

COMMISSION OF INQUIRY INTO STATE CAPTURE
HELD AT
CITY OF JOHANNESBURG OLD COUNCIL CHAMBER
158 CIVIC BOULEVARD, BRAAMFONTEIN

13 AUGUST 2020

DAY 250



Gauteng Transcribers
Recording & Transcriptions

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TRANSCRIBERS:

B KLINE; Y KLIEM; V FAASEN; D STANIFORTH



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PROCEEDINGS RESUME ON 13 AUGUST 2020

CHAIRPERSON: Good morning Mr Hulley, good morning everybody.

ADV HULLEY SC: Good morning DCJ – sorry good morning Chairperson.

CHAIRPERSON: Yes.

ADV HULLEY SC: Mr Chair this morning's proceedings is in relation to the matter of Brigadier Ncube who was implicated as you may recall by Mr Robert McBride who
10 was at – at IPID.

Mr McBride implicated Brigadier Ncube as part of what he referred to as the Mabula Team. General Mabula is to testify next week on Thursday and quite coincidentally it seems that Mr – General Mabula happens to be represented by the same firm of attorneys and the same counsel as Brigadier Ncube.

Late yesterday I had a discussion with my learned friend who appears on behalf of Brigadier Ncube and who appears also on behalf of General Mabula – Mr Joubert of
20 the Johannesburg Bar.

We discussed the convenience of postponing the matter until next week so that – because it all deals with mostly the same issues.

As you might recall Mr Chair insofar as next week's proceedings are concerned Brigadier Ncube – sorry

Brigadier Mabula has been implicated not only by Mr McBride but also by General Booyesen and the evidence in relation to Brigadier – sorry in relation to General Mabula will deal with that evidence as well in other words General Booyesen's evidence as well.

What we – or insofar as today's proceedings are concerned we have agreed with the other side that it would make sense to postpone the matter until next week not only because of the convenience factor as far as the
10 different witnesses are concerned and for the sake of continuity of the evidence but also because of certain logistical difficulties that have arisen on the part of the commission's preparation of the bundles and so forth.

Some of the bundles may as we speak right now not yet have been made available to the other side but it is appropriate that they should consider the bundles and certainly do so in consultation with their client.

In those circumstances Mr Chairperson with your leave we would ask that the matter be postponed until it is
20 the 21 August, I believe next Thursday. Mr McBride is in attendance this morning and I have discussed the matter with him, I have discussed the matter with his attorney – or with his attorney and his counsel and it is convenient for everybody if we postpone the matter until next Thursday.

CHAIRPERSON: Okay let me hear from counsel from

Brigadier Ncube. They will just sanitise first.

ADV JOUBERT: We have no objection Chair.

CHAIRPERSON: Yes, yes.

ADV JOUBERT: With the arrangements and the proposals.

CHAIRPERSON: Yes. No thank you. Thank you. And – okay there was counsel for Mr McBride as well is it not? You confirm that you are fine with the arrangements? Okay thank you.

I would have preferred that we continue. I was
10 going to hear argument about it being convenient that we postpone the matter to Thursday and I might have been persuaded that that is what we should do.

But the fact that there have been logistical and administrative challenges relating to the bundles from the commission's side counts strongly in favour of a postponement.

I have been kept up to date about the challenge. I know that it is not the fault of the legal team but it is unfortunate but it is going to be addressed. It is a pity that
20 we find ourselves in this situation.

I know that counsel for – regarding – they indicated that although their preference was going to be that the matter be postponed to next week if I decided that we should proceed they – they would do their best to proceed.

So – but I think that the issue of the challenges

from within the commission outweigh everything in regard to the bundles. So I will postpone the hearing of the evidence of Brigadier Ncube and the cross-examination of Mr McBride that was going to take place today. It will now take place next Thursday when another implicated person was going to – to give evidence and I think cross-examine as well – General Mabula?

ADV HULLEY SC: That is correct Chair.

CHAIRPERSON: Yes. So we will postpone the hearing of
10 Mr Ncube's evidence and the cross-examination of Mr
McBride to next Thursday at ten o'clock.

ADV HULLEY SC: Thank you Mr Chair.

CHAIRPERSON: Thank you. I am going to adjourn but the commission will resume its sitting at twelve o'clock to hear certain evidence from witnesses whose identity at this stage is not to be disclosed. So the commission will resume at twelve – twelve o'clock. We adjourn.

ADV HULLEY SC: Thank you Mr Chair.

REGISTRAR: All rise.

20 **INQUIRY ADJOURNS**

INQUIRY RESUMES

CHAIRPERSON: I made some amendments to the draft order but I will read the whole order into the record and later on ...[indistinct] or that can be arranged.

1. It is recorded that this application was heard

without prior notice to affective parties and failure to give notice is hereby condoned.

That is 1.

1.1. It is recorded that leave was previously granted for the hearing of the application in private whereafter the application on behalf of the person referred to in these proceedings as Witness 3 was postponed pending the delivery of a supplementary affidavit and judgment in respect of the application on behalf of Witness 1 and Witness 2 was reserved.

10

1.2. It is recorded that the supplementary affidavit in respect of Witness 3 has now been delivered.

2. Having previously heard argument on behalf of the applicant and considered the papers, the following order is made.

2.1. Condonation is hereby granted that there has been no compliance with Rule 3 of the Rules of the Commission with regard to furnishing statements or affidavits to any person implicated by the evidence of the witnesses to be referred to as Witness 1, Witness 2 and Witness 3. (The three witnesses in Annexure A to the application.)

20

2.2. The Commission's legal team must, as soon as possible, after the evidence of the three witnesses has been heard, take necessary steps to ensure that

the acting Secretary of the Commission, when she has all implicated persons with the appropriately redacted affidavits and the transcript of the evidence that will be heard from these three witnesses.

In case you are looking at the draft order Mr Pretorius. My 3 would be the previous 2.1.

3. The three witnesses are permitted to give evidence to the Commission in accordance with the following directives.

10 3.1. The three witnesses will not present in the hearing room at any time.

3.2. For the purpose of the three witnesses, a separate location (the protected witness location) will be provided.

3.3. The three witnesses will each give their evidence from the protected witness location.

3.4. No camera will be permitted in the protected witness location.

20 3.5. An audio link from the protected witness location will be provided so that the evidence can be heard in the hearing room when the evidence is given.

3.6. No persons, other than the Chairperson (if and when he considers it appropriate), the relevant evidence leaders, those necessary to assist or

protect each of the three witnesses when they give evidence or any other person permitted specifically by the Chairperson will be permitted to enter the protected witness location.

10 3.7. The Commission's Safety and Security Advisor who is the Head of Security for the Commission, or in absence another person specifically designated by the Chairperson, will have the responsibility of controlling access to the protected witness location in terms of this order and of ensuring that only the three witnesses and other persons permitted in terms of paragraph 3.6 above enter it.

3.8. Subject to the usual rules applicable to the conduct of the Commission's proceedings:

a. Members of the public, including the media, may be present in the hearing room in such numbers as may be directed by the Chairperson.

20 b. Sound reaching the hearing room via the audio link from the protected witness location may be broadcast and the proceedings in the hearing room may be filmed and broadcasted.

3.9. No photograph or video or other images of the three witnesses maybe taken, published or broadcast.

3.10. No person may photograph or publish any photograph or other image of any person engaged in and/or responsible for the protection of the three witnesses when they give evidence.

3.11. It is recorded that in the presence of the Chairperson, the oath was administered to each one of the three witnesses earlier today.

4. To protect the identities of the three witnesses, the three witnesses shall be respectively referred to as:

10

4.1. Witness 1.

4.2. Witness 2.

4.3. Witness 3.

5. The names and initials of the three witnesses shall be redacted from all affidavits and documentation and presented in evidence.

No, I think 5 should read the names and initials of the three witnesses shall be redacted from all affidavits and documentation presented in evidence.

20

6. Further redactions and corrections, when necessary, shall be made to the affidavits of the three witnesses, which will serve to prevent members of the public from readily identifying the witnesses.

7. During the course of the testimony of each of the three witnesses, their voices may be

electronically distorted so that they would not be ordinarily recognisable.

8. Nobody shall directly or indirectly disclose the identity of the three witnesses.

9. Annexure A to the application shall be removed from the application papers and shall be placed in a sealed envelope and kept in safekeeping by the Commission and not be made available for public disclosure at all.

10 10. Once the evidence of the three witnesses has been given, a transcript of the evidence together with the relevant redacted and corrected affidavit of the witness, as contemplated in 5 above, will be made available to the implicated parties to the extent that I may have made an order covering this earlier on, this will fall away.

20 11. This order may be amended or supplemented by the Chairperson at any time if, in his opinion, that is necessary to ensure the protection of the three witnesses or any other person in connection of the evidence of the three witnesses or to ensure fairness to any implicated person.

That is the order. So.

ADV PRETORIUS SC: Thank you, Chair. We will prepare a typed draft.

CHAIRPERSON: Yes.

ADV PRETORIUS SC: And hand it up in due course.

CHAIRPERSON: Yes.

ADV PRETORIUS SC: I am told that there may be one or two numbers that needed adjustment.

CHAIRPERSON: Yes.

ADV PRETORIUS SC: But that would be in order.

CHAIRPERSON: Yes. Ja, no. As I said also. I think the 10 may be a repeat of an earlier one.

10 **ADV PRETORIUS SC:** Yes, Chair.

CHAIRPERSON: ...to the extent that it is... the numbering might have to change.

ADV PRETORIUS SC: Yes, but it will be consistent with what you have just put on record.

CHAIRPERSON: Ja. Yes. Yes, okay. Thank you.

ADV PRETORIUS SC: Chair, may we then, in accordance with those directions, call Witness 1?

CHAIRPERSON: Yes.

20 **ADV PRETORIUS SC:** Good morning Witness 1. Are you available?

WITNESS 1: Yes, I am available Chair. [slight distortion present]

ADV PRETORIUS SC: Thank you.

CHAIRPERSON: Just to repeat what I said earlier on. All the three witnesses have taken the oath. So there will be no

oath administered now.

ADV PRETORIUS SC: Yes. Just for the record then, Witness 1, you have identified yourself to the Chair and you confirm that you have taken the oath.

WITNESS 1: Yes ...[indistinct] [distortion present]

ADV PRETORIUS SC: Okay. Witness 1, you have before you an affidavit. It is marked Exhibit BB14A. Do you have that in front of you?

WITNESS 1: That is correct.

10 **ADV PRETORIUS SC:** Will you go to page ...[intervenes]

CHAIRPERSON: I wonder whether we should test whether we can hear clearly what he is saying. I am not sure that I can hear quite clearly.

I hear the voice but the actual words... I do not know whether you want to just ask him something and we listen so that if there is something that can be done to improve that, it can be done.

ADV PRETORIUS SC: Alright. Witness 1, can you hear us clearly?

20 **WITNESS 1:** Yes, I can.

CHAIRPERSON: Oh, that was better.

ADV PRETORIUS SC: And if you would speak very slowly, please? Because your voice has been distorted and for us to hear you, you would have to speak very slowly and clearly. Is that in order?

WITNESS 1: Yes.

CHAIRPERSON: Ja, okay.

ADV PRETORIUS SC: Alright. Please go to page 21 of Exhibit BB14A.

CHAIRPERSON: Shall we first Mr Pretorius what bundle this will be called?

ADV PRETORIUS SC: Yes, Chair. The three statements are included in a bundle marked Exhibit BB14 which is part of the sequence of that particular category of evidence. The
10 bundle is now Transnet 1.

CHAIRPERSON: Okay I think let us call the bundle, Bundle Transnet 1 and then, of course, the statements will be exhibit... each one will have its own exhibit number.

ADV PRETORIUS SC: Yes, thank you Chair.

CHAIRPERSON: Ja, okay.

ADV PRETORIUS SC: Witness 1, will you please go to page 21. You will see a signature that has been redacted but do you recall attesting to this affidavit?

WITNESS 1: Yes, Chair.

20 **ADV PRETORIUS SC:** Right. As far as you are concerned and subject to any corrections and redactions that we might make during the course of your evidence, are the contents of this affidavit true and correct?

WITNESS 1: Yes, Chair.

ADV PRETORIUS SC: Chair, may we then admit Exhibit

BB14A?

CHAIRPERSON: The affidavit of the witness, Witness 1, appear in the bundle of Transnet 1 at page 1, is admitted and is to be marked as Exhibit BB14?

ADV PRETORIUS SC: Yes, Chair.

ADV PRETORIUS SC: As Exhibit BB14. Ja.

AFFIDAVIT OF WITNESS 1 IS ADMITTED AND MARKED AS EXHIBIT BB14

ADV PRETORIUS SC: Witness 1, you are employed in the
10 Transnet Group in a senior security position. Am I correct?

WITNESS 1: That is correct, Chair. [distortion present]

ADV PRETORIUS SC: And you have been employed in one or other capacity in the Security Division of Transnet since when?

WITNESS 1: 1989 Chair.

ADV PRETORIUS SC: 1989? Is that correct?

WITNESS 1: That is correct Chair.

ADV PRETORIUS SC: You have done relevant training, which we need not detail, but as referred to in your affidavit
20 in paragraphs 4 and 5.

WITNESS 1: That is correct Chair.

ADV PRETORIUS SC: Right. If we go over the page to page 1005, you will see there that the duties of a Close Protection Officer or the duties entailed in Close Protection are set out. Briefly, will you tell the Chair what these duties

are?

WITNESS 1: [Indistinct] [distortion present] The duties of a Close Protection Officer is to provide security(?) ...[indistinct]

CHAIRPERSON: Hang on Witness 1.

ADV PRETORIUS SC: They are going to reduce the distortion Chair.

CHAIRPERSON: H'm.

ADV PRETORIUS SC: If you will just pause for a moment
10 Witness 1. We are going to try and adjust the distortion so that you can be heard at all.

WITNESS 1: [No audible reply]

COMMISSION TEAM MEMBER: Please try and speak with Witness 1.

ADV PRETORIUS SC: Witness 1, if you would speak very slowly, please?

WITNESS 1: [Indistinct] [distortion present]

CHAIRPERSON: Do you want Witness 1 to say something so that you hear whether it is fine now or...?

20 **COMMISSION TEAM MEMBER:** [No audible reply]

CHAIRPERSON: Witness 1, just say something so that we can hear whether you are clearly audible.

WITNESS 1: Ja, I have just said that ...[intervenes]

CHAIRPERSON: Ja.

WITNESS 1: [Indistinct] is to protect a ...[indistinct]

[distortion present] and then it is to make sure that the principles takes place in a safe environment.

ADV PRETORIUS SC: I do not know if that is sufficient Chair. We are in communication with the technicians.

CHAIRPERSON: Yes, I think when he started the sentence, it seemed fine and then later one it was not fine.

ADV PRETORIUS SC: Yes, it did not improve at all.

CHAIRPERSON: The transcribers are making signs. I do not know whether they want him to say something?

10 **COMMISSION TEAM MEMBER:** [No audible reply]

CHAIRPERSON: Just say something Witness 1 again. Just say one sentence. Any sentence.

COMMISSION TEAM MEMBER: We are just trying to reconnect the call. Chair, sorry.

CHAIRPERSON: H'm.

COMMISSION TEAM MEMBER: There we go. Witness 1, can you please say something?

WITNESS 1: [No audible reply]

CHAIRPERSON: Just say, "I am giving evidence today".

20 **WITNESS 1:** I am giving evidence today.

ADV PRETORIUS SC: It is a little better.

CHAIRPERSON: Yes, but ...[intervenes]

ADV PRETORIUS SC: What I have done Chair is try to communicate with the technicians in order to lower the amount of distortions involved.

CHAIRPERSON: H'm. But I want him to just repeat because the first few words are clear but then towards the end of the sentence it seems to...

ADV PRETORIUS SC: H'm.

CHAIRPERSON: Just say again Witness 1: "Today I am giving evidence".

WITNESS 1: Today I am giving evidence.

CHAIRPERSON: That...I think that was better.

ADV PRETORIUS SC: Yes, and again, Witness 1, as slow
10 as you can manage.

CHAIRPERSON: Yes.

ADV PRETORIUS SC: Perhaps you could start again and tell the Chair what Close Protection involves?

WITNESS 1: Close Protection [distortion present] in all ...[indistinct] [distortion present]

ADV PRETORIUS SC: No, Chair it is not sufficient.

CHAIRPERSON: Ja.

ADV PRETORIUS SC: If you would just pause there Witness
1?

20 **CHAIRPERSON:** Ja.

ADV PRETORIUS SC: We either going to have to remove the distortion or lower it to a degree that you can be heard because you are breaking up.

CHAIRPERSON: H'm.

ADV PRETORIUS SC: Chair ...[intervenes]

CHAIRPERSON: Do you want me to adjourn?

ADV PRETORIUS SC: Let us take a five minute break.

CHAIRPERSON: Yes. I will take a five minute adjournment.

We adjourn.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: We will take the lunch adjournment just to allow whatever needs to be done to be done. We could come back at quarter to but maybe we should just make it
10 two. Mr Pretorius?

ADV PRETORIUS SC: Quarter to two is fine.

CHAIRPERSON: Quarter to two is fine?

ADV PRETORIUS SC: Yes Chair.

CHAIRPERSON: And I guess we could go beyond four o'clock as well.

ADV PRETORIUS SC: Please if we could.

CHAIRPERSON: Ja. Okay. We will resume at quarter to two. We adjourn.

ADV PRETORIUS SC: Thank you.

20 **REGISTRAR:** All rise.

INQUIRY RESUMES

CHAIRPERSON: Have the problems been sorted out?

ADV PRETORIUS SC: Yes so far so good Chair.

CHAIRPERSON: Then we can – we can proceed.

ADV PRETORIUS SC: Yes thank you Chair. Witness

number 1 can you hear me?

WITNESS 1: Chair I can hear you.

ADV PRETORIUS SC: Good thank you. If you would speak slowly please. You were dealing with the meaning of close protection and what close protection involved. Would you tell the Chair please?

WITNESS 1: Yes. Close protection referred as for security and risk mitigation measures taken to ensure the safety of a VIP or individuals who may be exposed to elevated personal risk because of their employment.

ADV PRETORIUS SC: And what do the duties involve?

WITNESS 1: The duties of a [indistinct 00:01:50] is to make sure that you do the advance which is called reconnaissance before you take your boss or your principle to the venue. You make sure that you have the alternative routes, the primary, the secondary and the contingency route in case of emergency.

ADV PRETORIUS SC: The other duties very briefly?

WITNESS 1: The other duties is to drive the principle around to his or her meetings or to the other operational venues. The other duties of a protection officer is to make sure that the principles meetings take place in a safe environment.

ADV PRETORIUS SC: Right. How many close protection officers are employed in the various divisions of Transnet?

WITNESS 1: At present we have 19 protectors.

ADV PRETORIUS SC: Yes and as a senior protection person within Transnet you performed several duties, they are listed in paragraph 8 of your affidavit. We need not deal with them now but if you would just tell us please in terms of the Transnet Group Executive Protection Policy who is entitled to close protection services?

WITNESS 1: The Group Chief Executive and the Group Financial Officer of Transnet they are entitled to the close
10 protection unconditionally. But with the other executives of Transnet there will have to be risk around them and then the threat and risk assessment will be conducted to mitigate their risk or also to find out that there is a risk before we can deploy a close protector.

ADV PRETORIUS SC: Thank you. Did you perform close protection duties and act as a driver for any Transnet executive officer?

WITNESS 1: Yes I have done that [indistinct 00:04:24] for the then GCE Mr Brian Molefe.

20 **ADV PRETORIUS SC:** So did you act as a close protection officer and as a driver or either one of them?

WITNESS 1: For both of them Chair.

ADV PRETORIUS SC: You mean both protection and driving?

WITNESS 1: That is correct Chair.

ADV PRETORIUS SC: And for what period?

WITNESS 1: For a period of four years – almost four – let me see – yes four years, almost four years because I started working with Mr Molefe in 2011 until July 2014.

ADV PRETORIUS SC: And at that time where was the Transnet head office?

WITNESS 1: At that time the Transnet head office was at the Carlton Centre in Johannesburg CBD.

ADV PRETORIUS SC: Would you briefly describe your
10 duties then in protecting and driving for Mr Molefe?

WITNESS 1: In protecting and driving Mr Molefe I would pick him up at his residence every morning and take him to the office at the Carlton and also to the other venues of his meetings. Then later I will take him home after the completion of his daily duty.

ADV PRETORIUS SC: Alright. Would you receive any information from Mr Molefe's office in regard to your duties for the following week or Mr Molefe's diary for the following week?

20 **WITNESS 1:** Yes I would receive it from Mr Molefe's PA.

ADV PRETORIUS SC: Alright.

WITNESS 1: The diary for the whole week. That also helps me – it gives me time to plan for the week and to know about his whereabouts at least a day before.

ADV PRETORIUS SC: Alright. During the period that you

protected and drove for Mr Molefe were you at any stage assisted by a colleague?

WITNESS 1: That is correct Chair.

ADV PRETORIUS SC: So...

WITNESS 1: That is correct.

ADV PRETORIUS SC: Your duties – thank you – your duties in regard to Mr Molefe came to an end I think you said towards the end of 2014?

WITNESS 1: Yes it was at the end of July 2014.

10 **ADV PRETORIUS SC:** Right during that period what vehicles were used to transport Mr Molefe? You can read from the affidavit.

WITNESS 1: The vehicle that we used to transport Mr Molefe when he first joined Transnet the first car that – it was a BMW X5 it was silver in colour and the registration number WCG426GP.

ADV PRETORIUS SC: Yes go on please.

WITNESS 1: And ...

20 **ADV PRETORIUS SC:** Yes go on if you could just read the list.

WITNESS 1: And then the second car was a BMW 320D registration number BW96ERGP. The other car was the Mercedes Benz E350 registration number BH58HNGP. And then the other car was an A8 registration number CR37NPGP. All those cars – all those cars had logbooks,

log sheets so that we can log all our trips because it is official titles.

ADV PRETORIUS SC: And the description of the motor vehicle and the registration number where did you get that information from?

WITNESS 1: I have records because I have driven those cars.

ADV PRETORIUS SC: Okay.

WITNESS 1: I still remember those cars I used.

10 **ADV PRETORIUS SC:** Yes. Now the logbooks that you have just referred to what happens to them generally once they have been used?

WITNESS 1: Generally, in the office of the Chief Executive because of auditing reasons we file and keep all the logbooks for the official, the [indistinct 00:09:39]

ADV PRETORIUS SC: Right and your own logbooks or the logbooks that you kept?

WITNESS 1: Can you repeat that again please?

20 **ADV PRETORIUS SC:** What happened to the logbooks that you kept?

WITNESS 1: I still have all of them.

ADV PRETORIUS SC: Okay. Right in paragraph 19 of your affidavit you refer to certain trips to an address in Johannesburg. Would you tell – or addresses in Johannesburg please tell the Chair about that.

WITNESS 1: There in paragraph 19 during the period of performing CPO duties for Mr Brian Molefe I transported him on various occasions to the Gupta residence in Saxonwold Johannesburg. The Michael Angelo Hotel in Sandton. The Protea Hotel Fire and Ice in Melrose Arch and the offices of Sahara Computers in Midrand. Where he attended his meetings.

ADV PRETORIUS SC: With whom did he meet?

WITNESS 1: He was meeting a gentleman by the name of
10 Ajay Gupta.

ADV PRETORIUS SC: Right. And where did he meet Ajay Gupta at all these places or at only one or other of these places?

WITNESS 1: In – okay in all of those places that I have mentioned above.

ADV PRETORIUS SC: Right. Were these meetings recorded in Mr Molefe's diary?

WITNESS 1: No they were not recorded in Mr Molefe's diary.

20 **ADV PRETORIUS SC:** Why not, do you know?

WITNESS 1: I have no idea.

ADV PRETORIUS SC: Right. In paragraph 20 you set out in a table a summary of logbook entries. Before we go to the logbook copies attached if we could just go through the table that appears on page 8 and 9 as well as on page 10. What

happened on the 18 July 2011?

WITNESS 1: On the 18 July 2011 we visited Saxonwold where the Gupta's used to stay.

ADV PRETORIUS SC: Right and the time of arrival and time of departure where is that information recorded?

WITNESS 1: It is recorded on my logbook.

ADV PRETORIUS SC: Alright. We are not going to deal with every copy but I will ask you questions at the end of your evidence in regard to the table. When you say

10 Saxonwold what do you mean by that?

WITNESS 1: It is the residence where the Gupta' lived.

ADV PRETORIUS SC: In Saxonwold?

WITNESS 1: Yes.

ADV PRETORIUS SC: Alright. And on the 19 July 2011 what happened?

WITNESS 1: On the 19 July 2011 we also visited the Gupta's.

ADV PRETORIUS SC: Where?

WITNESS 1: In Saxon.

20 **ADV PRETORIUS SC:** In Saxon?

WITNESS 1: Yes.

ADV PRETORIUS SC: Is that the correct description – Saxon?

WITNESS 1: Yes.

CHAIRPERSON: What does Saxon refer to? Is it a place

different from Saxonwold or?

WITNESS 1: No, no it is not it is the same place as Saxonwold.

CHAIRPERSON: Oh.

ADV PRETORIUS SC: Thank you. So it is not a correct description of the suburb is it? The correct description as I understand and you say you that later is Saxonwold.

WITNESS 1: Yes.

ADV PRETORIUS SC: Yes okay. And are the times there
10 times extracted from your logbook?

WITNESS 1: Yes they are.

ADV PRETORIUS SC: Alright on the – over the page please on the 29 July 2011 what happened?

WITNESS 1: On the 29 July 2011 we visited the Gupta residence again.

ADV PRETORIUS SC: When you say we visited in relation to all these visits who visited?

WITNESS 1: It is my – I was driving – I transported Mr Molefe.

20 **ADV PRETORIUS SC:** Mr Molefe okay and are the times then on page 9 Transnet 1 page 9 in the top of the column adjacent to the entry 29 July with the first entry 29 July are those also extracted from your logbook?

WITNESS 1: That is correct.

ADV PRETORIUS SC: And the next entry 29 July 2011?

CHAIRPERSON: Hang on, hand on one second Mr Pretorius. I do not think for the record we have indicated that when it comes to page numbers you will be referring to the black numbers on the top left corner.

ADV PRETORIUS SC: Yes. For the record.

CHAIRPERSON: Ja.

ADV PRETORIUS SC: That is correct we will refer to the black numbers in the top left-hand corner. The witness is aware of that though.

10 **CHAIRPERSON:** Yes. It is just that in the meantime when you were saying page 9 I was looking all over because I did not see the black numbers.

ADV PRETORIUS SC: Okay Chair. Yes apparently, I am aware of the fact that those must really be on the right-hand side but we did not have time to do it here.

CHAIRPERSON: Ja, no, no that is fine. It is just that for the reader of the transcript later.

ADV PRETORIUS SC: Yes.

20 **CHAIRPERSON:** It is important to always say it at the beginning of the day or ja.

ADV PRETORIUS SC: No, no point taken Chair. The second witness number 1 the second 29 July entry what happened on that day?

WITNESS 1: On that day on the 29th we visited Michael Angelo the hotel in Sandton.

ADV PRETORIUS SC: Right and the times related to that visit are they also extracted from your logbook records?

WITNESS 1: That is correct.

CHAIRPERSON: Yes well we will go to a logbook as an example in due course. When you say we visited, who visited?

WITNESS 1: I transported Mr Molefe.

CHAIRPERSON: Right.

WITNESS 1: To Michael Angelo Hotel.

10 **ADV PRETORIUS SC:** Yes. On the 3 August 2011 what happened?

WITNESS 1: I transported Mr Molefe to the Gupta residence.

ADV PRETORIUS SC: Again, in Saxonwold?

WITNESS 1: Yes.

ADV PRETORIUS SC: And are the times there reflected in the logbook?

WITNESS 1: That is correct.

ADV PRETORIUS SC: On the 24 August 2011?

20 **WITNESS 1:** We visited Saxonwold. I transported Mr Molefe to Saxonwold.

ADV PRETORIUS SC: And again, the times are reflected in the logbook?

WITNESS 1: That is correct.

ADV PRETORIUS SC: On the 14 September 2011 what

happened?

WITNESS 1: I transported Mr Molefe to Saxonwold.

ADV PRETORIUS SC: At the times reflected in the logbook and in the table, is that correct?

WITNESS 1: That is correct.

ADV PRETORIUS SC: What happened on the 19 October 2011?

WITNESS 1: On the 19 October 2011 I transported Mr Molefe to Saxonwold number 26.

10 **ADV PRETORIUS SC:** Is that a different address from the other addresses?

WITNESS 1: That is correct.

ADV PRETORIUS SC: And the times reflected there – where are they recorded?

WITNESS 1: Yes they are. Yes they are correct.

ADV PRETORIUS SC: Right. As recorded in the logbook?

WITNESS 1: That is correct.

ADV PRETORIUS SC: On the 9 November 2011

20 **CHAIRPERSON:** I am sorry Mr Pretorius I may have missed this if you dealt with it. Witness number 1 when in this table you indicate that – you indicate Saxonwold. Do you know the owners of the residence or house that you are referring to? And if you do?

WITNESS 1: That – correct Chair I know.

CHAIRPERSON: Ja. Whose house was that?

WITNESS 1: It was for the Gupta brothers.

CHAIRPERSON: Yes. So whenever in this table you refer to Saxonwold are you referring to that house?

WITNESS 1: That is correct Chair.

CHAIRPERSON: And where you say Saxon number 26 is that another house of theirs or is that another house in Saxonwold that does not refer to them?

WITNESS 1: It was their – it was their other house in Saxonwold.

10 **CHAIRPERSON:** Okay alright.

ADV PRETORIUS SC: On the 9 November 2011 what happened?

WITNESS 1: On the 9 November 2011 I transported Mr Molefe to Sandton Michael Angelo Hotel.

ADV PRETORIUS SC: Right. And the relevant times in the table are they extracted from your logbook?

WITNESS 1: That is correct Chair.

ADV PRETORIUS SC: Right. And on the 24 November 2011 what happened?

20 **WITNESS 1:** On the 24 November 2011 I transported Mr Molefe to Melrose Arch Hotel.

ADV PRETORIUS SC: Alright is that Melrose Ark or Melrose Arch?

WITNESS 1: Sorry it is Melrose Arch.

ADV PRETORIUS SC: Sorry you did not come through

there. It is what place?

WITNESS 1: It is Melrose Arch.

ADV PRETORIUS SC: Melrose Arch.

WITNESS 1: Yes.

ADV PRETORIUS SC: And again, the times reflected there on the table are they extracted from your logbook?

WITNESS 1: That is correct Chair.

ADV PRETORIUS SC: On the 21 February 2012 what happened?

10 **WITNESS 1:** In February 21st 2012 I transported Mr Molefe to Saxonwold at the Gupta residence.

ADV PRETORIUS SC: Right. And the times reflected there in the table are those also extracted from your logbook?

WITNESS 1: That is correct Chair.

ADV PRETORIUS SC: Over the page 12 March 2012.

WITNESS 1: Yes Chair I am on that page.

ADV PRETORIUS SC: Where did you go and with whom?

WITNESS 1: I transported Mr Molefe to Midrand, Sahara offices.

20 **ADV PRETORIUS SC:** Do you know those offices?

WITNESS 1: Yes I know those offices.

ADV PRETORIUS SC: Right. You describe them as Midrand Sahara, is that...

WITNESS 1: Yes they – yes they were owned by the Gupta's.

ADV PRETORIUS SC: Right.

WITNESS 1: Chair.

CHAIRPERSON: So is it Sahara at Midrand or in Midrand? Midrand is just to describe the place where they are allocated, is that right?

WITNESS 1: Yes it is the area of the offices.

CHAIRPERSON: Yes. It is not part of the name of the premises?

WITNESS 1: It was called Sahara Computers.

10 **CHAIRPERSON:** Yes so what I mean is although you wrote here Midrand Sahara Midrand was not part of the name of the offices, is that right?

WITNESS 1: No, no Midrand is the area it is not part of Sahara offices.

CHAIRPERSON: Yes. Okay.

ADV PRETORIUS SC: Then on the 28 May 2012 what happened?

WITNESS 1: on the 28 May 2012 we visited – I transported Mr Molefe to Saxonwold.

20 **ADV PRETORIUS SC:** Again, the Gupta residence?

WITNESS 1: That is correct yes.

ADV PRETORIUS SC: You say so later but we will get there. And the times there reflected are they an accurate extract from your logbook?

WITNESS 1: That is correct.

ADV PRETORIUS SC: On the 5 September 2012 what happened?

WITNESS 1: I transported Mr Molefe to Saxonwold to the Gupta residence.

ADV PRETORIUS SC: Right. Mr Molefe?

WITNESS 1: Yes.

ADV PRETORIUS SC: Right and then on the – at the times reflected in the table do they coincide with the times in your logbook?

10 **WITNESS 1:** That is correct.

ADV PRETORIUS SC: And finally, on the 12 September 2012 what happened?

WITNESS 1: On the 12 September I transported Mr Molefe to Saxonwold to the Gupta residence.

ADV PRETORIUS SC: At the times there reflected?

WITNESS 1: That is correct.

ADV PRETORIUS SC: Right you do make a note in your affidavit where you say Saxonwold, Saxon, Saxonwold one word, Saxon number 26 and Saxon number 1 are references
20 to the Gupta residence at Saxonwold Johannesburg. Saxon number 1 what address is that?

WITNESS 1: It is number 1 where the Gupta residence was.

ADV PRETORIUS SC: Alright. And you say there Michael Angelo and Sandton Michael Angelo are references to the Michael Angelo Hotel in Sandton Johannesburg?

WITNESS 1: That is correct Chair.

ADV PRETORIUS SC: You also say Melrose Arch Hotel refers to the Protea Hotel Fire and Ice Hotel in Melrose Arch Johannesburg?

WITNESS 1: That is correct Chair.

ADV PRETORIUS SC: And Midrand Sahara you say refers to the offices of Sahara Computers Pty Limited in Midrand Johannesburg, correct?

WITNESS 1: That is correct Chair.

10 **ADV PRETORIUS SC:** After September 2012 did you have any other occasion to transport Mr Molefe to the Gupta Saxonwold residence?

WITNESS 1: No, no because we – I had another colleague joined to come and help me because the hours were very long for me so I had to request another [indistinct 00:24:44] to come and help me.

ADV PRETORIUS SC: Alright. This table that appears on pages 8 to 10 have you checked the information on this table with the records in your logbook which are annexed to the –
20 to your affidavit?

WITNESS 1: Yes.

ADV PRETORIUS SC: So by – just by way of example – and before we go there to one by way of example is the information in this table reflected accurately as extracts from your logbook?

WITNESS 1: That is correct.

ADV PRETORIUS SC: The documents at W1 number 1 to W1 number 15 what are those documents? If you could just have a look at them, check them please?

WITNESS 1: Yes I have opened that is the logbook.

ADV PRETORIUS SC: And are those the logbook extracts or pages referred to in the table?

WITNESS 1: That is correct.

ADV PRETORIUS SC: For example if we go to page 26
10 which is W1 02 – annexure W1 02 that is the last entry on page 8.

WITNESS 1: Yes, page 26 [distortion present] I am on page 26.

ADV PRETORIUS SC: You are on page 26?

WITNESS 1: That is correct.

ADV PRETORIUS SC: Which is the entry that is relevant for your evidence?

WITNESS 1: The entry, it is okay. Is... okay. The
19th of July 2011, I transported Mr Molefe to Saxon World
20 with car registration number BH 58 HH(?) GP. That was 315 Mercedes-Benz.

ADV PRETORIUS SC: Right. And the times, they are not very clear. Are those in the right-hand columns?

WITNESS 1: They are. They are clear. We arrived at the Guptas at 18:00 and we left at 18:40.

ADV PRETORIUS SC: So you would leave the previous destination and you would arrive at 18:00 if that is the right-hand column next to the name Saxon.

WITNESS 1: Next to ...[intervenes]

ADV PRETORIUS SC: And then you would leave at 18:40, which is the time you would start driving and that is in the fourth line. Is that right?

WITNESS 1: That is correct, yes.

ADV PRETORIUS SC: Alright. So you say you have
10 checked all the entries on this table with the entries in your log... they coincide. And it is an accurate record in the table as reflected in the logbook?

WITNESS 1: That is correct.

ADV PRETORIUS SC: If we move to paragraph 23 of your affidavit. Did Mr Molefe tell you anything about the trips to the Gupta residence?

WITNESS 1: Paragraph 23?

ADV PRETORIUS SC: Yes.

WITNESS 1: Can you repeat your question Chair?

20 **ADV PRETORIUS SC:** Did Mr Molefe tell you why you were going to the Gupta's residence or why he was going to the Gupta's residence?

WITNESS 1: No, no, no. He did not tell me.

ADV PRETORIUS SC: Did he mention any names?

WITNESS 1: He only mentioned the name of a person that

he was going to [distortion present] there because we on our arrival at the main gate, the security officers would ask me who are we visiting. Then Mr Molefe will just tell them that we are here to see Ajay.

ADV PRETORIUS SC: Is that Ajay?

WITNESS 1: He never told me why?

ADV PRETORIUS SC: [laughs] Sorry, the connection is not very good. When you say AJ, can you spell it please?

WITNESS 1: Yes, it is Alpha ...[indistinct] Alpha Yankee. It
10 is A-J-A-Y.

ADV PRETORIUS SC: Thank you. How long did these visits last, the visits to Saxon World?

WITNESS 1: Between 20-minutes and 45-minutes.

ADV PRETORIUS SC: Alright. And then, in relation to the offices of Sahara Computers, did you come to learn who Mr Molefe was visiting?

WITNESS 1: Yes, Chair.

ADV PRETORIUS SC: Who was he visiting?

WITNESS 1: He was visiting Mr Ajay Gupta.

20 **ADV PRETORIUS SC:** Alright. And what would happen at the hotels to which you transported Mr Molefe?

WITNESS 1: At the hotels... as the CPO, we will look for the parking first. Parking the vehicle and then I will escort him to the restaurant.

ADV PRETORIUS SC: Alright. So he would visit at the

restaurants, would he?

WITNESS 1: Yes.

ADV PRETORIUS SC: You detail some occasions later in your evidence. Now in paragraph 26, you say that:

“When Mr Molefe visited the Gupta residence, he sometimes carried something with him...”

What was that?

WITNESS 1: Mr Molefe would be carrying a light-brown leather backpack, a bag.

10 **ADV PRETORIUS SC:** Alright. Would you look at page 55, please? Annexure WU1(16)?

WITNESS 1: [No audible reply]

ADV PRETORIUS SC: Where did you get this picture from? It is a picture of what appears to be a backpack but it is not in colour.

WITNESS 1: I downloaded it. I Googled it and downloaded it.

ADV PRETORIUS SC: You downloaded it from the internet?

WITNESS 1: Yes.

20 **ADV PRETORIUS SC:** And ...[intervenes]

WITNESS 1: Yes, that is correct.

ADV PRETORIUS SC: How does that relate to the backpack you have described in paragraph 26 of your statement?

WITNESS 1: That is correct.

ADV PRETORIUS SC: How does it... what is it

...[intervenes]

WITNESS 1: It is the same as that one.

ADV PRETORIUS SC: So you say the picture is the same as the picture that... of the... the picture of the backpack on page 55 ...[intervenes]

WITNESS 1: Yes.

ADV PRETORIUS SC: ...shows the same backpack or a similar backpack to the backpack that Mr Molefe used to carry with him to the Gupta residence?

10 **WITNESS 1:** That is correct.

ADV PRETORIUS SC: What colour was the backpack because on page 55, it is not in colour but it looks black. Is that correct?

WITNESS 1: Yes, it was light-brown.

ADV PRETORIUS SC: Light-brown. Okay.

WITNESS 1: That is correct.

ADV PRETORIUS SC: Were there occasions when Mr Molefe would go to the Gupta residence without his leather backpack?

20 **WITNESS 1:** Yes.

ADV PRETORIUS SC: What would happen on these occasions?

WITNESS 1: [distortion present] to go in without his backpack but when we leave and we will just... he will come with a brown sports bag.

ADV PRETORIUS SC: Alright. And could you tell from the look of the bag whether it was filled with anything or whether it was empty?

WITNESS 1: I would not know exactly what the content was but the bag was filled up with something.

ADV PRETORIUS SC: Alright. What happened on the 18th of January 2012?

WITNESS 1: On the 18th of January 2012, Mr Molefe instructed me to deliver a bag to Mr Ajay at Safa... sorry, at
10 Sahara Computer Offices in Midrand.

ADV PRETORIUS SC: Did you do that?

WITNESS 1: [No audible reply]

ADV PRETORIUS SC: Is... can you hear me Witness 1?

WITNESS 1: Yes, Chair.

ADV PRETORIUS SC: Did you do that? Did you
...[intervenes]

WITNESS 1: Yes, I did that. I delivered the bag to Mr Ajay.

ADV PRETORIUS SC: Alright.

CHAIRPERSON: The bag that you delivered that day, was it
20 the same as the bag that we have seen at page 55 or was it different?

WITNESS 1: It was not. It [distortion present]

CHAIRPERSON: It was not the same?

WITNESS 1: No,.

CHAIRPERSON: Oh. How was that one? Are you able to

describe it? Or is there a picture of it?

WITNESS 1: It was a leather bag but it was a bit dark-brown. It was not a light-brown bag. It was like... it was [distortion present]

ADV PRETORIUS SC: Can you go to page 58, please?

WITNESS 1: Yes. Chair, I am on page 58.

ADV PRETORIUS SC: Yes, do you see the picture on page 58?

WITNESS 1: That is correct.

10 **ADV PRETORIUS SC:** What is depicted there? What do we see there on page 58?

WITNESS 1: It is a leather light-brown... it is a leather brown bag.

ADV PRETORIUS SC: Right.

WITNESS 1: The same as the bag as Mr Molefe used to sometimes come out when he [distortion present] of the Guptas.

ADV PRETORIUS SC: Alright.

20 **CHAIRPERSON:** Was the bag that he gave you to deliver to Mr Ajay Gupta similar to the one at page 58?

WITNESS 1: Yes.

CHAIRPERSON: Okay.

WITNESS 1: And the [distortion present]

CHAIRPERSON: Just repeat that.

WITNESS 1: I am saying, even the sides is similar.

CHAIRPERSON: Even the sides were similar.

WITNESS 1: Yes, yes.

CHAIRPERSON: Oh, okay.

ADV PRETORIUS SC: If you look at page 60, please. Then we are looking at the black numbers.

WITNESS 1: I am at page 60 Chair.

ADV PRETORIUS SC: Yes. You see there is an extract from a logbook what appears to be an extract from a logbook?

WITNESS 1: Yes.

10 **ADV PRETORIUS SC:** Do you recognise this page?

WITNESS 1: Yes, I recognise.

ADV PRETORIUS SC: What entry is relevant to the evidence you are giving now in relation to the 18th of January 2012?

WITNESS 1: On my log sheet, I recorded that I delivered the bag at Midrand at Sahara offices.

ADV PRETORIUS SC: Yes. The last entry on the page against the date 18th of January 2012, says Midrand Sahara as the destination.

20 **WITNESS 1:** Yes.

ADV PRETORIUS SC: Is that correct?

WITNESS 1: Yes, that is correct.

ADV PRETORIUS SC: And then it says, “reason for use” and the entry there appears to be to deliver a bag. Do you see that?

WITNESS 1: That is one. That is correct. Yes, I can see that.

ADV PRETORIUS SC: And the other details, what are they?

WITNESS 1: On the same page?

ADV PRETORIUS SC: Yes, just straight along that line.

WITNESS 1: Oh, the other detail... okay the other details. I went to... okay, to Centurion Standard Bank to collect his fuel card. I was instructed by him to go and collect his fuel card.

10 **ADV PRETORIUS SC:** Oh. No, it is ...[intervenes]

WITNESS 1: It is [distortion present] entry of Midrand Sahara ...[intervenes]

ADV PRETORIUS SC: Right.

WITNESS 1: ...at the back(?) [distortion present]

ADV PRETORIUS SC: Okay and then the last entry, 18th of January 2012, Midrand Sahara to deliver a bag. The number 31337, what is that?

WITNESS 1: Are the kilometres [distortion present] that I was using. On my arrival, that was the kilometres
20 ...[indistinct] [distortion present]

ADV PRETORIUS SC: Okay. And then the time?

WITNESS 1: The time of arrival was 11... was 11:13. I left Centurion the Standard Bank at 10:50 and arrived in Sahara Computers in Midrand at 11;13.

ADV PRETORIUS SC: Alright. So those times reflect the

time of the trip in question. Is that correct?

WITNESS 1: That is correct.

ADV PRETORIUS SC: Alright. Did you ever meet Mr Ajay Gupta at any other place or on any other occasion that you recall?

WITNESS 1: Yes, I did meet with him in 2012 at the ANC Conference in Bloemfontein.

ADV PRETORIUS SC: Alright. You see him there, did you?

WITNESS 1: Yes, I saw him there.

10 **ADV PRETORIUS SC:** Who was he with?

WITNESS 1: He was mister... he was with Mr Brian Molefe.

ADV PRETORIUS SC: Alright. If you would go to page 62, please?

WITNESS 1: I am on page 62 Chair.

ADV PRETORIUS SC: Who is the person in that photograph?

WITNESS 1: The person on the photograph is Mr Ajay Gupta.

20 **ADV PRETORIUS SC:** Alright. During your visits to the Gupta residence, did you see any other members of the executive ...[intervenes]

CHAIRPERSON: I am sorry Mr Pretorius. Witness 1, a lot of people have said that they could not tell the one brother from another among the Gupta brothers, especially Mr Ajay Gupta and, I think, Mr Atul Gupta. Are you certain that the

picture at page 62 is a picture of Mr Ajay Gupta and not Atul Gupta?

WITNESS 1: I am definitely sure Chair.

CHAIRPERSON: Okay alright.

ADV PRETORIUS SC: On the occasions that you drove Mr Molefe to the Gupta residence, did you recognise any other government officials or members of the executive there?

WITNESS 1: Yes, I have met with the former Public Enterprise Minister, Malusi Gigaba. I have seen him at the
10 Gupta residence one day. And the other gentleman
...[intervenes]

ADV PRETORIUS SC: Anyone else?

WITNESS 1: [No audible reply]

ADV PRETORIUS SC: Anyone else?

WITNESS 1: Can you repeat? And ...[intervenes]

ADV PRETORIUS SC: Did you see anybody else there besides Mr Gigaba?

WITNESS 1: It was Mr Siyabonga Mhlango.

ADV PRETORIUS SC: Mhlango? Yes. Alright.

20 **CHAIRPERSON:** I am sorry. Mr Siyabonga who?

WITNESS 1: Mhlango.

CHAIRPERSON: Okay.

ADV PRETORIUS SC: If one goes on then in your statement to paragraph 32, you describe an incident that happened in or near the main boardroom at the Carlton Centre. Is that

the main Transnet boardroom?

WITNESS 1: Yes, the boardroom is on the 49th floor.

ADV PRETORIUS SC: Right. What happened on that occasion that you described in paragraph 32 and following.

WITNESS 1: there was a meeting at the boardroom and my principal ...[intervenes]

CHAIRPERSON: Sorry, did you say paragraph 32 or 42?

ADV PRETORIUS SC: [No audible reply]

CHAIRPERSON: Mr Pretorius?

10 **ADV PRETORIUS SC:** Yes, 32.

CHAIRPERSON: 32. Okay alright.

ADV PRETORIUS SC: Did I say 42?

CHAIRPERSON: Okay.

ADV PRETORIUS SC: 32.

CHAIRPERSON: Continue Witness 1.

ADV PRETORIUS SC: What happened on that occasion
Witness 1?

20 **WITNESS 1:** Okay. Usually when there are meetings in the ... on the 49th floor in the big boardroom, I would position myself next to the door so that I stop anyone who can come in and interrupt the meetings.

While I was standing there, Mr Molefe just came to me at the board to say, “No, look. Go to my bag and go and collect my cell phone in my bag in the office”.

As instructed [distortion present] his office

...[intervenes]

CHAIRPERSON: This was at the Carlton Centre or where was it?

WITNESS 1: It was in the Carlton Centre. Yes, Chair.

CHAIRPERSON: Okay. Continue.

WITNESS 1: I went as instructed to go and collect the cell phone. When I opened his light-brown leather backpack to take out a cell phone, I was surprised to see the bag that was more half with the bundles of two hundred notes. I then

10 ...[intervenes]

ADV PRETORIUS SC: With R 200,00 notes?

WITNESS 1: Yes.

ADV PRETORIUS SC: Right.

WITNESS 1: I then called his PA [distortion present] PA and showed her the cash in the bag and said... I just said: "Look, you should make sure that nobody comes in here because should something get... should this money get lost, it will be me and you who will have to be answerable. So just make sure". I called the PA. The PA came and then I
20 showed her the money.

ADV PRETORIUS SC: Right. The light-brown leather backpack that you refer to ...[intervenes]

WITNESS 1: Yes?

ADV PRETORIUS SC: ...is that the same backpack that you mentioned earlier as a light-brown leather backpack or a

different one?

WITNESS 1: It is the same one.

ADV PRETORIUS SC: Alright.

CHAIRPERSON: You mention in paragraph 32 about how much money you saw there in relation to the size of the bag. Do you want to tell me exactly how much? Not in terms of what the amount was but how much money was in the bag that you saw? You do say in paragraph 2.

WITNESS 1: Difficult for me to say – to give you the
10 exact amount but ...[intervenes]

CHAIRPERSON: No, no, no, I am not saying say the amount.

WITNESS 1: It was ...[intervenes]

CHAIRPERSON: Was it like a quarter in the bag, was it full, was it half in the bag? Are you able to ...[intervenes]

WITNESS 1: It was half.

CHAIRPERSON: H'm?

WITNESS 1: It was half a bag, Chair.

CHAIRPERSON: And the bag we are talking about is the
20 leather backpack similar one that we saw earlier on, is that right?

WITNESS 1: That is correct.

CHAIRPERSON: And when you saw this money on the day was that still close to the day when Mr Molefe had instructed you to deliver a bag to Mr Ajay Gupta or this

was a completely different day, on another day, if some other time?

WITNESS 1: It was a different day, I cannot call the period how far was that.

CHAIRPERSON: Oh, okay.

WITNESS 1: But a different day, yes.

CHAIRPERSON: Ja, okay.

ADV PRETORIUS SC: Just to assist the Chair, if you were to take those 200 notes out of the bag and put them
10 on a table without flattening the pile at all, how high would that pile be? You can just tell me in centimetres, more or less.

WITNESS 1: I would say 30 centimetres.

ADV PRETORIUS SC: 20 centimetres.

WITNESS 1: 30, yes.

ADV PRETORIUS SC: 30?

WITNESS 1: Yes, 30, 30.

ADV PRETORIUS SC: Okay. And the backpack you are referring to, that is the same backpack that you referred to
20 in paragraph 26, am I correct?

WITNESS 1: That is correct.

ADV PRETORIUS SC: Alright, the one depicted on page 55.

CHAIRPERSON: Not 26, ja. Page 55, witness 1, is that the type of bag that had the money that you saw on that

day?

WITNESS 1: Yes, Chair.

CHAIRPERSON: Okay.

ADV PRETORIUS SC: Alright. Did Mr Molefe return from the meeting at any stage on this day and did you speak to him?

WITNESS 1: Yes, Chair, upon his return from the meeting, when he got into his office, I approached him about the fact that he was carrying that backpack I
10 considered a safety risk for both of us.

CHAIRPERSON: Did you say you approached him?

WITNESS 1: Yes, I asked him about the other cash ...[intervenes]

CHAIRPERSON: Oh, okay.

WITNESS 1: I said it is – ja, it is risky for him to travel with that kind of money, it is risky for both of us. Mr Molefe was visibly upset, sorry ...[intervenes]

CHAIRPERSON: Sorry, he was?

WITNESS 1: He was ...[intervenes]

20 **CHAIRPERSON:** I am sorry Witness 1, you approached Mr Molefe because you were concerned about the amount of cash that you had seen in the bag, is that right?

WITNESS 1: Yes and our safety, yes.

CHAIRPERSON: Because you thought it posed a threat to the safety of both of you.

WITNESS 1: Yes, yes.

CHAIRPERSON: And what did you say to him when you approached him?

WITNESS 1: I just said I noticed that there is money in your bag when you asked me to go and collect your [indistinct – jump in recording] and I said I think it is a security risk to carry such amount because if we were to stopped at may the road block maybe, you know, the cops will ask us about this and then also it is a security risk
10 because maybe where you got it from, if you got it from the bank, you will never know, you might be marked, someone one to rob us, then that puts our life at risk and he was very upset with my comment.

ADV PRETORIUS SC: Did he say anything to you?

WITNESS 1: Yes, he said it is none of my business what is in his bag.

ADV PRETORIUS SC: Alright. Did you ever have occasion to run errands on behalf of Mr Molefe to the banks?

20 **WITNESS 1:** Yes, yes, I deposit money for him at ABSA bank, at the Carlton, Nedbank and Standard Bank at the Carlton Centre in various accounts.

ADV PRETORIUS SC: And did these trips to the bank involve similar dates in the month?

WITNESS 1: Yes, usually I would make deposits between

the 28th of the month and the – between the 28th and the 5th.

ADV PRETORIUS SC: Right. And what did you deposit? Cheques or cash?

WITNESS 1: No, I used to deposit cash.

ADV PRETORIUS SC: Sorry, what did you deposit?

WITNESS 1: Cash.

ADV PRETORIUS SC: Cash.

WITNESS 1: Not – yes.

10 **ADV PRETORIUS SC:** And the amounts that you deposited, what did they amount to, what were they?

WITNESS 1: The amounts were between 5 000 and 20 grand.

ADV PRETORIUS SC: Alright, and who gave you the money?

WITNESS 1: At times you will hand over the money to his PA and ask the PA to give me the money and go and deposit to the bank but also at times he will call me and say just come through, take this money and go and deposit
20 in the bank for me.

ADV PRETORIUS SC: Alright. Now prior to your giving evidence, have you ever been threatened?

WITNESS 1: Yes, I have.

ADV PRETORIUS SC: On page 13 you describe what is called the first threat. Tell the Chair about that please?

WITNESS 1: Yes. I received on Monday 9 June 2019 at 21.20, I received a threat, a message on my official phone.

ADV PRETORIUS SC: Sorry, before you go there. Go back to page 13 please? Are you at page 13?

WITNESS 1: That is correct.

ADV PRETORIUS SC: And under the heading: First Threat you describe an incident that happened during 2018.

WITNESS 1: That is correct, Chair, that is correct.

10 **ADV PRETORIUS SC:** Just very briefly, what did you do at the time of the incident or what had you just done at the time of the incident?

WITNESS 1: It was after I was interviewed by the investigators from Fundudzi Forensic Services.

ADV PRETORIUS SC: Right you were interviewed by Fundudzi Forensic Services and what happened after that?

WITNESS 1: After that I received a telephone call and a male with an African accent – I received a call on Transnet cellular phone. He stated: We know where you live. And
20 then he dropped the phone.

ADV PRETORIUS SC: Did you approach Fundudzi Forensic Services to ask them whether they had told anyone that you had been interviewed by them?

WITNESS 1: Yes, I did.

ADV PRETORIUS SC: And what were you told?

WITNESS 1: The investigator said he has never shared my statement or my meetings with anyone.

ADV PRETORIUS SC: Did that particular matter end there?

WITNESS 1: That is correct.

ADV PRETORIUS SC: Over the page on page 14 you refer and testified to what you say in the heading is the second threat. What happened on that day that you have spoken about earlier, 9 June 2019?

10 **WITNESS 1:** On the 8 April 2019 and again on 4 June 2019 I was interviewed by investigators from the Judicial Commission of Inquiry and ...[intervenes]

ADV PRETORIUS SC: That is this Commission, the State Capture Commission, is it?

WITNESS 1: That is correct, yes.

ADV PRETORIUS SC: Yes. And what happened on Monday 9 June 2019/

WITNESS 1: On the Monday the 9 June 2019 at 21.20 I received a short message from ...[intervenes]

20 **ADV PRETORIUS SC:** It is an SMS, is it?

WITNESS 1: Cellular number.

ADV PRETORIUS SC: Right and did you keep that message or a printout of that message?

WITNESS 1: Yes, I did.

ADV PRETORIUS SC: And what did the message read?

WITNESS 1: It said:

“Witness 1, if you know what is good for you, I command you not to give any further evidence to the Zondo Commission or else just know that we are watching your every move. We even know where you stay, so watch out and be warned.”

ADV PRETORIUS SC: Now when you say Witness 1, as being part of the message service, I understand it was actually your name in the message, is that correct?

10 **WITNESS 1:** That is correct.

ADV PRETORIUS SC: Alright.

WITNESS 1: That is correct.

ADV PRETORIUS SC: Did you report that threat to the South African Police Service?

WITNESS 1: Yes, I reported the abovementioned threat at the police.

ADV PRETORIUS SC: If you go to page 64 what is that that appears on that page?

WITNESS 1: 64. Okay, I am just paging through, Chair.

20 **ADV PRETORIUS SC:** Remember we are with the black numbers.

WITNESS 1: Yes. Oh yes, that is the message that I received.

ADV PRETORIUS SC: That is the message you have just referred to is it?

WITNESS 1: That is correct, yes.

ADV PRETORIUS SC: And then you talk again at paragraph 45 of the third threat. Briefly, what happened there?

WITNESS 1: In paragraph 45 I received a threat, it was on the 13 January 2020 in my first day back at the office after returning from annual leave. I received a threat via SMS on my work cellular phone at 10.52.

ADV PRETORIUS SC: And are you able to read the
10 threat?

WITNESS 1: Yes.

ADV PRETORIUS SC: If you look at page 66, what is that on page 66?

WITNESS 1: Yes, the SMS that I had received reads as follows:

20 “We are fully aware that you are about to give evidence at the Zondo Commission again and you have intimidated other CPO’s bodyguards to give a testimony as well. As we are sorry to inform you that you are being used and you are on your own. If you love your life I advise you to resign and disappear. We have exposed MNS and Bobo and Bobo is next and who do you think you are? You are on your own. Stop it with your moronic Superman behaviour. We are watching your every

move, your conversations, so act sensibly and give this matter your most urgent attention. When we are done with you, your family will not find a piece of you.”

ADV PRETORIUS SC: Right, did you again report that incident and threat to the South African Police Service?

WITNESS 1: That is correct, Chair, I did.

ADV PRETORIUS SC: Then in paragraph 50 you relate and incident where you were followed by what you describe
10 as suspect vehicles or you relate incidents, rather. The first incident being at paragraph 51. It is not necessary to go to all the detail there but what did you see on the 24 June 2019 when you were travelling on the M1 South?

WITNESS 1: I was followed by a Polo, a grey Polo – sorry, with no registration plates.

ADV PRETORIUS SC: Just look at the heading, was it grey or white? What is your recollection? Look at the heading on page 16.

WITNESS 1: Yes, it was grey, it was a grey, the VW Polo.

20 **ADV PRETORIUS SC:** So white is incorrect, is it?

WITNESS 1: Sorry, sorry, sorry, sorry. On page 12, paragraph 50.

ADV PRETORIUS SC: No, look, we are on page 16, black numbers.

WITNESS 1: Ja. Okay, on 15 ...[intervenes]

ADV PRETORIUS SC: Okay, no, no, no, you are quite right, let me not interfere with your evidence. You tell the Chair what you have in paragraph 50.

WITNESS 1: Okay, since I received and SMS discussed in paragraph 42 above:

“I noticed on three occasions that I was being followed by two different vehicles, namely a white VW Polo twice.”

And then page 16:

10 “And a grey VW Polo once, both without registration plates.”

ADV PRETORIUS SC: Alright and I do not think it is necessary to go into the detail but from the nature of the incidence incurred what did you conclude? What did you think was happening?

WITNESS 1: You know, as a trained security person I thought that I was under surveillance, I was being followed.

20 **ADV PRETORIUS SC:** Right, did you – will you go to paragraph 59, that is the second instance of being followed. Did you keep any notes or make any notes of that incident?

WITNESS 1: Yes, on paragraph – oh ja, yes, yes, I did.

ADV PRETORIUS SC: And if we go to page - just bear with me for a moment, to page 69, is there anything on this

– what is this page, at page 69?

WITNESS 1: On page 69, I made a note on the official – on the logbook of the official vehicle that I am using for official duties when I was followed by the white Polo. I made ...[intervenes]

ADV PRETORIUS SC: Where is that entry?

WITNESS 1: Yes.

ADV PRETORIUS SC: Where is that entry on page 69?

WITNESS 1: It is on the – it is the last line of the log
10 sheet. It was the 24/06/19 when I made a note, that white Polo, that is when I was followed by the white Polo.

ADV PRETORIUS SC: Is that in the bottom left hand corner? You have got White P there.

WITNESS 1: That is correct, Chair.

ADV PRETORIUS SC: And the next ...[intervenes]

CHAIRPERSON: I am sorry. The note you made does not say you were followed by a car but you made a note that – I do not know if there is VTH and then TE and then P. Is that the note you are referring to?

20 **WITNESS 1:** Yes, Chair.

CHAIRPERSON: That seems to me like a code, code language for something or an abbreviation. Is it VTH and if it is, what does it represent? Of course, if it represents – well, if you are able to say without...

WITNESS 1: Chair, I wrote White P, meaning the white

Polo.

CHAIRPERSON: Oh, that is white P.

WITNESS 1: Yes.

CHAIRPERSON: Oh, okay. And what does P represent?

WITNESS 1: Polo, a Polo, a white Polo.

CHAIRPERSON: Oh, did you make that – did you write that on the same day?

WITNESS 1: Yes. When I got home, I wrote that on the same day and then I then informed my superiors and also
10 the Zondo Commission investigators.

CHAIRPERSON: Okay.

ADV PRETORIUS SC: And then the third instance of being followed, is that paragraph 60 and following? Is that another occasion on which you concluded that you had been followed as you described in your statement?

WITNESS 1: That is correct Chair.

ADV PRETORIUS SC: Alright, let's go to W124, that's on page 73, it's not very clear but what is this picture that we see on page 23?

20 **WITNESS 1:** That is the picture of the Polo that followed me that day, I managed to take a pic of it.

ADV PRETORIUS SC: Yes and on page 75, what is that?

WITNESS 1: Yes it is a picture of the same car that followed me.

ADV PRETORIUS SC: Yes, but it seems, and did you

take these – how did you take these pictures?

WITNESS 1: The car, I took the pictures, I was driving on the far extreme lane and the car was behind me. What I did when we approached the traffic lights I quickly swerved and moved, to the middle lane and the guy was forced to drive past me, and I slowed down and quickly took a pic of the car, and the two occupants they turned and looked at me and then I just, and then I drove off when they turned, I proceeded straight.

10 **CHAIRPERSON:** When I look at the picture at page 75 it looks as if to me there was somebody or there were two people, I don't know whether appearing through the roof of the car, protruding through the roof of the car, that's not what happened is that right.

WITNESS 1: Yes Chair there were two occupants in the car, driver and the other person, the passenger.

CHAIRPERSON: But they were seated in the car, they were not, you could not see them as if they used the sunroof to appear through the roof of the car?

20 **WITNESS 1:** No they didn't use the sunroof, that other person was standing across, he was standing on the road, he wasn't out on the – ja.

CHAIRPERSON: Oh, okay, alright.

ADV PRETORIUS SC: Right, at paragraph 65 and following you relate precautions taken for your own safety,

these incidents that you have referred to did you report them?

WITNESS 1: Paragraph 65, let me just go there.

ADV PRETORIUS SC: Paragraph 65 and following.

WITNESS 1: In regards the drugs received.

ADV PRETORIUS SC: Well let me just put the question to you like this, since these incidents occurred have you taken any precautions in regard to your safety?

WITNESS 1: Yes, I have Chair.

10 **ADV PRETORIUS SC:** And do you relate these and your security concerns on pages 18, 19 and 20.

WITNESS 1: Yes Chair.

ADV PRETORIUS SC: Those have been fully canvassed in the application for you to give evidence in the manner you have today.

WITNESS 1: Yes Chair.

ADV PRETORIUS SC: Is there anything else you wish to add, that I may have missed?

WITNESS 1: No Chair.

20 **ADV PRETORIUS SC:** Thank you Chair that is the evidence.

CHAIRPERSON: Thank you very much witness one for your evidence we appreciate that you have made yourself available to assist the Commission, even when there may have been threats to your safety and that of your family,

we appreciate that you made yourself available, thank you very much.

WITNESS 1: You are welcome Chair.

CHAIRPERSON: Yes, you are excused for purposes of these proceedings, thank you very much. Mr Pretorius?

ADV PRETORIUS SC: Thank you witness one. Chair may we call then witness number two.

CHAIRPERSON: Yes, you may call him.

ADV PRETORIUS SC: We will take a minute or so to clear
10 the hearing venue and to bring witness number two in to the room.

CHAIRPERSON: I wonder whether we should take a five minutes break while that is done.

ADV PRETORIUS SC: Sure, thank you Chair.

CHAIRPERSON: We will take a five minutes adjournment.

ADV PRETORIUS SC: Thank you Chair.

CHAIRPERSON: We adjourn.

REGISTRAR: All rise.

INQUIRY ADJOURNS

20 **INQUIRY RESUMES**

CHAIRPERSON: Yes, let's continue.

ADV PRETORIUS SC: Thank you Chair, may we call witness number 2?

CHAIRPERSON: Yes.

ADV PRETORIUS SC: Yes, witness number 2 can you

hear me?

WITNESS 2: Yes I can Chair.

ADV PRETORIUS SC: Right, you have in front of you a pile of documents marked Exhibit BB14b. Is that correct?

WITNESS 2: Yes, Chair.

ADV PRETORIUS SC: Would you go to page 80 and I am referring to the numbers in the top left hand corner, the black numbers.

WITNESS 2: Yes, same page.

10 **ADV PRETORIUS SC:** Do you recognise this document?

WITNESS 2: Yes, I do.

ADV PRETORIUS SC: Is this an affidavit that you attested to?

WITNESS 2: Yes, Chair.

ADV PRETORIUS SC: If you go perhaps to page 92 you will see that there is a space for a signature which appears to have been redacted or blacked out. Do you recall signing this affidavit?

WITNESS 2: Yes, I can recall.

20 **ADV PRETORIUS SC:** Subject to any corrections we may have to make and subject to certain deletions or redactions are the contents of this affidavit as far as you are aware true and correct?

WITNESS 2: They are true Chair.

ADV PRETORIUS SC: Right. Chair may we then admit

this affidavit and its annexures as Exhibit BB14b?

CHAIRPERSON: The affidavit of witness 2 appearing at page 80 – from page 80 to page 93 in bundle Transnet 1 is admitted and will be Exhibit 14b. Is that right?

ADV PRETORIUS SC: 14b, BB14b.

CHAIRPERSON: Oh, Exhibit BB14b?

ADV PRETORIUS SC: Correct Chair, thank you.

CHAIRPERSON: Thank you.

ADV PRETORIUS SC: Witness number 2 are you
10 employed as a security officer in the Transnet Group?

WITNESS 2: Correct Chair.

ADV PRETORIUS SC: There was a break in your employments and we may talk about that later. But were you previous employed as a close protection officer and personal driver in the Transnet Group?

WITNESS 2: Correct Chair.

ADV PRETORIUS SC: Who did you protect and drive for?

WITNESS 2: Mr Siyabonga Gama.

ADV PRETORIUS SC: You broke up there slightly
20 Siyabonga who?

WITNESS 2: Gama.

ADV PRETORIUS SC: Gama, thank you. And what office did Mr Gama hold at the time?

WITNESS 2: It was the Parktown office which is Transnet Freight Rail before he assumed the groups CEO's

position.

ADV PRETORIUS SC: And then did you later also act as his CPO and driver when he had left Transnet Freight Rail and joined Transnet?

WITNESS 2: Yes, correct.

ADV PRETORIUS SC: And in what capacity was he employed at Transnet when you served him?

WITNESS 2: As a group CEO.

CHAIRPERSON: Did he occupy a different position at
10 some stage while you were his close protector prior to being the group CEO?

WITNESS 2: Yes, Chair he was just a CEO for the TFR division which is Transnet Freight Rail.

CHAIRPERSON: Okay.

ADV PRETORIUS SC: Do you have qualifications as a close protection officer and are you trained in that profession?

WITNESS 2: Correct Chair.

ADV PRETORIUS SC: What were your duties in providing
20 CPO services to Mr Gama?

WITNESS 2: It was in the capacity of protecting him in person and any related and official matters including driving him from point A to point B and vis-a-vie.

ADV PRETORIUS SC: Did you do this on a daily basis?

WITNESS 2: Yes, Chair.

ADV PRETORIUS SC: And did you...[intervenes]

WITNESS 2: But...[intervenes]

ADV PRETORIUS SC: I am sorry I interrupted you.

WITNESS 2: As the team grew there would be alternation where sometimes when you are not on duty you conducting administration work or you are on a day off.

ADV PRETORIUS SC: And would someone stand in for you on those days?

WITNESS 2: Yes, correct.

10 **ADV PRETORIUS SC:** And did you ever transport Mr Gama on private trips?

WITNESS 2: Can you please repeat Chair?

ADV PRETORIUS SC: Did you ever transport Mr Gama on private trips?

WITNESS 2: Yes, I did.

ADV PRETORIUS SC: Did you have any responsibility in regard to the maintenance of Mr Gama's private vehicles?

WITNESS 2: Correct.

ADV PRETORIUS SC: What were those

20 **WITNESS 2:** Maintenance that included making sure that they go for regular services on due dates and making sure that they are kept clean and just general maintenance and keeping up with the day to day running of a vehicle.

ADV PRETORIUS SC: Over the period that you served Mr Gama do you know which vehicles he used?

WITNESS 2: Correct.

ADV PRETORIUS SC: What were those vehicles?

WITNESS 2: There was a BMW S56V, a Mercedes S500, a Mercedes S65, a Range Rover Evoque and lastly a Mercedes Benz SL63.

ADV PRETORIUS SC: Did you have an occasion to photograph any of these vehicles?

WITNESS 2: Yes, Chair.

ADV PRETORIUS SC: Look at page 95 if you would.

10 **WITNESS 2:** Confirmed about page 85.

ADV PRETORIUS SC: What is that picture?

WITNESS 2: It is a picture of a Range Rover Evoque.

ADV PRETORIUS SC: Right, Mr Gama's is it? As you say in paragraph 9.2.

WITNESS 2: Yes, Chair.

ADV PRETORIUS SC: And then page 97?

WITNESS 2: Correct.

20 **CHAIRPERSON:** Okay I think let us clarify that the picture of a car that appears at page 95 witness 2 whose car was that taken a picture of there?

ADV PRETORIUS SC: Witness number 2 the picture shown on page 95 whose car is shown there?

WITNESS 2: That is the Range Evoque that belong to Mr Gama.

ADV PRETORIUS SC: Okay you broke up there the Range

Rover Evoque, is that correct?

WITNESS 2: Range Rover Evoque, yes.

ADV PRETORIUS SC: Is that the same as the Range Rover sport?

WITNESS 2: No it is not the same as the Range Rover sport it is a Evoque.

ADV PRETORIUS SC: Alright because if you look at paragraph 9.4.2.

WITNESS 2: Yes.

10 **ADV PRETORIUS SC:** The vehicle described there is a Range Rover sport, must that be corrected?

WITNESS 2: That needs to be corrected a Range Rover sport is different from a Range Rover Evoque.

ADV PRETORIUS SC: Okay. How do you spell that word is it evoke or vogue?

WITNESS 2: Evoque, V.O.Q.U.E.

ADV PRETORIUS SC: Alright. In any event to whom did that car belong?

WITNESS 2: To Mr Gama.

20 **ADV PRETORIUS SC:** Alright and was that a fully armoured vehicle?

WITNESS 2: It was a fully armoured vehicle.

ADV PRETORIUS SC: Let us go to page 97 if we may briefly, what is shown there?

WITNESS 2: I am on page 97.

ADV PRETORIUS SC: Yes, what do we see there in that picture?

WITNESS 2: A Mercedes SL63.

ADV PRETORIUS SC: To whom did that belong?

WITNESS 2: To Mr Gama.

ADV PRETORIUS SC: Okay, right let us go to paragraph 9.5 there you list some other vehicles. Just tell us the names of those vehicles please?

WITNESS 2: The BMW X5, The Range Rover
10 Evoque...[Intervenues]

ADV PRETORIUS SC: Sorry we – para 9.5 on page 83.

WITNESS 2: 9.?

ADV PRETORIUS SC: 9.5 on page 83 you list further other vehicles.

WITNESS 2: The Land Rover Discovery.

ADV PRETORIUS SC: Right.

WITNESS 2: That was the vehicle that we used in the early days I joined in...[intervenues]

ADV PRETORIUS SC: Alright we do not have to give the
20 life history of each vehicle let us just name the vehicles if you would please.

WITNESS 2: The Land Rover Discovery, a Lexus 4x4, a Lexus Sedan, a BMW 320 and lastly a Mini Cooper.

ADV PRETORIUS SC: Right did you keep a log book of daily trips undertaken by Mr Gama?

WITNESS 2: I did not.

ADV PRETORIUS SC: Why not?

WITNESS 2: Because these were private vehicles.

ADV PRETORIUS SC: In paragraph 10 you talk of occasions where you transported Mr Gama. Tell the Chair of these occasions please. How many occasions and where did you transport Mr Gama?

WITNESS 2: The trips we made it were to Saxonwold on number 1 Saxon 5 which later I was aware that it was
10 the Gupta's residence.

ADV PRETORIUS SC: How many occasions did you transport Mr Gama there as you recall?

WITNESS 2: If my memory serves me well, I had three trips or four.

ADV PRETORIUS SC: Okay so three or four trips?

WITNESS 2: Yes.

ADV PRETORIUS SC: Okay and were these trips recorded in a diary?

WITNESS 2: They were never recorded in a diary.

20 **ADV PRETORIUS SC:** And when you arrived at the Gupta residence in Saxonwold what would happen?

WITNESS 2: I would drop him off and get a parking space and sit in the vehicle.

ADV PRETORIUS SC: Right.

WITNESS 2: Whilst I wait for him.

ADV PRETORIUS SC: Whilst waiting for him in the parking area on the occasions you have referred to, did you have an occasion to see anyone else, an official of Transnet?

WITNESS 2: Yes.

ADV PRETORIUS SC: Who was that?

WITNESS 2: I have, Mr Brian Molefe.

ADV PRETORIUS SC: Anyone else?

WITNESS 2: That was one occasion and also Mr Thami
10 Jiyane on a different visit.

ADV PRETORIUS SC: Mr Thami Jiyane?

WITNESS 2: Yes, Chair.

ADV PRETORIUS SC: His first name what is his full first name?

WITNESS 2: Thamsanqa Jiyane.

ADV PRETORIUS SC: Did Mr Jiyane ever make a remark to you that you connected with his visits?

WITNESS 2: Yes, he once made a remark to me and mentioned that I am exposed to the shady stuff that they
20 do in Zulu though.

ADV PRETORIUS SC: Okay do you recall the Zulu words the Chair is an expert.

CHAIRPERSON: Ja, just tell me what he said in eSiZulu?

WITNESS 2: [speaking in vernacular]...

CHAIRPERSON: Okay. It is similar to what has been

translated there as shady stuff. It might not be exactly the same, it might have a wider meaning but I think for present purposes we can accept that that translation is not far from it.

ADV PRETORIUS SC: Good. In paragraph 14 witness number 2 you speak of an occasion where you as you have told the Chair observed Brian Molefe. Did he arrive on his own or was he driven there by anybody?

WITNESS 2: No he was on his own driving himself.

10 **ADV PRETORIUS SC:** What car was he driving can you recall?

WITNESS 2: An Audi S8.

ADV PRETORIUS SC: Right and do you know what position Mr Gama held at that time?

WITNESS 2: Yes, Mr Gama was assuming the position of a group CEO of Transnet.

ADV PRETORIUS SC: Of Transnet do you say?

WITNESS 2: Mr Gama, Mr Molefe was already at Eskom.

20 **ADV PRETORIUS SC:** Oh I see my apologies. Mr Molefe what position did he occupy at the time?

WITNESS 2: I assume a group CEO at Eskom.

ADV PRETORIUS SC: Alright. In paragraph 15 and following you relate an incident that occurred as you say during about November 2016 on an occasion related to a

visit to the Gupta residence. Would you tell the Chair about that please?

WITNESS 2: On one occasion with the visits to the Gupta residence Mr Gama came to the vehicle and alerted me that somebody will approach me bringing something to me I must open up the back side of the vehicle and put it in there. A few minutes later which could have been ten minutes or so...[intervenes]

ADV PRETORIUS SC: Before you go on sorry - witness
10 number 2 - before you go on where had Mr Gama come from when he told you this?

WITNESS 2: From within the residence.

ADV PRETORIUS SC: Right continue please?

WITNESS 2: And in a space of about ten minutes a relative of the Gupta family walked right up to me as I was sitting in the vehicle and made contact with and handed me a suitcase that I placed in the boot of the vehicle.

ADV PRETORIUS SC: Are you able to describe from memory that suitcase?

20 **WITNESS 2:** I can try Chair but I – as I have a picture in my memory of it.

ADV PRETORIUS SC: Right please look at page 99.

WITNESS 2: I am on page 99.

ADV PRETORIUS SC: And what is that that you see in the picture?

WITNESS 2: It is a travelling case.

ADV PRETORIUS SC: Right. And how does it relate?

WITNESS 2: It relates – its relation is similar to the one that I had received from this gentleman at the Gupta's residence. He handed me a similar case branded – with the brand Polo on it that I placed at the back of the car.

ADV PRETORIUS SC: Right. Did Mr Gama return from the residence at any stage?

WITNESS 2: Yes he did.

10 **ADV PRETORIUS SC:** Well before we get there. You say that Mr Gama came out of the residence, told you that you should expect a person who would be bringing a bag to you, that happened but after Mr Gama came out did, he go back into the residence or did he go any other place?

WITNESS 2: Yes he came out to alert me and then went back. Then the gentleman walked out.

ADV PRETORIUS SC: Right.

WITNESS 2: With yes.

20 **ADV PRETORIUS SC:** The gentleman walked out of the – out of what place?

WITNESS 2: The residence.

ADV PRETORIUS SC: Right.

WITNESS 2: The front door of the residence.

ADV PRETORIUS SC: Right and had Mr Gama returned to the residence at that stage?

WITNESS 2: Yes Chair.

ADV PRETORIUS SC: Did Mr Gama ultimately come out of the residence?

WITNESS 2: Yes.

ADV PRETORIUS SC: And what happened then?

WITNESS 2: And then we drove through to the corner of Grayston and Rivonia which is the Maslow Hotel.

ADV PRETORIUS SC: And what did you do then and what did Mr Gama do?

10 **WITNESS 2:** I dropped him off. I dropped him off at the entrance and a few minutes later Mr Tommy Jiyane [?] arrived and upon his arrival I walked in to check where they were positioned. They were sitting in the bar lounge within the Maslow Hotel and....

ADV PRETORIUS SC: I am sorry to interrupt you witness number 2. Let us just get the sequence right. You dropped Mr Gama at the entrance to the hotel, what did you do then?

WITNESS 2: And then I went back and sat inside the vehicle for a few minutes.

20 **ADV PRETORIUS SC:** Right and then what happened?

WITNESS 2: And then I spotted Mr Tommy Jiyane arriving and walking in. And then a few minutes later I followed by also making my way into the hotel.

ADV PRETORIUS SC: And what did you see in the hotel?

WITNESS 2: I spotted them sitting in the bar lounge having

drinks.

ADV PRETORIUS SC: Right and a few minutes later what happened?

WITNESS 2: I was called by Mr Jiyane and he handed me his vehicle key when Mr Gama told me to transfer a suitcase to Mr Jiyane's vehicle.

ADV PRETORIUS SC: So Mr Gama gave you an instruction did he?

WITNESS 2: Yes he did.

10 **ADV PRETORIUS SC:** What was that instruction?

WITNESS 2: The instruction was me to transfer the suitcase into Mr Jiyane's vehicle.

ADV PRETORIUS SC: Right who gave you the suitcase? Can you recall?

WITNESS 2: The Gupta relative of..

ADV PRETORIUS SC: Yes. No I am talking about in the hotel now, in the Maslow Hotel. Can you recall who handed you the suitcase?

20 **WITNESS 2:** Well no-one handed me the suitcase. The suitcase was still in the Range Rover which is Mr Gama.

CHAIRPERSON: It was in the boot.

ADV PRETORIUS SC: Oh I see I am sorry. Thank you. Well what happened between you and Mr Jiyane then?

WITNESS 2: Mr Jiyane handed me his vehicle key so I can make the transfer of the suitcase.

ADV PRETORIUS SC: Alright and you say the suitcase was still in the Range Rover of Mr Gama?

WITNESS 2: Yes.

ADV PRETORIUS SC: Yes I am sorry I confused you with my question. It is clear from your statement that that was ...

CHAIRPERSON: And the instruction was for you to take the suitcase from Mr Gama's car and take it where?

WITNESS 2: Into Mr Jiyane's car.

CHAIRPERSON: Okay.

10 **ADV PRETORIUS SC:** Right what did you do having received this instruction?

WITNESS 2: I – as instructed I went to the Range Rover and took the suitcase from the boot to Mr Jiyane's vehicle which was also parked closer to the entrance.

ADV PRETORIUS SC: Can you remember what vehicle it was?

WITNESS 2: It was a white Mercedes Benz GL Class.

ADV PRETORIUS SC: And what did you do with that suitcase?

20 **WITNESS 2:** I conducted an inspection and opened it up.

ADV PRETORIUS SC: What did you see in the suitcase?

WITNESS 2: Inside the suitcase there was stacked bundles of cash. The top layer contained R50.00 notes and R100.00 notes.

ADV PRETORIUS SC: Right. Was the bag full, half full,

partly full can you give an estimate to the Chair please?

WITNESS 2: It was full – fully filled.

ADV PRETORIUS SC: Right. You inspected the suitcase. You noticed what the suitcase contained and you have described what it contained to the Chair, what did you do then?

WITNESS 2: I then zipped it up and placed it where I was instructed to, locked the vehicle and took back the key.

ADV PRETORIUS SC: Did you say anything to either Mr
10 Gama or Mr Jiyane in relation to what you had seen inside the suitcase?

WITNESS 2: No Chair.

ADV PRETORIUS SC: You go in your statement to describe certain incidents that took place at Melrose Arch. Would you tell the Chair about that please? Or about those incidents.

WITNESS 2: On the trips to the Melrose Arch we – I would transport Mr Gama on most occasions drop him off at the African Pride Hotel with an instruction that I must go to the residence part of Melrose Arch and meet a gentleman that I
20 somehow got acquainted to that handed me on one occasion a plastic bag.

ADV PRETORIUS SC: Alright we will come to the detail in a moment Witness number 2. This gentleman did you come to learn his name?

WITNESS 2: Yes.

ADV PRETORIUS SC: What was his name?

WITNESS 2: I conducted my own finding only to confirm that it was the gentleman that was being mentioned in the news as Mr Essa.

ADV PRETORIUS SC: How do you spell that? How do you spell that name?

WITNESS 2: Essa would be E-s-s-a.

ADV PRETORIUS SC: Right. Would you look please at page 101?

10 **WITNESS 2:** I am on page 101.

ADV PRETORIUS SC: There is a photograph there who is that in the photograph?

WITNESS 2: It is the very same gentleman that I have identified as Mr Essa.

ADV PRETORIUS SC: Right is he the same person with whom you engaged at Melrose Arch?

WITNESS 2: Correct Chair.

ADV PRETORIUS SC: On the occasions that you are going to tell the Chair about now?

20 **WITNESS 2:** Correct.

ADV PRETORIUS SC: Right. You describe an incident that occurred on the 13 June 2017 would you tell the Chair about that incident please?

WITNESS 2: On the 13 June 2017 Mr Gama asked me to collect a parcel from Mr Essa at Melrose Apartments and

thereafter once I have collected, he came up at the front door of the African Pride Hotel in Melrose Arch.

ADV PRETORIUS SC: Having received that instruction what did you do?

WITNESS 2: I drove to the apartment side parking and waited to receive the package. Upon Mr Essa walking towards me I met him at the back of the vehicle, opened up and received the package and stored it in the boot of the vehicle.

10 **ADV PRETORIUS SC:** Right. Please look at page 103?

CHAIRPERSON: I am on page 103.

ADV PRETORIUS SC: What do you see in that photograph?

WITNESS 2: A striped plastic bag.

ADV PRETORIUS SC: And how does that bag shown there relate to the story you are now telling us?

WITNESS 2: Correct Chair confirms and relates to the detail that I have just mentioned.

20 **ADV PRETORIUS SC:** Right. So the bag that Mr Essa brought to you is it similar to the bag depicted in the photograph?

WITNESS 2: Correct.

ADV PRETORIUS SC: What did you do with the bag?

WITNESS 2: I placed it in the back compartment of the car which is the boot, secured it and drove towards the front of the hotel and picked up Mr Gama.

ADV PRETORIUS SC: Right. Now did you stay with the vehicle for the next few hours?

WITNESS 2: Yes.

ADV PRETORIUS SC: Right. What happened after you had collected Mr Gama at the entrance of the hotel?

WITNESS 2: I transported Mr Gama to Bryanston.

ADV PRETORIUS SC: Right. Sorry I have just been alerted to the fact that you have described the person who handed the bag to you as Mr Essa. Can you recall his first name or
10 did you know his first name or do you know his first name?

WITNESS 2: Salim.

ADV PRETORIUS SC: Say that again please?

WITNESS 2: Salim.

ADV PRETORIUS SC: Salim. Okay let us go back to...

WITNESS 2: Yes Chair.

ADV PRETORIUS SC: I am sorry. You wanted to say something I interrupted you.

WITNESS 2: No I was confirming the first name as Salim.

ADV PRETORIUS SC: Right thank you. Alright let us go on
20 with the events of that evening. You collected Mr Gama at the entrance of the hotel to which you have referred.

WITNESS 2: Yes.

ADV PRETORIUS SC: Let us just look at annexure W2 06 we can – page 105. What do we see here?

WITNESS 2: We see a timeline that was captured by my

movements through Google Map.

ADV PRETORIUS SC: And captured on what device?

WITNESS 2: A cell phone device.

ADV PRETORIUS SC: Yes. And in the middle of that page one sees Melrose Arch and a time?

WITNESS 2: Yes Chair.

ADV PRETORIUS SC: How do we interrupt those references? What do they mean?

WITNESS 2: The references confirm the detail that I have
10 just given.

ADV PRETORIUS SC: Okay.

WITNESS 2: To the commission.

ADV PRETORIUS SC: Right. So you collected Mr Gama what happened then?

WITNESS 2: I collected Mr Gama and then we proceeded to Bryanston.

ADV PRETORIUS SC: Right and at Bryanston did you meet a person?

WITNESS 2: Yes a close friend of his.

20 **ADV PRETORIUS SC:** Right. And if one looks at W2 06 what do you see there on page 105? Am I correct?

WITNESS 2: Yes Chair.

ADV PRETORIUS SC: What does that show you page 105?

WITNESS 2: It shows me a pattern of my movements.

ADV PRETORIUS SC: Sorry let us go to 106 we have been

to 105.

WITNESS 2: Yes.

ADV PRETORIUS SC: Let us go to page 106 what do we see there?

WITNESS 2: That was the 13 June 2017.

ADV PRETORIUS SC: Yes and in the shaded area two thirds the way down the page.

WITNESS 2: Yes.

ADV PRETORIUS SC: There appears to be an address,
10 what place was that?

WITNESS 2: That was the residence in Bryanston, Sandton.

ADV PRETORIUS SC: Right. The address to which you drove?

WITNESS 2: Yes Chair.

ADV PRETORIUS SC: The exact address? Oh, I see yes at the bottom of the page.

WITNESS 2: Correct.

ADV PRETORIUS SC: Right. Let us just go back to paragraph 25. I understand your records confirm that you
20 went from Melrose Arch to an address – was it Sandton or Bryanston?

WITNESS 2: It is Bryanston.

ADV PRETORIUS SC: At the bottom of the page.

WITNESS 2: Yes it written as in Bryanston. I think it falls under the area Sandton. But it is Bryanston.

ADV PRETORIUS SC: Yes okay good. Let us go to the next paragraph, paragraph 25. At this address in Bryanston, Sandton what happened?

WITNESS 2: After arriving at the residence, I waited in the vehicle for a few hours. At some point, Mr Gaba came out of the residence and asked me to open up the back of the vehicle and pull out the plastic bag that we had collected earlier. He opened it up and started the cash that was stacked inside ...[intervenes]

10 **ADV PRETORIUS SC:** Alright. Did you ...[intervenes]

WITNESS 2: ...cut it in half.

ADV PRETORIUS SC: I am sorry. Before you go on Witness 2. Did you see inside the bag?

WITNESS 2: Yes, as he opened it, I identified ...[intervenes]

ADV PRETORIUS SC: Do you remember the denomination or did you notice the denomination?

WITNESS 2: Yes, they were R 200,00 notes.

ADV PRETORIUS SC: And again, was the bag half-full, complete full?

20 **WITNESS 2:** It was a quarter full.

ADV PRETORIUS SC: A quarter full? Right.

WITNESS 2: Yes.

ADV PRETORIUS SC: And what did you observe or what did you do when the bag had been opened?

WITNESS 2: I observed him splitting the cash into two, half-

half, calculating it in stacks and later handed me what I confirmed later when I got home, which was R 50 000,00 ...[intervenes]

ADV PRETORIUS SC: During this ...[intervenes]

WITNESS 2: ...that he ...[intervenes]

ADV PRETORIUS SC: I am sorry, Witness 2. During this process, were you able to estimate how much money was in the bag?

WITNESS 2: I presume it could have been a million rand.

10 **ADV PRETORIUS SC:** Alright. And how did you calculate or conclude that it was a million rand approximately?

WITNESS 2: Because he... because in the calculation when he was putting the stacks and dividing them, I kind of assisted him ...[intervenes]

ADV PRETORIUS SC: Thank you.

WITNESS 2: ...in the calculation.

ADV PRETORIUS SC: Alright. What did he do with the money that was left over after giving you the R 50 000,00?

WITNESS 2: He handed me ...[intervenes]

20 **CHAIRPERSON:** I am sorry Mr Pretorius and Witness 2. Why did he give you R 50 000,00? Did he say why he was giving you that money?

WITNESS 2: He never specifically said. He just gave it to me. I assumed it was just thank you.

CHAIRPERSON: It was ...[intervenes]

WITNESS 2: Or ...[intervenes]

CHAIRPERSON: Was it... it was not money that he was going to ask you to give back to him at any stage?

WITNESS 2: No, Chair.

CHAIRPERSON: Did you... was your understanding that he was just giving you the money for you to use it as you so fit?

WITNESS 2: Can you please repeat Chair?

CHAIRPERSON: Was it your understanding that he was giving you the money so that it would be your money which
10 you could use as you so fit?

WITNESS 2: That was my understanding Chair.

CHAIRPERSON: He did not say anything in particular about the purpose of the R 50 000,00, did he?

WITNESS 2: He did not give an instruction. So he just handed it to me and I thanked him.

CHAIRPERSON: And he never asked for it back?

WITNESS 2: Never Chair.

CHAIRPERSON: Okay alright. Yes, you may continue Mr Pretorius.

20 **ADV PRETORIUS SC:** You say, Witness 2, that he divided the money and he gave you R 50 000,00. What happened to the one million rand, approximately, that had been divided?

WITNESS 2: What... he placed it in a sports bag and took it back into the residence and the rest, the remainder, we took it with to his residence in Kyalami, Midrand.

ADV PRETORIUS SC: What did you do with the money that was given to you?

WITNESS 2: I used it for myself or the project of building.

ADV PRETORIUS SC: Right. What were you building?

WITNESS 2: I was building my residence.

ADV PRETORIUS SC: Alright. At the bottom of page 86 ...[intervenues]

CHAIRPERSON: One second Mr Pretorius. After you... after Mr Gama had given you that money, R 50 000,00. Did
10 you keep it as cash without putting it into your bank account or did you first put it into your bank account before you used it?

WITNESS 2: I never placed... I did not put it in my account Chair. I used it as I was in the process of building my residence. So it was cash on hand.

CHAIRPERSON: Okay alright. So you used it as cash until it was finished?

WITNESS 2: Yes, Chair.

CHAIRPERSON: Yes, okay.

20 **ADV PRETORIUS SC:** Good. Witness 2, on page 86, at the bottom of the page, paragraph 27, you relate another incident that you say occurred on the 13th of July 2017. What happened on that occasion?

WITNESS 2: On that occasion, it was the same *modus operandi* of me dropping him off at the hotel, driving to the

apartments and parking at the residence parking and receiving the package from Mr Essa.

ADV PRETORIUS SC: Alright. What did this package look like?

WITNESS 2: It was a wrapped plastic bag.

ADV PRETORIUS SC: Right. Different or similar to the one that you described earlier.

WITNESS 2: No, it was not of that magnitude.

ADV PRETORIUS SC: Not as big?

10 **WITNESS 2:** It could have been a carry bag with a stack of notes and folded.

ADV PRETORIUS SC: Right. So you went to... with Mr Gama to Melrose Arch, did you?

WITNESS 2: Yes, I did Chair.

ADV PRETORIUS SC: And did you meet anyone together with Mr Gama in Melrose Arch?

WITNESS 2: I dropped him off at ...[indistinct] [distortion present] He went into the hotel.

ADV PRETORIUS SC: Alright?

20 **WITNESS 2:** His instruction(?) [distortion present] was, I must go to the residence's parking area.

ADV PRETORIUS SC: Right?

WITNESS 2: And Mr Essa will come to me.

ADV PRETORIUS SC: And did that happen?

WITNESS 2: That transpired Chair.

ADV PRETORIUS SC: Was Mr Essa alone or he was accompanied by anyone?

WITNESS 2: He was always alone.

ADV PRETORIUS SC: Right. I am just a little confused as to the sequence of events. You say that Mr Gama went into the hotel?

WITNESS 2: Yes, I dropped him off at the front entrance of the hotel ...[intervenes]

ADV PRETORIUS SC: And when mister ...[intervenes]

10 **WITNESS 2:** ...he went inside.

ADV PRETORIUS SC: And did Mr Essa come to meet you?

WITNESS 2: I drove up, say ...[indistinct] [distortion present] metres because the main(?) entrance, it is part of the same building of the hotel.

ADV PRETORIUS SC: Alright. Because I must point out to you ...[intervenes]

WITNESS 2: Perhaps(?) there is ...[intervenes] [distortion present]

ADV PRETORIUS SC: In paragraph 27, you say:

20 “Approximately in 30-minutes later, Gama walking with Essa returned with the plastic bag...”

It seems to differ from what you are saying now. I know it is a detail but what was the position?

WITNESS 2: [No audible reply]

ADV PRETORIUS SC: Have a look at paragraph 27.

WITNESS 2: That was one of the events that took place. I maybe... I may have mixed the occasions. Just to correct. Yes, the statement is correct. On one occasion, he had walked into the apartments and walked out with Mr Essa.

ADV PRETORIUS SC: Right. And on the particular occasion that we are talking about on the 13th of July, what happened after Mr Gama and Mr Essa came out of the residence or the apartment?

WITNESS 2: They walked out together(?) [distortion present] and he came out with a plastic bag that was folded. I had to open the boot and it was placed at the back of the car. And ...[intervenes]

ADV PRETORIUS SC: Where did you ...[intervenes]

WITNESS 2: ...after we ...[indistinct] [distortion present]

ADV PRETORIUS SC: Right. The plastic bag, you say, was put in the boot of the vehicle. What did you do then?

WITNESS 2: We drove through to ...[indistinct] [distortion present] Went into that particular address and we proceeded into that residence.

20 **ADV PRETORIUS SC:** That was the residence in Sandhurst, you say?

WITNESS 2: In Sandhurst, yes.

ADV PRETORIUS SC: Yes. Okay and who went into the residence at that address?

WITNESS 2: Yes.

ADV PRETORIUS SC: Who went inside?

WITNESS 2: Mr Gama.

ADV PRETORIUS SC: And where were you?

WITNESS 2: I remained with the vehicle.

ADV PRETORIUS SC: And did you do anything whilst you were waiting at the vehicle?

WITNESS 2: Yes, I inspected... I conducted an inspection and confirmed what was in the plastic bag.

ADV PRETORIUS SC: Alright. What did you see in the
10 plastic bag?

WITNESS 2: There was a stack of R 200,00 notes.

ADV PRETORIUS SC: Right. Were you able to estimate approximately how much was contained in that plastic bag?

WITNESS 2: I would not want to... I am not sure how much it was but it was not less than a hundred thousand.

ADV PRETORIUS SC: Alright. Okay let us go to paragraph 29, where you refer to certain records which appeared to be a printout of Google Maps. WU207 on page 108. What is depicted here?

20 **WITNESS 2:** It is the top line from Google Map confirming the detail that I had just mentioned.

ADV PRETORIUS SC: The date at the top of the page is 13 July 2017 and there are certain records which appear beneath that. Where does this picture come from?

WITNESS 2: It comes from the record within my old fault

device.

ADV PRETORIUS SC: Right. Your cell phone, is that right?

WITNESS 2: Correct Chair.

ADV PRETORIUS SC: Okay and what does it tell us? Just briefly.

WITNESS 2: It tells of the timelines, the events that I just mentioned.

ADV PRETORIUS SC: Alright. It shows Melrose Arch and then in the shaded part an address.

10 **WITNESS 2:** Yes.

ADV PRETORIUS SC: And is that address close to the residence you visited or Mr Gama visited?

WITNESS 2: Yes.

ADV PRETORIUS SC: Okay.

WITNESS 2: Yes, Chair.

ADV PRETORIUS SC: Were you ever accused of any acts in relations to money that ...[intervenes]

WITNESS 2: I was Chair.

ADV PRETORIUS SC: What was the accusation?

20 **WITNESS 2:** It came to my attention at a later stage that he mentioned to my senior managers that I stole money from him.

ADV PRETORIUS SC: Right. You refer at the bottom of page 87 to two other occasions where you say you discovered cash. What were those events? Will you please

tell the Chair?

WITNESS 2: One event, it was when I would conduct the maintenance of the vehicles at his residence in Midrand. I discovered two hundred notes, R 200,00 notes in one of the vehicles in the back boot.

And on another ...[intervenes]

ADV PRETORIUS SC: Alright. Just before you go on, you say in the back boot.

WITNESS 2: Yes.

10 **ADV PRETORIUS SC:** Was it just laying in the boot? Has it... had it been concealed? What did you see?

WITNESS 2: One, it was concealed in the spare wheel component.

ADV PRETORIUS SC: Right. And what vehicle was this?

WITNESS 2: An SL 63.

ADV PRETORIUS SC: And just tell the Chair again. What did you find in the spare wheel compartment?

WITNESS 2: R 200,00 notes.

20 **ADV PRETORIUS SC:** Can you estimate from memory how much was contained in that spare wheel compartment on that occasion?

WITNESS 2: It was nothing more than hundred thousand.

ADV PRETORIUS SC: Alright. Was there any other occasion?

CHAIRPERSON: I am sorry. You intend saying nothing

more or do you intend saying nothing less than hundred thousand? You said nothing more.

WITNESS 2: I would assume it was not more than hundred thousand.

CHAIRPERSON: Okay thank you.

ADV PRETORIUS SC: You relate another incident in paragraph 36 that apparently occurred on the 20th of April 2017. What happened on that occasion.

WITNESS 2: There was an official meeting in Centurion that
10 was initiated by the former office of the minister then. And there were SOE's, CEO's. And upon arrival, I dropped him off, made sure that he was secured, went and parked the car, conducted an inspection and I discovered in the back of the Range Rover in a red medical kit bag that there were R 200,00 as well.

ADV PRETORIUS SC: Can you estimate once more, please? Approximately how much you saw on that occasion?

WITNESS 2: Again, a hundred thousand.

ADV PRETORIUS SC: You relate some further incidents
20 on page 88 in paragraph 40 and following. What happened on that occasion? You say sometime during June 2016. But before we go there perhaps for completeness sake would you look at W209?

WITNESS 2: Yes.

ADV PRETORIUS SC: At page 112. There appears what

appears to be a similar printout of Google Maps or a map application, am I correct? Page 112?

WITNESS 2: Yes, Chair, on 112.

ADV PRETORIUS SC: Under the date 20 April 2017.

WITNESS 2: Yes.

ADV PRETORIUS SC: What does that printout tell us?

WITNESS 2: It tells us and confirms what I have just mentioned, it is a printout of the timeline.

ADV PRETORIUS SC: Right, that you were in Centurion
10 at a stage?

WITNESS 2: Yes.

ADV PRETORIUS SC: Alright. Let us go on to the incident referred to in paragraph 40 and following. What happened on that occasion?

WITNESS 2: On that particular occasion we were – head back to his residence after work and we stopped at the entrance of Beaulieu College which is situated in Midrand, Kyalami. And we met up with Mr Jiyane there who handed a box that can occupy two to four bottles of wine that was
20 sealed with Sellotape. He handed that box to Mr Gama. I put it at the back of the vehicle.

ADV PRETORIUS SC: Right. From what you saw – and I stress from what you saw, could you tell what was contained in the box? And I stress from what you saw.

WITNESS 2: What I saw, it was a box. As I mentioned,

that was made for wine but upon feeling it, with the weight, it did not contain wine.

ADV PRETORIUS SC: Did you see what it did contain?

WITNESS 2: No, I did not see but I can confirm that the packaging could have been of paper or notes and also based on the conversation I overheard that it had to be transferred or given to somebody over the weekend.

ADV PRETORIUS SC: Alright. I think we should be clear here, witness 2, you did not see what was in the box.

10 **WITNESS 2:** Correct.

ADV PRETORIUS SC: You concluded from what you heard at the time and from what the box felt like, particularly its weight, that it might contain paper or paper notes. Do I understand you correctly?

WITNESS 2: Correct, Chair.

ADV PRETORIUS SC: What was the conversation that drew you to that conclusion?

20 **WITNESS 2:** I picked up from the coding or code dialect between him and the other person on the other hand that transaction had to be confirmed and the content that was within the box had to be given to that person by weekend.

ADV PRETORIUS SC: Let us go on then to the incident described in paragraph 42 and following. What happened during the course of that incident?

WITNESS 2: I went to the residence in Midrand and

collected a Mercedes Benz, S65 of the premises which was a loan from a dealership for that specific week or weekend.

ADV PRETORIUS SC: What happened?

WITNESS 2: I proceeded to Woodmead Centre and met up with a former colleague.

ADV PRETORIUS SC: Colleague of whom?

WITNESS 2: Excuse me, Chair?

ADV PRETORIUS SC: You say you met up with a former colleague.

10 **WITNESS 2:** Yes.

ADV PRETORIUS SC: And colleague of who? Whose colleague?

WITNESS 2: My colleague, a former colleague in the line of work.

ADV PRETORIUS SC: Right.

WITNESS 2: The colleague had a close associate or friend of Mr Gama's that had to be transferred into the Mercedes Benz that I was driving with an instruction that I had to meet up with Mr Gama whom I had left in the office.

20 The instruction was to meet up on the N17 highway.

ADV PRETORIUS SC: Did you travel to the N17 highway with the colleague or associate of Mr Gama?

WITNESS 2: Yes, I travelled with the associate of Mr Gama.

ADV PRETORIUS SC: Right. And what happened, did

you go to the N17 highway?

WITNESS 2: Yes, we met up just past the first tollgate as you enter N17 from November 3.

ADV PRETORIUS SC: Right. And what happened on the highway?

WITNESS 2: There was Mr Jiyade that also was present. I handed over the vehicle to Mr Gama whom was dropped off by a colleague of mine as well and I handed the car over to him. Mr Jiyade walked from his vehicle with a
10 package that he handed to Mr Gama.

ADV PRETORIUS SC: Again, did you have an occasion to observe what was in this package?

WITNESS 2: No, Chair.

ADV PRETORIUS SC: Because you say in your statement – well, let me not lead you on this. Did you observe anything or did you make any conclusions? If you drew any conclusions please tell the Chair what conclusions and why you drew them?

WITNESS 2: As per the norm it came to my attention or I
20 was aware that Mr Gama was on a weekend away and as per the norm and with the previous – on previous occasions that I had experienced, I concluded that it was a packet of cash notes.

ADV PRETORIUS SC: So from the circumstances and your experience that was your conclusion but did you see

anything in that packet or package?

WITNESS 2: The content that was inside, I did not see.

ADV PRETORIUS SC: Right. Was there anything else that led you to that conclusion that occurred at the time?

WITNESS 2: As I mentioned, Chair, that through experience and norm, that is where I could draw my conclusion from.

ADV PRETORIUS SC: On page 90, witness 2, you deal with the current breakdown in the relationship between
10 yourself and Mr Gama. Would you tell the Chair please briefly what happened in this regard?

WITNESS 2: The relationship became strained because I could not execute instructions from a third party that was an associate of Mr Gama which he was not happy about and subsequently it ended up me being accused of witchcraft.

ADV PRETORIUS SC: Witchcraft in what sense? What was the content of the accusation?

WITNESS 2: Yes, supposedly there was a video where I
20 was picked up sprinkling something in the residence in Bryanston of which that video has never surfaced to this day.

ADV PRETORIUS SC: Right. Is it correct that you sprinkled a substance in and around the residence of Mr Gama?

WITNESS 2: No, Chair.

ADV PRETORIUS SC: What happened after you had been accused of this action?

WITNESS 2: With the accusations piling up and victimisation that took place I resorted to exit out by resigning but that was somehow rejected and a case was put together and somehow there was a dismissal in fabrication, I guess, because I never attended or responded at the action.

10 **ADV PRETORIUS SC:** You say you took steps to resign from Transnet?

WITNESS 2: Yes.

ADV PRETORIUS SC: When was that?

WITNESS 2: That was 2017 in November.

ADV PRETORIUS SC: Right. And you say that you were then learnt of disciplinary proceedings that had been conducted. Obviously, they were conducted in your absence, am I correct?

WITNESS 2: Correct, Chair.

20 **ADV PRETORIUS SC:** And what was the outcome of those disciplinary proceedings?

WITNESS 2: A dismissal.

ADV PRETORIUS SC: Did you subsequently approach Transnet about this “dismissal”?

WITNESS 2: Right, Chair.

ADV PRETORIUS SC: What was the outcome of your approach to Transnet?

WITNESS 2: An investigation was conducted and the outcome yielded results that were in my favour by reinstatement.

ADV PRETORIUS SC: Right, so it must have been considered that you had been unfairly dismissed and you were reinstated, am I correct?

WITNESS 2: Correct, Chair.

10 **ADV PRETORIUS SC:** You go on in your affidavit at page 91 and 92 to set out your concerns about your personal security. Did you believe that your personal security was under threat?

WITNESS 2: Right, Chair, to this day that has been confirmed with a few events since my departure in 2017 and after my reinstatement. There has been a few occasions where I have experienced incidents specifically soon after I left Transnet in 2017. On two occasions I noticed drones by my residence. I have had text sent to
20 me threatening me since I have been back at Transnet being persuaded not to give evidence whether it be in this Commission or during my interview before I was reinstated.

ADV PRETORIUS SC: Right, were these threats directed directly to you or to someone else?

WITNESS 2: They were directed to me, Chair. I had

reported them even with the security cluster which is SAPS and on occasion information was leaked through Transnet after my interview with the institution and it leaked through a personal assistant to the former HR manager.

ADV PRETORIUS SC: Alright, I am just looking at your affidavit, witness 2, at page 91 and 92. You do not mention any threat there being made to you directly. Is there any reason for that?

WITNESS 2: Those were developments, Chair, that I
10 experienced a few weeks ago after I had made this statement.

ADV PRETORIUS SC: Right. Thank you, is there anything else you wish to tell the Chair that I have not covered?

WITNESS 2: Everything seems to be in order till this moment so I think all is in order.

ADV PRETORIUS SC: Thank you, witness 2. I do not have any further questions.

CHAIRPERSON: Thank you, Mr Pretorius. Thank you,
20 witness 2, thank you for coming to give evidence even within the circumstances that you have described in terms of safety, yourself and your colleagues, we appreciate that you decided that you wanted to come to the Commission and assist the Commission and tell it what you know and what you observed during those years. Thank you very

much for coming to give evidence, we appreciate it. Thank you very much and you are excused.

WITNESS 2: Thank you, Chair.

CHAIRPERSON: You are ready for the third witness, witness 3?

ADV PRETORIUS SC: Yes, Chair.

CHAIRPERSON: Ja, let us go ahead.

ADV PRETORIUS SC: May I assume that we are going to finish witness 3?

10 **CHAIRPERSON:** Yes, I think we ...[intervenens]

ADV PRETORIUS SC: I would ask that we do.

CHAIRPERSON: Ja, I think we should finish, ja.

ADV PRETORIUS SC: Thank you, if we might just take two minutes to make the arrangements for one witness to be moved out and the other to be moved in.

CHAIRPERSON: Ja, no that's five minutes adjournment.

ADV PRETORIUS SC: Thank you Chair.

CHAIRPERSON: We adjourn.

REGISTRAR: All rise.

20 **INQUIRY ADJOURNS**

INQUIRY RESUMES

CHAIRPERSON: Are we ready?

ADV PRETORIUS SC: Yes Chair, thank you. May we call witness number 3?

CHAIRPERSON: Yes.

ADV PRETORIUS SC: Witness number 3 can you hear me? Hello witness number 3, can you hear me?

WITNESS 3: Yes, loud and clear.

ADV PRETORIUS SC: Good, you have a bundle of documents before you, marked Exhibit BB14C, am I correct?

WITNESS 3: That's correct.

ADV PRETORIUS SC: Would you go to page 115, I'm referring to the black numbers in the top left-hand corner
10 of the document.

WITNESS 3: Okay.

ADV PRETORIUS SC: Do you recognise that document?

WITNESS 3: Yes I do.

ADV PRETORIUS SC: Is it an affidavit?

WITNESS 3: Yes, it is.

ADV PRETORIUS SC: Is it your affidavit?

WITNESS 3: Yes Chair.

ADV PRETORIUS SC: Please go to page 132, there's a space for a signature at the bottom of that page which has
20 been redacted, do you recall signing this affidavit?
Witness number 3?

WITNESS 3: Yes, I recall signing it.

ADV PRETORIUS SC: You recall signing this affidavit?

WITNESS 3: That's correct.

ADV PRETORIUS SC: As far as you are aware, and

subject to any corrections we might have to make and subject to any further redactions that we might have to make, are the contents of this affidavit true and correct?

WITNESS 3: Yes, they are a true reflection.

ADV PRETORIUS SC: Right, Chair, may this Exhibit be entered onto the record?

CHAIRPERSON: The affidavit of witness number 3 appearing at page 115 of Bundle Transnet 1 will be admitted and marked as Exhibit BB14C.

10 **ADV PRETORIUS SC:** Thank you Chair. Witness number 3 are you employed in a senior security position in the Transnet Group?

WITNESS 3: That's correct Chair.

ADV PRETORIUS SC: Right, on page 116 and 117 there's a table which shows your previous employment, I don't want to go into any detail there for reasons which we have made clear to the Chair but if we can go to paragraph 4, did you have some experience as an employee of South African Police Service?

20 **WITNESS 3:** That's correct Chair.

ADV PRETORIUS SC: And, were you, in fact, during 2004 a member of the VIP Protection Unit of the South African Police Service?

WITNESS 3: That's correct Chair.

ADV PRETORIUS SC: And you describe, in paragraph 6

the duties of a Close Protection Officer, were you trained as a Close Protection Officer?

WITNESS 3: That's correct Chair.

ADV PRETORIUS SC: Briefly what are the duties of a Close Protection Officer?

WITNESS 3: Normally, I will be assigned to an Executive or a Minister in this regard for driving and making sure that he's personally safe.

ADV PRETORIUS SC: Yes, during 2005 were you
10 assigned as a Close Protection Officer to any particular Minister or Deputy Minister?

WITNESS 3: Yes, I was Chair.

ADV PRETORIUS SC: To whom were you assigned?

WITNESS 3: Then, Deputy Minister Gigaba.

ADV PRETORIUS SC: Right, during the period – well first, during which period were you assigned as a Close Protection Officer to Deputy Minister Gigaba?

WITNESS 3: Late 2004 until 2007, late.

ADV PRETORIUS SC: Okay, and did you ever have
20 occasion to accompany Deputy Minister Gigaba to any entity related to the Gupta family?

WITNESS 3: Yes, back then I accompanied him to the Sahara Business residence in Midrand.

ADV PRETORIUS SC: Right, when did you resign from the South African Police Services and as Close Protection

Officer for Deputy Minister Gigaba?

WITNESS 3: 2008, as a VIP Protector.

ADV PRETORIUS SC: Right, how did you come to be involved with Deputy Minister Gigaba, could you just relate it please, you deal with that at paragraph 10 of your statement and following, you deal with your appointment at Transnet and your secondment to the Department of Public Enterprises?

WITNESS 3: In 2013, I was called by a Major from the
10 DPE at the Minister's office to come and have a meeting with him, the Manager and the Minister, regarding some position to – backup position at the Minister's entourage.

ADV PRETORIUS SC: Right, did you attend the meeting?

WITNESS 3: Yes, I did Chair.

ADV PRETORIUS SC: And what did you learn at that meeting?

WITNESS 3: I was told about the third level on the
20 Minister's side and that we would be required to have – give support on a backup, on the main cover of the Minister.

ADV PRETORIUS SC: Right, so you were required – it wasn't very clear, do I understand you correctly, you say, you would be required to provide close protection and vehicle backup duties?

WITNESS 3: That's correct Chair.

ADV PRETORIUS SC: What does vehicle backup mean?

WITNESS 3: It means we would drive behind the main car.

ADV PRETORIUS SC: Okay, at that time, who were you employed by?

WITNESS 3: At that time, I was not employed.

ADV PRETORIUS SC: I'm sorry that didn't come through, just speak slowly please, you were employed by whom?

WITNESS 3: At that time of the meeting I was not
10 employed Chair.

ADV PRETORIUS SC: But, as I understand it, you were seconded after that meeting that you've just told the Chair about, to the Department of Public Enterprises, am I correct?

WITNESS 3: That's correct.

ADV PRETORIUS SC: And your duties were to perform close protection duties for Deputy Minister Gigaba and vehicle backup support, am I correct?

WITNESS 3: Ja but for the backup he was now a full
20 Minister for DPE.

CHAIRPERSON: I just want to clear up something, I thought Mr Pretorius asked whether you were seconded, and I thought you said yes but I thought you said you were not employed at the time of that meeting, is that correct? If you were seconded you would have been employed

somewhere and then you were asked to go and work elsewhere but if you were unemployed at the time you would not be seconded. Were you employed at the time you received that call?

WITNESS 3: Chair when I received the call to come and have a meeting for this backup position, I was not employed.

CHAIRPERSON: Okay, alright.

ADV PRETORIUS SC: Alright, so let's just summarise to
10 get it clear, perhaps the dates are not clear. When Mr Gigaba was the Deputy Minister of Home Affairs and you were assigned to act as his Close Protection Officer, I understand that to be during 2005, is that correct?

WITNESS 3: That's correct Chair.

ADV PRETORIUS SC: And it was after that and before our resignation from SAPS in 2008 that you, together with Deputy Minister Gigaba visited Sahara Computers in Midrand on a number of occasions, is that correct?

WITNESS 3: That's correct Chair.

20 **ADV PRETORIUS SC:** And then, you say in April 2013 you received a call from an official in the Department of Public Enterprises and you had the meeting with Mr Gigaba, who was then Minister for Public Enterprises, am I correct?

WITNESS 3: That's correct Chair.

ADV PRETORIUS SC: Alright and you took up that

position as a backup driver as well as a Close Protection Officer, correct?

WITNESS 3: That's correct.

ADV PRETORIUS SC: And after July 2013 in serving Minister Gigaba as he was at that time, you were employed by the Department of Public Enterprises, is that correct?

WITNESS 3: I was at Transnet.

ADV PRETORIUS SC: Sorry, you say you were in Transnet at that time?

10 **WITNESS 3:** Yes, June 2013 I was employed by Transnet and July the 1st 2013 I was seconded then to the Minister of DPE.

ADV PRETORIUS SC: Alright, so in July 2013 you were employed by Transnet or at that time you were employed by Transnet, is that correct?

WITNESS 3: That's correct Chair.

ADV PRETORIUS SC: And then from the 1st of July you were employed by the Department of Public Enterprises in order to serve Minister Gigaba?

20 **WITNESS 3:** Yes, Chair I was employed for the services of Minister Gigaba.

CHAIRPERSON: There may be some confusion, as I understand you witness 3, you are saying as at the end of June you were employed by Transnet but with effect from the beginning of July you went to DPE, is that correct, or

did I misunderstand you?

WITNESS 3: That's correct Chair.

CHAIRPERSON: Did you go to DPE on a secondment or did you end your employment with Transnet and started a new employment at DPE or are you not sure?

WITNESS 3: Thanks Chair, I was employed by Transnet and July 1st, I was seconded to DPE.

CHAIRPERSON: Okay, alright.

ADV PRETORIUS SC: Yes, well it's clearly put in the
10 table that we didn't deal with, because it details your employment in a way that, perhaps, could identify you but let's look at page 116, witness number 3 there you see part of the table of your employment history. Could you go to item 3 on page 116 please, are you there witness number 3?

WITNESS 3: Yes Chair.

ADV PRETORIUS SC: It says there,

“Transnet, May 2013, security training course during first month,

20 Does that indicate that you were employed by Transnet in May 2013 and underwent a security training course?

WITNESS 3: Thank you Chair, it's 2013 June I was employed 2013, June by Transnet.

ADV PRETORIUS SC: Oh, so should May read June

then?

WITNESS 3: Thanks Chair.

ADV PRETORIUS SC: Okay...[intervenes].

CHAIRPERSON: Oh, I'm sorry, or is the position that, during May you received training for purposes – in preparation for you taking up employment at Transnet in June?

WITNESS 3: Chair, I was employed June 1st, and I underwent training for the whole duration of June, then
10 July 1st, I was then seconded to DPE.

CHAIRPERSON: And in May 2013, that is now the month before June, were you employed, were you not employed by Transnet?

WITNESS 3: No May 2013 I was not yet employed by Transnet.

CHAIRPERSON: And you did not undergo the training that, that table reflect you underwent in May 2013, is that right?

WITNESS 3: It should be June 2013, the training.

20 **CHAIRPERSON:** Oh, so where it says May it should be June 2013?

WITNESS 3: That's correct Chair.

CHAIRPERSON: Okay, thank you.

ADV PRETORIUS SC: And how long, witness number 3, did your secondment to the Department of Public

Enterprise last, when did it come to an end?

WITNESS 3: 2013, December.

ADV PRETORIUS SC: So, during the period, July to December 2013 you were serving Minister Gigaba, is that correct?

WITNESS 3: That's correct.

ADV PRETORIUS SC: In paragraph 21 of your affidavit, witness number 3, you relate certain visits that took place, would you tell the Chair about those please?

10 **WITNESS 3:** Thank you Chair, from July to December I can recall I escorted the Minister as part of his convoy to a scheduled visit to the Gupta residence in Saxonwold.

ADV PRETORIUS SC: On, approximately how many occasions did you do that?

WITNESS 3: Six to seven times.

ADV PRETORIUS SC: Right and on those occasions did you drive a backup vehicle or did you drive with Minister Gigaba?

20 **WITNESS 3:** The six times I was on the backup and only once to make it seven, I drove the Minister himself, I was just alone.

ADV PRETORIUS SC: Were any of these visits recorded in the Minister's diary?

WITNESS 3: Yes, they were Chair, they were handed over to witness 1.

ADV PRETORIUS SC: Alright...[intervenes].

WITNESS 3: Sorry, Chair, and on this particular day where I drove him alone, he said I shouldn't record the journey on the log book so I didn't record that event.

ADV PRETORIUS SC: Did you have access to the Minister's diary as a Close Protection Officer?

WITNESS 3: Yes, we do.

ADV PRETORIUS SC: Yes, and paragraph 21.1 you say, and I don't understand your evidence, now, to be this, that
10 none of these visits were recorded in the Ministers diary. So, what was the position?

WITNESS 3: Okay, normally he will just inform us as and when he wants us to go, he will inform us to go there.

ADV PRETORIUS SC: So, were they, or were they not recorded in the Minister's diary?

WITNESS 3: They were not recorded at all.

ADV PRETORIUS SC: And did you record these trips in the log book of your vehicle?

WITNESS 3: He informed us, we shouldn't record this
20 information on the log book, so we didn't.

ADV PRETORIUS SC: Did he give a reason for telling you not to record them in his log book in your vehicle log book?

WITNESS 3: No reason was given to us.

ADV PRETORIUS SC: Right.

CHAIRPERSON: What types of trips did he say you

should not record in the log book, was it trips to particular destinations or only trips to a particular destination, one destination?

WITNESS 3: Only for the – that is in question now, he would say we shouldn't record that.

CHAIRPERSON: Which address is that, is that the Gupta residence?

WITNESS 3: Yes Chair.

CHAIRPERSON: That was the only – those are the only
10 trips he said you must not record?

WITNESS 3: That's correct Chair.

CHAIRPERSON: Okay. Did he say that from the beginning before you could even record the first one or you did record some but you had to stop after he told you not to record them?

WITNESS 3: Can you repeat Chair, repeat that?

CHAIRPERSON: When he told you not to record those trips to the Gupta residence was it at a time when you had already recorded some but then you did not record others
20 because of the instruction or did he tell you not to record them before you could even record the first one?

WITNESS 3: I was told that trip that we should not record so then as and when we go the second time I should not record because I was instructed not to.

CHAIRPERSON: Okay, alright.

ADV PRETORIUS SC: When you were part of the convey which visited the Saxonwold residence of the Gupta's what did you do? Did you – when Minister Gigaba visited where were you during those visits?

WITNESS 3: Normally as in when we arrive, I would wait in the car then he will jump out quickly and get into the premises.

ADV PRETORIUS SC: Right were you able to observe whether there were any other people present outside the
10 residence?

WITNESS 3: In normal [indistinct 00:01:44] I saw Mr Brian Molefe and later I saw Matsela Koko of Eskom, Mr Ben Ngubane, Linda Mabaso our chair then within the premises as well.

ADV PRETORIUS SC: Alright. Did you see any other convoy at that time or around that time?

WITNESS 3: There was the convoy of the President of the Republic leaving the premises as we enter in one occasion.

ADV PRETORIUS SC: Who was he President at the time?

20 **WITNESS 3:** Mr Jacob Zuma.

ADV PRETORIUS SC: Alright. In paragraph 2 you talk of certain incidents involving Minister Gigaba. Would you tell the Chair about those incidents please?

WITNESS 3: At some point the Minister would carry a large sum of cash with him and I wish to highlight the following

instances in this regard. One day I was present with the Minister and when he opened the boot of the car of the official vehicle to take out money to buy lunch for us.

ADV PRETORIUS SC: Who is us?

WITNESS 3: The convey, the backup guys and the two of SAPS officials with him.

ADV PRETORIUS SC: Right.

WITNESS 3: Inside the boot it was a bag which he opened and there was some stack of bundles of money inside.

10 **ADV PRETORIUS SC:** Right.

WITNESS 3: With R200.00 notes.

ADV PRETORIUS SC: Are you able to say where that money came from?

WITNESS 3: I could not tell that time but as – as we make some visits then I could connect the dots to say the money came from the Saxonwold residence.

ADV PRETORIUS SC: How can you say that?

20 **WITNESS 3:** Because at some point as we went to the premises he would go to the Gupta's and we will go to Sandton he would use to pay cash for his tailored suits.

CHAIRPERSON: Let us go back to the money you saw in the bag. Was it just loose cash or was it tied in any way?

WITNESS 3: It was 200 bundles stacked in rubber bands full in there. Only R200.00 notes.

CHAIRPERSON: Yes. And about how much space did it

take in the bag if you are able to say about half, about a quarter or was it full?

WITNESS 3: It was quarter.

CHAIRPERSON: About a quarter of the bag?

WITNESS 3: Yes Chair.

CHAIRPERSON: Okay.

ADV PRETORIUS SC: What type of bag was it?

WITNESS 3: It was a sports bag.

ADV PRETORIUS SC: On that particular occasion where
10 had you been on that day? Can you recall? Witness 3 did
you hear my question?

WITNESS 3: Not clearly Chair.

ADV PRETORIUS SC: Alright. You have just told the Chair
of an occasion where you saw a bag in the boot of Mr
Gigaba's official vehicle and you say Minister Gigaba opened
that bag and you could see stack of R200.00 notes in that
bag right?

WITNESS 3: Yes.

ADV PRETORIUS SC: Correct?

20 **WITNESS 3:** That is correct.

ADV PRETORIUS SC: Right now I asked you earlier
because your statement says nothing in relation to where
that bag came from. Are you able to say where that money
came from through any observation that you made not any
opinion that you might have but through any observation

from what you saw? Did you see where that bag came from?

WITNESS 3: No I cannot say where it came from Chair.

ADV PRETORIUS SC: I am sorry.

WITNESS 3: I cannot tell you where it came from Chair.

ADV PRETORIUS SC: Okay.

CHAIRPERSON: That is because you do not know how it came to the car not because you do not want to tell us? You do not know how the bag that had money came into the car, is that right?

10 **WITNESS 3**: Yes that is correct Chair.

CHAIRPERSON: Yes.

WITNESS 3: That is correct Chair I do not know.

CHAIRPERSON: Yes okay.

ADV PRETORIUS SC: And nor does your statement say where it came from. You have expressed an opinion earlier in your evidence but I just wanted to establish that according to your statement and what you say now you do not know the history of that bag and how that money came to be in the bag and the bag came to be in the boot of the Minister, we
20 are correct?

WITNESS 3: That is correct Chair.

ADV PRETORIUS SC: Okay. You say that you were present when Mr Gigaba went shopping in Sandton City for tailored suits. Do you recall that incident or those incidents?

WITNESS 3: Yes I do recall Chair.

ADV PRETORIUS SC: Did Mr Gigaba buy suits and pay for them?

WITNESS 3: Yes he did buy a couple of suits and paid cash.

ADV PRETORIUS SC: He paid cash right?

WITNESS 3: That is correct Chair.

ADV PRETORIUS SC: Right. And when he ate at restaurants where you were able to observe how did he pay for meals and drinks?

WITNESS 3: He paid cash Chair.

10 **ADV PRETORIUS SC:** Right. You move on in...

CHAIRPERSON: I am sorry. Do you – are you able to say roughly about how many times you may have seen him pay cash at restaurants because obviously somebody may pay cash on a particular day. Is it something that appeared to be common that whenever he was at a restaurant, he paid cash or you saw him once or twice pay cash at a restaurant?

WITNESS 3: Certain times he will pay cash.

CHAIRPERSON: And other times?

WITNESS 3: I would not have seen how he paid.

20 **CHAIRPERSON:** You said certain times so I thought maybe you know of other times when he did not pay cash, he did not use cash, is that right?

WITNESS 3: Chair around the times if I can recall well three times that I saw him paying cash.

CHAIRPERSON: Yes. And altogether do you have an idea

about how many times you might have taken him to a restaurant or you do not know?

WITNESS 3: It is a couple of times but only three times I saw him paying cash.

CHAIRPERSON: Yes and on other times you did not see how he paid?

WITNESS 3: That is correct Chair.

CHAIRPERSON: Okay alright. Yes Mr Pretorius.

ADV PRETORIUS SC: Thank you Chair. Where were you
10 employed during January 2014?

WITNESS 3: I was employed by Transnet in the Carlton Centre.

ADV PRETORIUS SC: And in July 2014 were you given certain duties to perform?

WITNESS 3: Yes I was the CPO for the CFO Mr Anoj Singh then.

ADV PRETORIUS SC: The Chief Financial Officer Mr Anoj Singh?

WITNESS 3: That is correct.

20 **ADV PRETORIUS SC:** Were you a driver as well?

WITNESS 3: That is correct Chair.

ADV PRETORIUS SC: Right. And what was your practice in relation to Mr Singh were you his personal driver? In other words how did you operate with him as his driver?

WITNESS 3: Yes I was his close protector. I would drive

him around. I will run his diary as well.

ADV PRETORIUS SC: What vehicles did you drive for Mr Singh? I am on page 123 of your affidavit paragraph 35.

WITNESS 3: The white Mercedes C220 and the white Mercedes as well E350.

ADV PRETORIUS SC: Sorry you broke up there. A white Mercedes?

WITNESS 3: The white Mercedes the C220.

ADV PRETORIUS SC: Yes.

10 **WITNESS 3:** And the white Mercedes E350.

ADV PRETORIUS SC: Okay white Mercedes C220 and a white Mercedes E350.

WITNESS 3: That is correct.

ADV PRETORIUS SC: Can you remember the registration numbers?

WITNESS 3: Yes the C220 it was DT77MMGP.

ADV PRETORIUS SC: And the 350 can you recall that registration number?

WITNESS 3: It was DN87KFGP.

20 **ADV PRETORIUS SC:** Did you say KFGP?

WITNESS 3: KF that is correct.

ADV PRETORIUS SC: Right. Did you keep logbooks of trips undertaken in these vehicles?

WITNESS 3: Yes I did Chair. I would hand them over to Witness 1.

ADV PRETORIUS SC: Right. Have you subsequently attempted to obtain these logbooks in order to substantiate the trips undertaken for Mr Singh?

WITNESS 3: That is correct Chair.

ADV PRETORIUS SC: And what was the result of your efforts?

WITNESS 3: I was told that the logbooks could not be located.

ADV PRETORIUS SC: Did you ever drive Mr – or sorry not –
10 did you ever drive him but did Mr Singh ever use a private vehicle?

WITNESS 3: Yes he did with his blue BMW M3.

ADV PRETORIUS SC: Right and when would he use that vehicle as you recall?

WITNESS 3: Normally on [indistinct 00:13:45] and on Monday morning he will bring it at the Carlton Centre and the Monday afternoon I will drive him with the Mercedes back home.

ADV PRETORIUS SC: Okay. Right in paragraph 38 you
20 relate some incidents in relation to your duties serving Mr Singh. Tell the Chair about what you say in paragraph 38 and following please?

WITNESS 3: At some point I transported Mr Singh to the Gupta residence in Saxonwold.

ADV PRETORIUS SC: On approximately how many

occasions do you think you did that?

WITNESS 3: More than ten times Chair.

ADV PRETORIUS SC: And upon arrival at the Gupta residence what would happen?

WITNESS 3: I would park the parking and Mr Singh would jump out of the car into the premises.

ADV PRETORIUS SC: And how long did he remain in the premises?

WITNESS 3: But mostly it would...

10 **ADV PRETORIUS SC:** I am sorry I interrupted you.

WITNESS 3: Sorry, Chair. Mostly it will take 20-minutes to 30-minutes.

ADV PRETORIUS SC: Alright. And during that time, Mr Singh would be inside the Gupta Residence, I presume?

WITNESS 3: That is correct Chair.

CHAIRPERSON: I just note that Witness 1 also said, I think, Mr Brian Molefe used to stay inside the Gupta residence 20-minutes to 30-minutes if I am not mistaken. And I see here, it is also 20-minutes to 30-minutes.

20 I do not know if I am mistaken about the time that Witness 1 said Mr Molefe used to stay there. Whether...I do not think he went before that.

I think he also said, maybe 20-minutes to 30-minutes or something.

ADV PRETORIUS SC: It was slightly different but in any

event, the record will show.

CHAIRPERSON: Ja. Yes. I think the 20-minutes seems to be common.

ADV PRETORIUS SC: Yes.

CHAIRPERSON: Yes, okay.

ADV PRETORIUS SC: And do you have any recollection of incidents that happened after the meetings, when Mr Sing emerged from the residence?

WITNESS 3: At some point, he would leave the residence
10 into the car with a bag full and would it put into the boot of the car.

ADV PRETORIUS SC: H'm.

WITNESS 3: A sports bag.

ADV PRETORIUS SC: Did you ever have an occasion to see what was contained in a bag that Mr Singh brought out of the residence of the Gupta's?

WITNESS 3: I have seen that Chair later on, not on the day.

ADV PRETORIUS SC: Alright. What happened? Please tell the Chair.

20 **WITNESS 3**: As ...[intervenes]

ADV PRETORIUS SC: I am sorry. We are at paragraph 41 of your statement.

WITNESS 3: That is correct Chair. He would come with a sports bag into the car from the Gupta residence and he would open the bag which he had collected earlier at the

Gupta residence inside the boot of his vehicle to give me some money to buy some lunch and I saw some ...[indistinct] [distortion present] of money of hundred notes and two hundred notes inside the bag.

ADV PRETORIUS SC: Right. How often did this happen?

WITNESS 3: [No audible reply]

ADV PRETORIUS SC: Did it happen once, several times?

WITNESS 3: More than once Chair.

CHAIRPERSON: More than once, can be two times. It can
10 be five times. It can be twenty times. Are you able to give a
much closer estimate?

WITNESS 3: Plus-minus, ...[indistinct] [distortion present]
Chair.

CHAIRPERSON: Plus-minus six times?

WITNESS 3: Yes, Chair.

ADV PRETORIUS SC: Alright. I may have confused you
with my question where you may not have been following my
question Witness 3. How many times did he emerge from
the Gupta residence with a sports bag that looked as if there
20 was material or something inside the bag?

WITNESS 3: It is more than once, like I said Chair.

ADV PRETORIUS SC: Right. How many times did you see
money, actually observed money, in the bag?

WITNESS 3: Okay, that is six to seven times Chair.

ADV PRETORIUS SC: How many?

WITNESS 3: Six to seven times.

ADV PRETORIUS SC: You saw money six to seven times?

WITNESS 3: That is correct Chair.

ADV PRETORIUS SC: Well, look at paragraph 41 of your statement. Please have a look at that.

WITNESS 3: [No audible reply]

ADV PRETORIUS SC: Your evidence now does not seem to accord with what you say in paragraph 41 because in paragraph 41 you say:

10 “My suspicion that the bags contained money was confirmed when on one occasion he opened the bag which he had earlier collected from the Gupta residence inside the boot of our vehicle to give me some money to buy lunch.

When he opened the bag, I could clearly see that the bag was stacked with one hundred and two hundred rand notes...”

Now, you are saying, as I understand ...[intervenes]

WITNESS 3: That is correct.

20 **ADV PRETORIUS SC:** ...that that happened six times.

WITNESS 3: No, that is correct Chair. I might have missed it. That is correct Chair.

ADV PRETORIUS SC: So what is the position? How many times did you see Mr Singh emerged from the residence with a bag?

WITNESS 3: [Indistinct] [distortion present] occasion Chair.

ADV PRETORIUS SC: I am sorry?

WITNESS 3: In... one occasion Chair.

CHAIRPERSON: Did you see him only once emerging from the Gupta residence with a bag? Let us forget about what was in the bag. Just imagine from the Gupta residence with a bag. Was it only once that you saw him or was it more than once?

WITNESS 3: It was once(?) [distortion present] Chair.

10 **CHAIRPERSON:** H'm?

WITNESS 3: [No audible reply]

CHAIRPERSON: What is the answer?

WITNESS 3: Chair, I only ...[indistinct] [distortion present] the money that we collected from the Gupta residence. That is once that I saw the money.

CHAIRPERSON: Okay.

WITNESS 3: But in two instances, we have collected the bag from the Gupta residence.

ADV PRETORIUS SC: Alright.

20 **CHAIRPERSON:** Okay, let us take it step-by-step. Just listen to my question. How many times, if you are able to tell me, did you take Mr Singh to the Gupta residence? Just taking him there.

Do not think about whether you saw a bag with or without money. Just, how many time, do you think, you took

him there if you are able to estimate?

WITNESS 3: It is more than ten occasions Chair.

CHAIRPERSON: More than ten occasions. Alright. Of those more than ten occasions, how many times do you see him come out of the Gupta residence with a bag? And at this stage, forget about whether the bag had money or not, just with a bag.

WITNESS 3: More than ten occasions Chair.

CHAIRPERSON: More than ten occasions?

10 **WITNESS 3**: That is correct.

CHAIRPERSON: Does that mean that most of the time whenever you took him, he would emerged from the Gupta residence with a bag?

WITNESS 3: That is correct Chair.

CHAIRPERSON: Okay alright. Of those more than ten occasions when he emerged from the Gupta residence with a bag, on how many occasions did you see what was in the bag?

WITNESS 3: [No audible reply]

20 **CHAIRPERSON**: Witness 3?

WITNESS 3: Yes, Chair it was on one occasion that I saw the money... the bag with the money inside.

CHAIRPERSON: It was only on one occasion that you saw that there was money in the bag.

WITNESS 3: That is correct Chair.

CHAIRPERSON: Was there any other occasion when you saw what was in the bag, even though it was not money or may it have not been money?

WITNESS 3: Only one occasion money ...[indistinct]
[distortion present]

CHAIRPERSON: You never saw anything else inside the bag, you only saw money and it was only once?

WITNESS 3: That is correct Chair.

CHAIRPERSON: Okay alright. Mr Pretorius.

10 **ADV PRETORIUS SC:** Alright. You say in... I think that is now clarified that. Thank you, Witness 3. You say that in paragraph 42 or you say in paragraph 42 that:

“On certain occasions, you would go somewhere with Mr Singh after a visit to the Gupta residence...”

What happened on these occasions?

WITNESS 3: Okay. Normally, we would leave the residence and drive to the ...[indistinct] next to Killarney Mall.

ADV PRETORIUS SC: Alright. What is Knox Vault. K-n-o-x Vault? What is it? Do you know?

20 **WITNESS 3:** Honestly, I know the premises. I do not know exactly what are you doing there but I know that address because I have been there on many occasions.

ADV PRETORIUS SC: Right. Alright. So on your way you would take Mr Sing to Knox Vault after a visit to the Gupta residence? Did you go there out of your own accord or did

Mr Singh instruct you to go there?

WITNESS 3: He instructed me to go there.

ADV PRETORIUS SC: Alright. And what would happen when you arrived at Knox Vault?

WITNESS 3: I would park the car and he would jump out and instruct me to open the boot, take out the bag into the premises and he would come with the bag empty.

ADV PRETORIUS SC: Alright. So you say he would instruct you to open the boot.

10 **WITNESS 3**: Yes?

ADV PRETORIUS SC: And the bag, was it empty or was it full? Could you see?

WITNESS 3: Upon our arrival, the bag would be full and we would... he would go inside with the full bag and come back with the bag empty.

ADV PRETORIUS SC: Alright. So you would go to the Gupta residence. After visiting the residence, you would go to Knox Vault with Mr Sing. He would take a full bag into Knox Vault and emerge from Knox Vault with an empty bag.

20 Do I understand that correctly?

WITNESS 3: That is correct Chair.

ADV PRETORIUS SC: Alright.

CHAIRPERSON: When you say, he would come out of Knox Vault with an empty bag, did you have an occasion to open the bag and look inside or you are only able to say that

because of how the bag looked like when he came back with it?

WITNESS 3: Chair, a full bag will look bigger.

CHAIRPERSON: Yes.

WITNESS 3: And as he come out, he will have packed(?) [distortion present] in his hand. There will be... you could see, there is nothing in there.

CHAIRPERSON: Yes. So even if there may have been something, it would have been far less than what had been
10 there before he went into Knox Vault?

ADV PRETORIUS SC: That is correct Chair.

CHAIRPERSON: H'm. You would not be able to say for sure there was completely nothing inside but it looked very different from the bag that he had taken in?

WITNESS 3: That is correct Chair.

CHAIRPERSON: Okay. Mr Pretorius.

ADV PRETORIUS SC: The incident that you have just described, coming from the Gupta residence and taking a bag into Knox Vault after that visit to the Gupta residence,
20 on more or less how many occasions did this occur?

WITNESS 3: Six to seven times Chair.

ADV PRETORIUS SC: You recall an incident in 2015 when you were driving Mr Singh to a scheduled meeting and something happened to interrupt your trip to that scheduled meeting. Do you recall that incident?

WITNESS 3: Yes, on the day [distortion present]

“Sometime in 2015 when I was driving Mr Singh to a scheduled meeting and he received a call on the cellular cell phone.

After he had finished the call, he instructed me to divert from our route and immediately drive to the Gupta residence.

And I could hear there was some panic in his voice.

He, subsequently, into... as we arrive, he jumped out,
10 rushing inside the premises...”

ADV PRETORIUS SC: What happened then?

WITNESS 3: I then waited in the car and waited approximately an hour-and-a half for him to come out.

ADV PRETORIUS SC: Did he come out eventually?

WITNESS 3: Yes, he did and he appeared to be very nervous(?) [distortion present] and stressed. When he got into the vehicle he said, “Fuck this thing!” He then instructed me to drive him home and turn off the radio. Shortly thereafter he fell asleep.

20 **ADV PRETORIUS SC:** Right.

WITNESS 3: And this was an unusual behaviour(?) [distortion present] from him.

ADV PRETORIUS SC: Alright. Did you ever find out what led to his distress on that day?

WITNESS 3: No, Chair I cannot tell.

ADV PRETORIUS SC: Alright. In paragraph 47 and following, you relate an incident that occurred at the Three Rivers Lodge. When was this incident... when did this incident occur?

WITNESS 3: Sometime in July 2014.

ADV PRETORIUS SC: And what happened?

WITNESS 3: It was an executive strategy meeting for that whole week and I dropped Mr Singh. And on Monday and... I came to collect him on Friday.

10 **ADV PRETORIUS SC:** Right.

WITNESS 3: So ...[intervenes]

ADV PRETORIUS SC: And it was an executive management meeting of which company?

WITNESS 3: For Transnet.

ADV PRETORIUS SC: Right and it was taking place at the Three Rivers Lodge you say in Vereeniging?

WITNESS 3: Yes, in Vereeniging, Chair.

ADV PRETORIUS SC: And you tell the Chair that you dropped Mr Singh off early in the week and you came to
20 collect him on the Friday afternoon?

WITNESS 3: That is correct.

ADV PRETORIUS SC: When you arrived at the Three Rivers Lodge on the afternoon of the Friday, what did you observe?

WITNESS 3: I noticed four men who appeared to be from

Asian descent, they looked like Chinese to me, standing around a Hyundai H1 kombi, the parking area. Two of the men appeared to be busy with a conversation on cellular phones.

ADV PRETORIUS SC: And what happened next?

WITNESS 3: The next thing the two men who were speaking on their cellular phones took two luggage bags from the H1 kombi, one black bag and one maroon bag and went inside the lodge area where the executive meeting
10 was held.

ADV PRETORIUS SC: And then continue, what happened after that?

WITNESS 3: Yes, at around 3 p.m. I received an SMS from Mr Singh requesting me to come to the conference room where the meeting was held. As I entered the room the two men who took the luggage bag into the lodge were in the room together with Mr Molefe and Mr Singh. Then Mr Singh pointed to me, the maroon luggage that I should take to the car.

20 **ADV PRETORIUS SC:** Did you do that?

WITNESS 3: I took the bag and put in the boot of our vehicle.

ADV PRETORIUS SC: Right. Was the bag light, heavy, full, empty? What did you notice?

WITNESS 3: It was a travelling bag, very heavy.

ADV PRETORIUS SC: Right and are you able to say whether the bag – you had seen the bag earlier?

WITNESS 3: I have seen the bag earlier (indistinct – recording distorted) inside the conference room.

CHAIRPERSON: I think you will have to repeat that answer, witness 3, because there was ...[intervenes]

ADV PRETORIUS SC: Witness 3, please speak slowly and say that again.

WITNESS 3: Yes, Chair, I have seen the bag before
10 because I have seen the bag with the two Chinese as they were taking it into the conference facility.

CHAIRPERSON: Okay.

ADV PRETORIUS SC: Right, did you then take the bag and what did you do with it?

WITNESS 3: I took the bag to our vehicle.

ADV PRETORIUS SC: Right and did you see anybody else at that time in relation to these events that you are telling us about?

WITNESS 3: As I was putting the bag in the car, I saw
20 one of our – Mr Brian Molefe's driver putting the black bag into Mr Molefe's car.

ADV PRETORIUS SC: Right, this black bag, had you seen it before?

WITNESS 3: Yes, I have seen it before when the Chinese were pulling it from their kombi into the conference facility.

ADV PRETORIUS SC: Right.

WITNESS 3: So is the position that at a certain stage you had seen two persons that appeared to you to be Chinese and they had two bags. They went into the hotel with the bags and later on you were asked by Mr Singh to take the one bag and put it into his car and later on you saw Mr Molefe's driver carrying the other bag that you have seen been carrying by the Chinese men into Mr Brian Molefe's car. Is that the position?

10 **WITNESS 3:** That is correct, Chair.

CHAIRPERSON: Witness 3, is that the position?

WITNESS 3: That is correct, Chair.

CHAIRPERSON: Did you hear me?

WITNESS 3: That is correct, Chair.

CHAIRPERSON: Okay, alright. Thank you.

ADV PRETORIUS SC: Alright. On that occasion, on that day, we are talking about a Friday. Did you have occasion to see what was in the bag? Now I am talking about the Friday now.

20 **CHAIRPERSON:** Witness 3.

WITNESS 3: Yes, Chair?

ADV PRETORIUS SC: Can you hear me, witness 3?

CHAIRPERSON: Are you struggling to hear us, witness 3?

WITNESS 3: It was not clear, can you just repeat, Chair?

CHAIRPERSON: Are you struggling to hear us at the

moment?

WITNESS 3: I could hear clearly now.

CHAIRPERSON: Okay.

ADV PRETORIUS SC: Alright, you can hear us. The question I am putting to you is, you are talking about an incident that happened at the Three Rivers Lodge in Vereeniging on a Friday in July 2014, am I correct?

WITNESS 3: That is correct, Char.

ADV PRETORIUS SC: On that Friday, not the next
10 Monday but on that Friday did you see what was in the bag that you put into the boot of Mr Singh's vehicle?

WITNESS 3: No, I did not see anything, Chair.

ADV PRETORIUS SC: Right. What happened the next Monday?

WITNESS 3: Okay, the Monday Mr Singh came with his blue M3 and normally I would take it to a car wash on Mondays and as – normally I will check the car because I can hand it to the car wash, so I saw the very same maroon bag at the boot and it was quarter empty. As I
20 opened it there was a lot of money inside and I informed him about the money and at the basement he came down from the 49th floor to come and take the bag.

ADV PRETORIUS SC: Right, now was this bag – you say it was the same bag? The same bag as what?

WITNESS 3: The same maroon bag that I saw on Friday.

ADV PRETORIUS SC: Right, on the Friday at the Three Rivers Lodge, right?

WITNESS 3: That is correct, Chair.

ADV PRETORIUS SC: Were you able to recall the weight of the bag on the Friday as compared to the weight of the bag on the Monday?

WITNESS 3: Yes, on Monday the bag was lighter.

ADV PRETORIUS SC: Right and you say you opened the bag to see what was inside the bag and what did you see
10 inside the bag?

WITNESS 3: I saw stashed R200 notes in rubber bands.

ADV PRETORIUS SC: And how did you communicate with Mr Singh?

WITNESS 3: I sent him an SMS informing him about the [indistinct] 38.17 and he came downstairs to come and fetch it. I told him – I sent him an SMS to inform him about the money in the back. He said he is coming downstairs. Then he took the bag up and I left for car wash.

ADV PRETORIUS SC: When you went to collect Mr Singh
20 at Three Rivers Lodge on that Friday in July 2014 what vehicle were you driving?

WITNESS 3: It was the E220.

ADV PRETORIUS SC: Okay, so it was a Mercedes Benz.

WITNESS 3: Yes.

ADV PRETORIUS SC: So you saw the bag in a different

vehicle on the Monday, do I understand you correctly?

WITNESS 3: Yes, it was in his private vehicle on Monday.

CHAIRPERSON: Had you – were you present or were you not present when the bag would have been taken from the E220 to his private vehicle or is that something that happened when you were not there?

WITNESS 3: Okay, from the Three Rivers we drove to the Carlton Centre where his blue private vehicle was and we exchanged – I took the bag from the Mercedes to his
10 private vehicle.

CHAIRPERSON: Okay, alright.

WITNESS 3: And he drove off the Friday on his private vehicle with the bag.

CHAIRPERSON: Okay, alright.

ADV PRETORIUS SC: Did you ever have occasion to go with Mr Singh to the business of Sahara Computers?

WITNESS 3: Yes, Chair, I did.

ADV PRETORIUS SC: Can you recall on how many occasions you did that?

20 **WITNESS 3:** It was a number of occasions, Chair, I cannot give you the number but we went there many a times.

ADV PRETORIUS SC: Alright. And do you know who he visited at Sahara Computers?

WITNESS 3: No, Chair.

ADV PRETORIUS SC: Not sure that the next two paragraphs really are of any relevance to what we are saying but did you ever pick up an associate or a person who was a friend of Mr Singh at Sahara Computers?

WITNESS 3: Yes, I did, Chair.

ADV PRETORIUS SC: And this person, who did she work for?

WITNESS 3: As we collect her from Sahara, she was working for the Sahara business.

10 **ADV PRETORIUS SC:** And previous to that?

WITNESS 3: Working for Transnet.

ADV PRETORIUS SC: You go on in paragraph 57 to talk of close protection officer services to a Mr Gary Pita. Is that P-i-t-a?

WITNESS 3: That is correct, Chair.

ADV PRETORIUS SC: When was that?

WITNESS 3: From late 2016 to 2018.

ADV PRETORIUS SC: Alright, 2016 to 2018 you say you served Mr Gary Pita. Was this in a capacity as driver and
20 close protection officer?

WITNESS 3: That is correct Chair.

ADV PRETORIUS SC: Was Mr Gary Pita the newly appointed Chief Financial Officer of Transnet?

WITNESS 3: That is correct.

ADV PRETORIUS SC: And what vehicles did you use to

transport Mr Pita?

WITNESS 3: The white Mercedes C-Class, the white Mercedes E-Class.

ADV PRETORIUS SC: The same vehicles that Mr Singh used?

WITNESS 3: That is correct.

ADV PRETORIUS SC: And the logbooks for those vehicles, for that period could you find them?

WITNESS 3: All I have submitted to this one.

10 **ADV PRETORIUS SC:** Yes but since then did you attempt to find them?

WITNESS 3: They could not locate them Chair.

ADV PRETORIUS SC: Yes, alright. Did you ever have occasion to drive Mr Pita to the Gupta residence?

WITNESS 3: Yes Chair.

ADV PRETORIUS SC: On how many occasions?

WITNESS 3: Only two occasions.

ADV PRETORIUS SC: Right. On the first occasions what occurred?

20 **WITNESS 3:** It was on a Friday.

ADV PRETORIUS SC: Did anything happen other than a visit to the Gupta residence?

WITNESS 3: I think on that Friday as I took him to the Gupta residence, he was the acting CFO and the week after he was appointed as the Group CFO.

CHAIRPERSON: So the week before he was appointed Group CFO, he had visited the Gupta residence.

WITNESS 3: Yes Chair order of the day.

ADV PRETORIUS SC: How long did he spend inside the residence?

WITNESS 3: About an hour Chair.

ADV PRETORIUS SC: Alright.

CHAIRPERSON: Well it is – well I see that here I am hearing about somebody who visited the Gupta residence
10 the week before getting appointed as Group CFO.

ADV PRETORIUS SC: Yes.

CHAIRPERSON: The day before yesterday I heard evidence of Mr van Rooyen that he was at the Gupta residence during the day on which he was later informed by the former President that he was to be appointed as Minister of Finance.

ADV PRETORIUS SC: Right.

CHAIRPERSON: Yes, continue.

ADV PRETORIUS SC: The second occasion was when
20 witness number 3?

WITNESS 3: The second occasion was in 2017

ADV PRETORIUS SC: Right, did he go into the residence on that occasion?

WITNESS 3: Yes he did Chair.

ADV PRETORIUS SC: When he came out what did you

notice about him?

WITNESS 3: He was very loud and he was red-faced and he was mentioning something like 600million payment and some timelines, but I couldn't understand what he was talking about.

ADV PRETORIUS SC: Alright.

CHAIRPERSON: I am sorry, Mr Pretorius can we just – can the witness just repeat that evidence, I missed something, what about – what was the occasion and what
10 about 600million. In this Commission I have heard a lot of 600million Rand figures.

ADV PRETORIUS SC: We will have to collate that evidence with other evidence Chair. Just tell the Chair again please Witness number three what happened on the second occasion when Mr Pita returned from – as he was coming out.

WITNESS 3: Okay, as he was coming, as he was coming to the door, he was red-faced and he swear a lot and he mentioned something like 600million and some timelines
20 but I did not understand what he was talking about.

CHAIRPERSON: Was he talking on the phone or was he just speaking alone?

WITNESS 3: He was speaking alone; he hit the seat of the car.

CHAIRPERSON: Oh, okay.

ADV PRETORIUS SC: Right you mentioned earlier in your evidence in relation to Mr Singh transporting Mr Singh to Knox Vault, did that ever occur with Mr Pita?

WITNESS 3: Yes it did Chair.

ADV PRETORIUS SC: Tell the Chair please what happened in relation to these visits?

WITNESS 3: I did transport Mr Pita to the Knox Vault six times. This would usually be some time during the week on a day to the office, so I will pick him up at his house
10 and he would come out from the house with a bag, into our car. We drive then as we drive, he would instruct me to go to that Knox Vault. He would go there and I will park, he will jump out with the bag into the premises of the Knox and he would come with an empty bag, we would drive to the office thereafter.

ADV PRETORIUS SC: That evidence will be collated with other evidence I regard to Knox Vault's records Chair. In paragraph 65 you deal with visits by Mr Pita to Mr Saliem Essa, do you know Mr Saliem Essa by site?

20 **WITNESS 3:** Yes I know Mr Saliem Essa as to see him; we used to see him in Berea in a restaurant.

ADV PRETORIUS SC: Right what restaurant was this, it is an unpronounceable name but let's try.

WITNESS 3: It is a Portuguese restaurant it is called Parreirinha restaurant

ADV PRETORIUS SC: Right.

CHAIRPERSON: Maybe you can spell it for the benefit of the transcribers.

ADV PRETORIUS SC: Well he does much better than I do when I tried to pronounce Parreirinha.

CHAIRPERSON: Witness 3 do you want to spell the name of that restaurant for the benefit of the transcribers?

WITNESS 3: Yes Chair, it is P-a-r-r-e-i-r-i-n-h-a.

CHAIRPERSON: Thank you.

10 **ADV PRETORIUS SC:** Right is that a restaurant in Turffontein?

WITNESS 3: That is correct Chair.

ADV PRETORIUS SC: On how many occasions did you drive Mr Pita to meet Mr Essa at this restaurant?

WITNESS 3: Fifteen occasions.

ADV PRETORIUS SC: Right, and were these meetings, short meetings?

WITNESS 3: Long meetings Chair.

20 **CHAIRPERSON:** Fifteen occasions of exactly or approximately?

WITNESS 3: Normally he would arrive around one and we would leave in the evening, seven o'clock.

CHAIRPERSON: Yes, but what I am asking is whether when you say fifteen occasions is that because you are sure that you took him there on fifteen or occasions or you

are not sure about fifteen and you mean approximately or about fifteen occasions.

WITNESS 3: Approximately fifteen occasions Chair.

CHAIRPERSON: Okay.

ADV PRETORIUS SC: After Mr Pita's departure from Transnet did you continue to perform duties as a close protection officer in Transnet?

WITNESS 3: Yes I did Chair, within the CFO's office with acting CFO Mr Mohammed Mohamedy.

10 **ADV PRETORIUS SC:** Right. You deal on page 129 with some aspects of your career after working for Mr Mohamedy but I don't think it's necessary for us to go there, you continued to work in a security function do I understand you correctly?

WITNESS 3: That is correct Chair.

ADV PRETORIUS SC: Alright if you go to page 130 you deal there with security matters, just briefly tell the Chair how did you and do you regard the circumstances of your personal security after you had become involved with the
20 Commission? Do you understand the question?

WITNESS 3: Not clearly, can you just repeat again.

ADV PRETORIUS SC: Your personal security in the time leading up to your giving evidence today how do you regard your personal security? Your personal safety.

WITNESS 3: I feel scared from here going forward Chair.

ADV PRETORIUS SC: Right. And you explain those circumstances fully you have explained them in a supplementary affidavit which has been part of the application but you also explain them to a degree at least on page 130 to 132. Is there anything you would like to add to your statement that I haven't mentioned?

WITNESS 3: No Chair.

ADV PRETORIUS SC: Thank you very much Witness number 3.

10 **WITNESS 3:** Thank you Chair.

CHAIRPERSON: Witness 3 you remember you told me that you took Mr Singh to Knox Vault, I think you said about six times, is that correct.

WITNESS 3: That is correct Chair.

CHAIRPERSON: Are you able to indicate roundabout when that would have been, would it have been during a particular year, was it 2015 or when was it or can you not remember? You were with him only for six months or was it more?

20 **WITNESS 3:** More than a year Chair.

CHAIRPERSON: About a year

WITNESS 3: More than a year yes.

CHAIRPERSON: Would that have been 2014, or 2015 or another year?

WITNESS 3: 2014 and 2015.

CHAIRPERSON: So those six times when you took him to Knox Vault some of those times would have been in 2014 and others would have been in 2015, is that right?

WITNESS 3: That is correct.

CHAIRPERSON: Okay, alright, thank you. Thank you very much witness 3 for coming to assist the Commission and to share with the Commission what you know about what happened when you were performing these duties or some of the people that you have mentioned we appreciate
10 it very much, we understand your concerns about your safety and the safety of your family, but we are very grateful that you were able to come and give evidence. Thank you very much, the Commission will do what it can, all that it can to assist with regard to having your issues of safety addressed. Thank you very much and you are excused now.

WITNESS 3: Thank you Chair.

ADV PRETORIUS SC: Thank you witness number 3.

CHAIRPERSON: That was your last witness?

20 **ADV PRETORIUS SC:** Correct. I hoped there were more but ...

CHAIRPERSON: Do you feel some more energy? We are going to adjourn for the day, tomorrow I am supposed to hear the evidence of a former Chief Financial Officer in the Free State Provincial Government, Ms Bati Dlamini, so we

will start at normal time, ten o'clock, but for now we are going to adjourn.

We adjourn.

REGISTRAR: All rise.

INQUIRY ADJOURNS TO 14 AUGUST 2020