Memela ended in Alberton on the day that she broke the news to you of the award of the tender. I remember that you said that you cried
10 and people were looking at you at the restaurant and she – she was surprised at your reaction and ultimately she gave you the information to – which showed that she had been involved in assisting JM Aviation.

MS SAMBO: Yes.

CHAIRPERSON: But I do not remember that you – you told me how that meeting ended.

MS SAMBO: I was so hurt Chairperson. I had to be excused.

CHAIRPERSON: Hm.

MS SAMBO: I left.

CHAIRPERSON: So you – you...

20 **MS SAMBO:** There was no further discussions.

CHAIRPERSON: You could not – you could not have...

MS SAMBO: No.

CHAIRPERSON: Any proper discussion after that?

MS SAMBO: No. No. The...

CHAIRPERSON: And how did she feel with you deciding to leave Ms

Memela?

MS SAMBO: She – you...

CHAIRPERSON: She understood that you were distraught?

MS SAMBO: She – she understood absolutely. Absolutely.

CHAIRPERSON: Yes. Subsequent to that was there regular communication between the two of you because I understand that up to that point you had become friends?

MS SAMBO: Yes.

CHAIRPERSON: Did your friendship continue beyond that meeting?

10 **MS SAMBO**: Yes.

CHAIRPERSON: It continued?

MS SAMBO: Yes thereafter we started to speak in general. I went into depression and I would still tell her that I am in and out of hospital.

CHAIRPERSON: Hm.

MS SAMBO: And if there is a discovery at hospital I would even share with her that this is now the new discovery. You know I am going to do this operation.

CHAIRPERSON: Hm.

20 **MS SAMBO**: So there was – yes there was that communication between the two of us.

CHAIRPERSON: Did you feel let down in any way by her role in the awarding of the – of this tender?

MS SAMBO: Absolutely.

CHAIRPERSON: Why?

MS SAMBO: Absolutely. Because I knew that Ms Memela had her best

interest at heart to see me succeed.

CHAIRPERSON: Hm.

MS SAMBO: And I knew how hard she tried to introduce me to even other international companies to – to partner with me. So in this journey Ms Memela has always been there. You know she became a friend and when AAR was turning their back on me she was there to say try Air France maybe Air France will give you an audience. She took it upon herself to make introductions.

CHAIRPERSON: Hm.

10 **MS SAMBO:** And with that I completely believed that sincerely Ms Memela wanted me to succeed in this industry.

CHAIRPERSON: Hm.

MS SAMBO: But at the same time in our discussions she appeared to have found herself in the middle of a – I could call it a place – a hard rock and a hard place because now she has me this side. An entrepreneur who really wants to break through this industry and really wants to work and I am really putting the entire effort. And on this side here is the force that says you know help this one. You know and to a certain degree I felt – I do not know how to explain this but it was
20 confusion. It was heart break. It was feeling of betrayal. It was a whole lot of things. And therefore immediately I could not just walk away from her. I remained and we had communication because I wanted to understand to the T what really, really happened.

CHAIRPERSON: But what is it that you – that she did which you – you saw as her letting you down or betraying you or betraying your

friendship with her?

MS SAMBO: The emails that she forwarded that she indeed assisted JM Aviation. Because at some point she said she does not know Mr Ndzeke. At some point she was – that is the discussion we were having. She was saying she does not know him. And then later on she indicated that Ms Kwinana introduced Mr Ndzeke to her and also asked her to assist Mr Ndzeke.

CHAIRPERSON: Yes but why did you not accept that as true namely that she was asked by Ms Kwinana to assist Mr Ndzeke and that is why
10 she was assisting?

MS SAMBO: I am not – I am not disputing it.

CHAIRPERSON: Ja.

MS SAMBO: Yes.

CHAIRPERSON: I am trying to understand what it is that she did that made you feel she had betrayed you? Because you are saying...

MS SAMBO: Yes.

CHAIRPERSON: You were friends and you are saying you believed that she had your best interest at heart and she was trying to assist. She said well if AAR is treating you like this maybe try Air France and
20 so on. So now the tender had been awarded to JMV and AAR.

MS SAMBO: Yes.

CHAIRPERSON: And she told you what had happened. What is it that she did that made you feel she had betrayed you?

MS SAMBO: I just felt she was sitting in a position of power as the Head of Procurement and she was there at the meeting in Pigalle when

I introduced AAR and she was there seeing me in and out with AAR at SAA Technical and I – and thereafter we also developed a friendship and we could talk about this deal. And at that time I believed sitting at the position of power she could have – I am not saying it was her responsibility but she was sitting at a position that she could still have advised AAR better. I am not saying it was her responsibility and that is how – that is how I feel. I am not saying that is what she was supposed to do. Yes.

CHAIRPERSON: But she was not AAR's advisor as well, is it not?

10 **MS SAMBO**: No she was not.

CHAIRPERSON: Yes.

MS SAMBO: She was not. Hence I am saying...

CHAIRPERSON: But if it is true that she had been asked by Ms Kwinana to assist Mr Ndzeku or JM Aviation.

CHAIRPERSON: Yes.

CHAIRPERSON: Would you still – and she complied. Let us assume she complied would you still feel that she betrayed you?

MS SAMBO: I do not know Chair.

20 **CHAIRPERSON**: Hm. Okay no that is fine. I just want to – to try and understand your own perspective.

MS SAMBO: Yes.

CHAIRPERSON: But also I do not know that I understand completely why she would have given you the emails that she gave you because she said to you she had been asked by Ms Kwinana to assist JM.

MS SAMBO: Yes.

CHAIRPERSON: Aviation.

MS SAMBO: Yes.

CHAIRPERSON: And she told you that.

MS SAMBO: Yes.

CHAIRPERSON: Did you not believe that and she had to prove it and why would she have felt she needed to prove it by way of giving you the emails?

MS SAMBO: I do not know. But she proved the – excuse me. She qualified her statement Ms Yakhe Kwinana asked her to assist JM
10 Aviation.

CHAIRPERSON: Yes.

MS SAMBO: And she actually did assist them and she forwarded me the proof.

CHAIRPERSON: Yes.

MS SAMBO: Yes.

CHAIRPERSON: Would you...

MS SAMBO: So I – I think she...

CHAIRPERSON: Would you say when she told you that she was asked by Ms Kwinana to assist JM Aviation and when she told you that she did
20 actually assist JM Aviation she did not think that that would hurt you? Because I get the impression that that is part of what hurt you.

MS SAMBO: Yes.

CHAIRPERSON: But you must tell me if my thinking is not correct?

MS SAMBO: No definitely. Yes indeed I was hurt by all the activities.

CHAIRPERSON: Yes.

MS SAMBO: Including her participation in – in assisting JM Aviation.

CHAIRPERSON: But – but you are not saying that she was showing you all of this because she wanted to hurt you in any way?

MS SAMBO: No I do not think...

CHAIRPERSON: That is not what you are saying?

MS SAMBO: No, no, no. I do not think she wanted to hurt me in any way.

CHAIRPERSON: Yes.

MS SAMBO: I think you know as a friend now.

10 **CHAIRPERSON**: Maybe she was being candid with you about her role.

MS SAMBO: She was – yes, yes. Because she has been from the beginning.

CHAIRPERSON: Ja and you said...

MS SAMBO: Yes.

CHAIRPERSON: She was shocked or she was surprised as to your reaction when you cried, is that right?

MS SAMBO: Yes, yes.

CHAIRPERSON: So she might not have thought that whatever role she played might hurt you?

20 **MS SAMBO**: I do not think she was aware that I was already slipping into the depression.

CHAIRPERSON: Yes.

MS SAMBO: Because remember AAR had already cut me off.

CHAIRPERSON: Yes.

MS SAMBO: They did not submit the bid with me.

CHAIRPERSON: Hm.

MS SAMBO: At that time already it is hurting so badly.

CHAIRPERSON: Ja.

MS SAMBO: After working so hard.

CHAIRPERSON: Yes. Yes.

MS SAMBO: And with her confirming that they went in with JM Aviation and now thinking about seeing Ms Jackson with Mr Ndzeke at the lobby at International – Intercontinental Hotel at OR Tambo now playing back everything it became very clear to me that – that I would get hurt. That
10 you know – the whole process was just so wrong.

CHAIRPERSON: Hm.

MS SAMBO: It was just so wrong.

CHAIRPERSON: Would it be – would it be correct or would it be – ja would it be correct to say your reaction was more about the reality which you were now seeing which she had told you effectively that you really had lost out and not so much what her role was in that?

MS SAMBO: Yes.

CHAIRPERSON: Would it be – would that be fair comment?

MS SAMBO: That will be.

20 **CHAIRPERSON:** Fair comment.

MS SAMBO: A fair comment Chairperson.

CHAIRPERSON: Hence the fact that afterwards your friendship still continued, is that right?

MS SAMBO: Yes.

CHAIRPERSON: Yes.

MS SAMBO: At some point I needed to – to separate her as a Procurement Manager at SAAT and her as my friend.

CHAIRPERSON: Yes.

MS SAMBO: And hence we continued with the text messages.

CHAIRPERSON: So you – you did have some sense of feeling that she had betrayed you but I get the impression you cannot put your finger to exactly what it is that you say she did that showed betrayal.

MS SAMBO: To a certain extent I – I believed that in her personal capacity, in her own accord the way I know Ms Memela without being
10 influenced by anyone she would not have done that to me.

CHAIRPERSON: Yes. Yes. And that should go ...

MS SAMBO: Yes.

CHAIRPERSON: That should go a long way.

MS SAMBO: Yes.

CHAIRPERSON: In saying to you even if you do not like the fact that she played a role but you understand...

MS SAMBO: Yes.

CHAIRPERSON: The circumstances under which she played that role?

MS SAMBO: Yes.

20 **CHAIRPERSON**: Yes. Okay.

ADV MICHAEL MBIKIWA: Thank you Chair. Ms Sambo there are just two further aspects I would like to deal with before we get to the – the Whatsapp messages. The first is this meeting with Ms Memela. I just want to clarify the – the date of it. You say at paragraph 125 that it was in early 2016 and I just want to check that you are sure of that

because the evidence that we have got and that will be led tomorrow suggests that the award was only made in May 2016?

MS SAMBO: Then this would be incorrect Chair. Can I request to – to correct my affidavit? I guess it is one of those areas that I could not place when in time.

CHAIRPERSON: No that is fine. If you – if you – if what you wrote is what you believed was the correct date at the time that is fine. You are clarifying that you would accept the other date now.

MS SAMBO: Yes.

10 **CHAIRPERSON**: And the commission's legal team and your legal team will look at whether – at the possibility whether you should file any supplementary affidavit to clarify that.

MS SAMBO: Okay.

CHAIRPERSON: Ja.

ADV MICHAEL MBIKIWA: And then the last aspect Ms Sambo is at paragraph 128 of your affidavit. Can you just describe what Ms Memela has said about Ms Tshabalala?

20 **MS SAMBO**: I verbally told Advocate Memela that I was going to institute legal action. She informed me that she did not work alone in assisting AAR with the bid submission and that she worked with Ms Princess Tshabalala who was the senior manager...

CHAIRPERSON: I am sorry, I am sorry Ms Sambo. I think you – there is something that I am – you must have said before you come to that point. You now say you told her there was to be action. You are going to institute action. Had you come to the decision to sue anybody and if

so who was it and when did you come to that decision?

MS SAMBO: Yes. Upon realising that – oh post my meeting with Ms Memela where she – she indicated that the bid is now finalised and it was awarded to JM Aviation in partnership with AAR. This is when I believed that I have a valid legal case to institute legal proceedings.

CHAIRPERSON: Against? Or you did not know who against at that time or you were advised subsequently? I just want to get that picture before you come to talking about Ms Tshabalala.

MS SAMBO: That I would institute legal action against her Ms Memela.

10 **CHAIRPERSON**: Oh okay. Her alone or?

MS SAMBO: At that time...

CHAIRPERSON: That is what you thought at that time?

MS SAMBO: The evidence that I had in my possession is what she has sent to me.

CHAIRPERSON: Okay.

MS SAMBO: Yes.

CHAIRPERSON: Okay. Yes then continue. You then told her you were going to sue her, is that right?

MS SAMBO: Yes.

20 **CHAIRPERSON**: Ja tell us – tell me about that and how that issue moved forward?

MS SAMBO: Sorry. The legal action also was going to be instituted against AAR on the basis of a verbal agreement that I believed at that time would hold water.

CHAIRPERSON: Yes. Would this – would this be an action for

damages, financial loss, for money that you thought should have been paid by AAR to you for the work you had done and or for the role that Ms Memela had played in the awarding of – in assisting JM Aviation.

MS SAMBO: Yes.

CHAIRPERSON: Was that what it was going to be about?

MS SAMBO: Yes.

CHAIRPERSON: Okay continue.

MS SAMBO: And in our discussion Ms Memela indicated that she did not work alone to assist AAR in preparing for the bid submission and
10 that she specifically mentioned Ms Princess Tshabalala who was the senior manager Supply Chain Management at South African Airways Technical.

CHAIRPERSON: Yes Mr Mbikiwa.

ADV MICHAEL MBIKIWA: And what did Ms Tshabalala say to you?

MS SAMBO: One day I went to SAA Technical now as one of the suppliers on the day to day quotation system to meet other suppliers and she saw me in the corridor. Then she requested me to step into her office she wanted to talk to me. And this is when she told me that Ms Memela indicated that I want to take legal action against the whole
20 process that took place with – until the award of the contract to AAR and JM Aviation. And in that meeting she mentioned to me that I must remember that she – I must – well I did not know but she told she was a single mom and she needed the job. So if I sue anyone she is going to lose her job. And Ms Memela had promised them that they will be paid money once JM Aviation in partnership with AAR received or have

received – once the award was given to AAR and JM Aviation then they will be compensated for assisting them in submitting the bid.

ADV MICHAEL MBIKIWA: And this is another aspect in respect of which Ms Memela has filed a response. It is not necessary for us to go there but basically at paragraph 8.9 of her statement she denies ever having told Ms Tshabalala or any of her staff that Mr Ndzeke or Ms Kwinana had promised them money. And she suggests that the fact that you say but money was never given is questionable and shows that there was no money that was ever promised or discussed by anyone.

10 What is your response to that?

MS SAMBO: I have email – sms messages where Ms Memela is confirming the allegation I have against her. I can try and find the sms.

ADV MICHAEL MBIKIWA: Well I would like to turn to the sms's next so let us go there.

MS SAMBO: Okay.

CHAIRPERSON: What is the page number?

ADV MICHAEL MBIKIWA: We can start at 522. Ms Sambo can you just start by telling us what – what these messages are?

20 **MS SAMBO:** Okay. There are two sets of messages. Ms Memela had two phones and we would send – if I remember very well one was a business phone and another one was her personal phone. I stand for correction on that one. But generally we would talk as friends. The sms's or the Whatsapp's that I managed to retrieve from my phone only starts in 20 – mostly they are in 2017. I do not know if there is any...

ADV MICHAEL MBIKIWA: The messages start at – at 517 if that is

helpful. That is the first page of the messages.

MS SAMBO: I just want to check the dates of the mes – okay yes thank you. So – so the sms's that I have span through from the 17 November 2016 which was way after the contract was awarded to – to AAR and JM Aviation. In the messages there is a combination of our friendly messages and at some point there are messages from the 15 March 2017 that now have got some allegations against me.

ADV MICHAEL MBIKIWA: Sorry I did not mean to interrupt you.

MS SAMBO: Yes. So just to...

10 **CHAIRPERSON:** Well I thought we are going to the message that confirms one of the allegations you have made against her. Let us get there. Ms Mbikiwa let us get to that one.

ADV MICHAEL MBIKIWA: Chair I am not sure which specific message Ms Sambo is referring to

CHAIRPERSON: Ja which one did you have in mind?

ADV MICHAEL MBIKIWA: Do you have a particular message in mind?

CHAIRPERSON: Tell us what the allegation you make against her and you tell us that – what she said in the message to you which you say confirms the truthfulness of that allegation? Then we can go and look
20 for the message.

MS SAMBO: Then please remind me Chair which element of my affidavit we were talking about at that time? Because there is so many things...

ADV MICHAEL MBIKIWA: We were talking about Ms Tshabalala.

CHAIRPERSON: Hm ja.

MS SAMBO: Oh okay.

CHAIRPERSON: Yes, yes.

MS SAMBO: About Ms Tshabalala yes.

CHAIRPERSON: *Ja*. You had said you were going to sue ...

MS SAMBO: Yes.

CHAIRPERSON: *Ja*.

MS SAMBO: Yes. So I would like to find that SMS where she referred to - to Ms Tshabalala.

CHAIRPERSON: Do you remember what she says in the message
10 about Ms Tshabalala?

MS SAMBO: Yes.

CHAIRPERSON: Or what - what do you - what she says in the message.

MS SAMBO: Yes. Basically on 15 March ...

CHAIRPERSON: Hm.

MS SAMBO: That is when for the first time I told Ms Maluleke that I have got all these emails that are implicating Ms Memela that she forwarded to me and I want to take legal action and Ms Maluleke in turn went to Ms Memela to tell her that I have got information against her.
20 That I want to open a legal case on, but on the messages she is alleging that I said I will go to the newspapers and - and this and that, but I remember I wanted to open a formal legal ...

CHAIRPERSON: Do you remember what she said which you say supports ...

MS SAMBO: Yeah.

CHAIRPERSON: Your allegation? What did she say in the message as far as you can recall?

MS SAMBO: Yes. As far as I can recall she indicated on the WhatsApp message. Once she realised that I have that information against her. She then indicated that if I think I am going to destroy her. I must know that I will not be destroying her alone. I will be destroying her and other people and she mentioned the names.

She mentioned Ms Princess Tshabalala and she mentioned Mr Zwane - the CEO.

10 **ADV MICHAEL MBIKIWA:** Can we - can we turn to page 5-3-2? Chair, the - the message is at the bottom of that page. 5-32. Are you there Ms Sambo?

MS SAMBO: Yes. I am here.

ADV MICHAEL MBIKIWA: And if you go right to the bottom.

MS SAMBO: Oh. Yes. Thank you.

ADV MICHAEL MBIKIWA: Who is that a message from?

MS SAMBO: The message is from Ms Nomsa Memela. It was sent to me on 20 March 2017 at 21:44:19 at night.

ADV MICHAEL MBIKIWA: And just - just for context can you - can you
20 read the message just above at five past three on 20 March at 15:05?

MS SAMBO: Okay. At 15:05 on 20 March 2017 Nonsa Memela sent me a message saying:

“I just had a meeting with Donna ...”

Donna referring to Ms Maluleke.

“...for two hours. This is really disappointing ...”

CHAIRPERSON: Okay. Okay. Let me try - I am sorry. Let me try and see where you are? Are you at 5-3-2?

ADV MICHAEL MBIKIWA: 5-3-2 Chair.

CHAIRPERSON: Where about on the page?

ADV MICHAEL MBIKIWA: Halfway - halfway through the page. The - the - you will see the time stamp.

CHAIRPERSON: Oh. Yes. I see.

“I just had a meeting with Donna.”

ADV MICHAEL MBIKIWA: That is the one.

10 **CHAIRPERSON**: Okay.

ADV MICHAEL MBIKIWA: *Ja*.

CHAIRPERSON: Alright. Yes. Continue.

MS SAMBO: “This is really disappointing and discouraging.

Let us meet when you are free. (African word).”

Meaning I will hear from you.

CHAIRPERSON: Yes.

ADV MICHAEL MBIKIWA: And then can we go to the message that you were going to read? The - the one at 944.

MS SAMBO: Yes. So it says:

20 “I want to tell you ...”

That is the second sentence.

CHAIRPERSON: That is the one at 21:44?

ADV MICHAEL MBIKIWA: At 21:44.

CHAIRPERSON: *Ja*.

ADV MICHAEL MBIKIWA: Ms Sambo, can I ask that you read the

whole message into the record. It is just that we ...

MS SAMBO: Okay.

ADV MICHAEL MBIKIWA: Because you have provided these messages

...

MS SAMBO: Yes.

ADV MICHAEL MBIKIWA: To the Commission quite late.

MS SAMBO: Okay.

ADV MICHAEL MBIKIWA: They are not part of your affidavit.

CHAIRPERSON: Hm.

10 **MS SAMBO**: Okay. This is a message that came from Ms Nomsa Memela. So she said meaning so Donna said - Ms Maluleke said.

“By the time you got to her ...”

Meaning Ms Maluleke.

“...you were ready to show her the information that ...”

I was ready to show Ms Maluleke the information.

“...which made her uncomfortable ...”

Her - yes. I will - I will just say once now that is Ms Maluleke.

20 “...uncomfortable because she started asking herself if you had shown it to someone else.”

She is referring to the emails that Ms Memela emailed to me.

“You were even contemplating to call City Press to give them the info. Now my sister all I want to know is when did this become about me? When did

I become your sudden enemy? Apparently you said to her I am the one who forced you to not work with AAR. I was on speed dial, because every decision you took it was my advice. Hibo. I was really shocked. All I ever did for you was to help. Even the info that you are using now was sent to you in good faith to help you. Even before that when you wanted price info for Cheryl. I gave that to you ...”

Can I say something about that?

10 **ADV MICHAEL MBIKIWA**: Just get to the end of the sentence and then ...

MS SAMBO: Okay.

“I - I gave that to you as I never thought you would one day plan to use it against me.”

Here I believe she is referring to the USB that on her notice on the response on the Notice 3.3 she denies to giving me, but on the SMS she agrees.

“Even when you asked about the fuel info - the fuel in you ...”

20 I think it was:

“...the fuel - if you were in the waiting list I took a photo for you and sent it to you on WhatsApp. Now how did this change and be about me? I want you to be - to believe honest with me and tell me when did I ever wronged you to an extent that you will

vouch to destroy my career. What did I promise you? Was I not the one who kept on asking you to have a contract with AAR and you promised me that your lawyer was working on it? I even offered to do it for free. Is - is the fact that AAR also started working with Bongani and Rafique also my fault. Did I introduce them as well to AAR? My sister I feel so betrayed right now. My willingness to want to help you as my Black sister is turning on me now.

10 I remember when I was questioned by the accused - when I was questioned by the auditors, because I was fighting for you to get business at SAAT and they accused me of having personal interests because everywhere I went I mentioned your company. I want to tell you - I want to - I want you to tell me why is this now my fault. I had to tell the CEO, Yakhe and Princess, because as much as you would think you destroying me. They will also get affected."

20 You want me to reads?

ADV MICHAEL MBIKIWA: If you just pause ...

MS SAMBO: (Indistinct).

ADV MICHAEL MBIKIWA: Pause there and explain that last message, because I think that was the message that you wanted to refer to.

CHAIRPERSON: Hm.

ADV MICHAEL MBIKIWA: That was the portion that you wanted to refer to.

MS SAMBO: Yes. This - I wanted to prove that Ms Memela indicates that I am lying on her response.

CHAIRPERSON: Hm.

MS SAMBO: On the Notice 3.3 she denies having worked with Ms Kwinana, the CEO and Ms Princess Tshabalala and I just wanted to give this as evidence from her text message to me. To prove that I am correct in my statement.

10 **ADV MICHAEL MBIKIWA:** Okay. Please continue from where you left off.

MS SAMBO: “They also want a meeting with you. Maybe you will be able to tell them why is this all my fault now. What kills me is even if you would have gone to the Hawks or City Press I would have defended you. I would not even had suspected you. How do I trust you now going forward, because you were laughing with me and I only find out now that you see me as an enemy that should be destroyed? I broke all the rules for you Siboniso. I brought you in for - at the - at Lawrence office for you to prepare for logistics. I demanded (indistinct) to make sure (indistinct) be your partner. I was accused of eating from your pocket, because I was preaching to everyone who cared to listen that you deserve to be on top of the

20

list. How did it get to this where you see me as your enemy? (African word) I would not worry if this was just about me, but many people were involved in this who have no idea what you are planning. I told you about Sis D that she wanted me to help A J Walters to win, but I could not and now I am an enemy. I understand her, but you it is a pill that I find difficult to swallow.”

ADV MICHAEL MBIKIWA: Can I pause you there Ms Sambo?

10 **MS SAMBO:** Yes.

ADV MICHAEL MBIKIWA: Who is Sis D?

MS SAMBO: At the time of the message I believed that Ms D - she was referring to Ms Dudu Myeni.

ADV MICHAEL MBIKIWA: And what is the reference to Ms Myeni want you to help A J Walters to win?

MS SAMBO: No. She was telling me that Ms Dudu Myeni wanted her to assist A J Walters also.

ADV MICHAEL MBIKIWA: And - and what is that a reference to?

MS SAMBO: Meaning? Sorry. Maybe I do not understand.

20 **CHAIRPERSON:** In other words ...

ADV MICHAEL MBIKIWA: What is she ...?

CHAIRPERSON: Do you know what Ms Memela was supposed to help A J Walters to get or to win? Was it a tender?

MS SAMBO: Oh. It is the components bid.

CHAIRPERSON: The same one that ...?

MS SAMBO: The same.

CHAIRPERSON: The same one that you are talking about?

MS SAMBO: Yes. The components bid.

CHAIRPERSON: Oh. Okay.

MS SAMBO: Yes.

CHAIRPERSON: Huh-uh.

ADV MICHAEL MBIKIWA: Please go on.

MS SAMBO: “I understand, but you is a pill that I find
difficult to swallow. I did not hide anything to you.

10 I was very transparent with you, but our meeting at
night I did not have all the information at that time.
Let me know if I should call all of them in this
meeting or you will talk to me. Just imagine if
Lauren were to spill the beans about giving us that
money we shared. How would you feel about that?
Imagine if Musa were to tell all that you called him
to meet at the garage and you asked him the prices
for the components. Yes. He was disappointed, but
he kept it to himself.”

20 **ADV MICHAEL MBIKIWA**: Can I pause you there Ms - Ms Sambo?

MS SAMBO: Yes.

ADV MICHAEL MBIKIWA: What is the reference to?

“If - imagine if Lauren were to spill the beans about
giving us that money we shared.”

MS SAMBO: Lauren - I think she meant a lady called Lorraine Pillay.

You remember I indicated earlier in my statement that they asked me Ms Memela and Ms Yakhe Kwinana asked me if I know anybody on the logistics side. So ...

CHAIRPERSON: Hang - hang on. Is she not going to implicate people who might not have been given 3.3 Notices?

ADV MICHAEL MBIKIWA: Indeed Chair.

CHAIRPERSON: *Ja.* Let us not do that. If she needs to come back later. Let those people be given notices first.

ADV MICHAEL MBIKIWA: Certainly Chair.

10 **CHAIRPERSON:** *Ja.* Okay. If there is something she wants to still read that does not implicate people who have not been - who have not been given 3.3 Notices. That is fine, but ...

ADV MICHAEL MBIKIWA: Chair, the - the other references in the - in the WhatsApp's that I was going to take you to would involve some level of implication for others.

CHAIRPERSON: *Ja.* No.

ADV MICHAEL MBIKIWA: So - so we will - we will save that for ...

CHAIRPERSON: *Ja.*

ADV MICHAEL MBIKIWA: Another time.

20 **CHAIRPERSON:** Okay.

ADV MICHAEL MBIKIWA: Chair that is ...

CHAIRPERSON: Ms Sambo you understand why I am not allowing you to proceed?

MS SAMBO: I understand.

CHAIRPERSON: Yes, because as I understand the position you gave

these emails to the Commissions Legal Team late ...

MS SAMBO: Yes.

CHAIRPERSON: And they would not have notified people who might be implicated in this email exchange or in these emails.

MS SAMBO: Yes.

CHAIRPERSON: That their names would be mentioned in your evidence in these circumstances and that should be done first before we get - we get there. So you might be asked to come back at a later stage.

10 **MS SAMBO**: Okay.

CHAIRPERSON: *Ja*.

MS SAMBO: Understood.

ADV MICHAEL MBIKIWA: Chair, the last aspect is the Facebook photos that we have tried repeatedly ...

CHAIRPERSON: Oh. Yes.

ADV MICHAEL MBIKIWA: To - to get into an acceptable form. If I ...

CHAIRPERSON: Yes.

20 **ADV MICHAEL MBIKIWA**: If I could hand this up. What we have managed to do Chair is to take the blown up versions and paginate them in accordance with Ms Sambo's bundle to be inserted at the back. It was not possible unfortunately for us to simply insert them where Ms Sambo's photographs were, because the - the enlargement affected the - the pagination.

CHAIRPERSON: Yes and the pagination which appears here belongs to this bundle?

ADV MICHAEL MBIKIWA: It belongs to this bundle Chair.

CHAIRPERSON: Okay. That is fine. That is fine.

ADV MICHAEL MBIKIWA: Ms Sambo, can I ask you in that - the - those pages you have just been handed?

MS SAMBO: Yes.

ADV MICHAEL MBIKIWA: Can you go to page 5-6-8?

MS SAMBO: Yes.

ADV MICHAEL MBIKIWA: Are these the photographs that you downloaded after Ms Memela went on the delegation?

10 **MS SAMBO:** Yes.

ADV MICHAEL MBIKIWA: And can you read what her post is together with those photographs?

MS SAMBO: “We about to be jetted to Indiana Police inside the jet. The airhostess serving us with one of our pilots. Map behind me of where we were and food that we were served.”

ADV MICHAEL MBIKIWA: And then if you can turn to page 5-70 and if you can read that?

20 **CHAIRPERSON:** I - I take it that - that there is some significance in these photos? Some - there is something important about - about what is shown.

ADV MICHAEL MBIKIWA: Indeed Chair. In the course of tomorrow’s evidence and

CHAIRPERSON: Hm.

ADV MICHAEL MBIKIWA: Friday’s evidence one aspect we will

traverse is whether the gifts and gratuity that was obtained on this trip
...

CHAIRPERSON: Hm.

ADV MICHAEL MBIKIWA: Was permissible in terms of the South African Airways Policies at the time.

CHAIRPERSON: But in relation to this witness is - is there something important?

ADV MICHAEL MBIKIWA: Chair, we can deal with it with the next witness.

10 **CHAIRPERSON**: *Ja*.

ADV MICHAEL MBIKIWA: The reason we are dealing it with - with Ms Sambo is because she downloaded the photographs.

CHAIRPERSON: And she mentioned them?

ADV MICHAEL MBIKIWA: Indeed.

CHAIRPERSON: Well she confirms that she downloaded them that might be enough.

ADV MICHAEL MBIKIWA: That is probably enough. Indeed Chair.

CHAIRPERSON: *Ja*. You - you confirm that?

MS SAMBO: Yes. I confirm.

20 **CHAIRPERSON**: Okay and that is pages 5-5-8 to 5-7-3? Is that right?

MS SAMBO: I confirm.

CHAIRPERSON: *Ja*. Okay.

ADV MICHAEL MBIKIWA: Chair that - that concludes my questions for Ms Sambo.

CHAIRPERSON: Yes.

ADV MICHAEL MBIKIWA: There - there is something that Ms Hofmeyr needs to communicate just to conclude the proceedings very briefly.

CHAIRPERSON: Yes, but nothing to do with the witness?

ADV MICHAEL MBIKIWA: Nothing to do with the witness.

CHAIRPERSON: Yes. Okay. Ms Sambo, thank you very much for coming to give evidence. We appreciate it.

MS SAMBO: It is my pleasure.

CHAIRPERSON: You probably will be called to come back and deal with the matters that are dealt with in some of the emails that could not
10 be dealt with, because relevant people have not been given notice yet
...

MS SAMBO: Yes.

CHAIRPERSON: But thank you very much and you are excused.

MS SAMBO: It is a pleasure. Thank you so much.

CHAIRPERSON: Thank you. Ms Hofmeyr.

ADV KATE HOFMEYR: Thank you Chair. Chair, just in the moments break there between the questioning and your excusing of Ms Sambo. Her legal representatives have indicated to me that there are two matters that they would like to clarify in re-examination.

20 **CHAIRPERSON:** Oh.

ADV KATE HOFMEYR: I wonder if you would like to do that before I deal with the procedural matter.

CHAIRPERSON: Well if she is going to come back.

ADV KATE HOFMEYR: Hm.

CHAIRPERSON: Maybe they should re-examine when she comes back

and she has finished everything.

ADV KATE HOFMEYR: Hm.

CHAIRPERSON: Rather than do it in piecemeal. *Ja*.

ADV KATE HOFMEYR: Indeed.

CHAIRPERSON: Okay.

ADV KATE HOFMEYR: Thank you for that direction Chair.

CHAIRPERSON: *Ja*. Okay.

ADV KATE HOFMEYR: Chair, I am - I am taking a moment simply because at 3:53 this afternoon ...

10 **CHAIRPERSON:** Hm.

ADV KATE HOFMEYR: The Secretariat received a - a communication from Ms Memela that she has requested be brought to the attention of the Commission. I would like in fairness to her simply to read it in ...

CHAIRPERSON: Yes.

ADV KATE HOFMEYR: And then to make one or two submissions from the legal team in response.

CHAIRPERSON: Huh-uh.

ADV KATE HOFMEYR: Ms Memela has written to the Secretariat to say the following:

20 “Dear Secretary and the Legal Team, I have just learned that it was announced on today’s hearing that I will be appearing on the Commission on Friday.”

CHAIRPERSON: Huh-uh.

ADV KATE HOFMEYR: “I confirm that I have only received

summons on 3 February 2020 and I did write to the investigating team that I will be meeting my lawyer to respond to the summons regarding appearing on the Commission. As I strongly believe that I am not the relevant person to appear especially on the matters listed in the summons. They were the decisions of the Board. I have since written a statement addressing those items and I have never agreed to appear ...”

10 Apologies. That is what happens when you are working with a screen that you do not touch all the time. She says:

“I have since written a statement addressing those items and I have never agreed to appear on the 7th as it was announced today on TV. I have made an application to cross-examine Ms Sambo and I will still make an application to cross-examine Mr Human when I respond to the Rule 3.3 Notice.”

That she received in respect of him.

20 “I therefore request that such announcement be corrected until my lawyer responds to the summons. I hope you find the above in order.”

Chair, so the request was that it be communicated. It has been communicated. Chair, our submissions are as follows: we submit that Ms Memela’s failure to agree to appear is irrelevant. Ms Memela has been served with a summons and it is a criminal offence under the

Commission's Act not to appear after having been served with the summons from this Commission.

We will of course take into account any representations that she provides to the Commission and - and address them before you. Probably if we only receive it tomorrow at the commencement of - of Friday's hearing and it is our proposal that Ms Memela appear on Friday to deal with any application that she wishes to bring in relation to that summons so that it can be properly ventilated.

CHAIRPERSON: Well if she has been served with a summons that says
10 she must appear before the Commission on Friday. Then she is obliged to appear before ...

ADV KATE HOFMEYR: Indeed.

CHAIRPERSON: The Commission on Friday unless she has good cause not to do so. In which case she cannot just stay at home. She needs to take steps and I am sure her legal representatives will advise her what - what to do if she has good cause not to appear and she will put up her application to achieve a result in terms of which she would not be required to appear on Friday, but until the summons is withdrawn or set aside it would remain as obligatory on her to - to appear or to
20 initiate proceedings that would ensure that she does not commit an - an offence on Friday.

ADV KATE HOFMEYR: Indeed. Thank you Chair.

CHAIRPERSON: Yes. She - she is not represented. None of the lawyers here represent her?

ADV KATE HOFMEYR: Not as I have it today. No.

CHAIRPERSON: Okay. Okay. No. That is - that is fine. Okay. We - we are going to adjourn then and tomorrow we will start at 10 o' clock.

ADV KATE HOFMEYR: Thank you Chair.

CHAIRPERSON: We adjourn.

REGISTRAR: All rise.

INQUIRY ADJOURNS TO 6 FEBRUARY 2020