

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

25 AUGUST 2020

DAY 254



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Recording & Transcriptions

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TRANSCRIBERS:

B KLINE; Y KLIEM; V FAASEN; D STANIFORTH



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PROCEEDINGS RESUME ON 25 AUGUST 2020

CHAIRPERSON: Good morning Mr Myburgh, good morning everybody.

ADV MYBURGH SC: Good morning Chairperson.

CHAIRPERSON: Yes.

ADV MYBURGH SC: Chairperson the purpose of today's sitting at least originally in relation to CRRC was to hear evidence from them pursuant to you having granted their Rule 3.4 application.

10 **CHAIRPERSON:** Yes.

ADV MYBURGH SC: There has since been...

CHAIRPERSON: I think your voice is soft or low.

ADV MYBURGH SC: I will speak up.

CHAIRPERSON: That is much better ja.

ADV MYBURGH SC: Thank you.

CHAIRPERSON: Ja, ja.

20 **ADV MYBURGH SC:** There has since been an exchange of correspondence between the commission and CRRC. I will take you through that if necessary. But it has culminated that correspondence in CRRC confirming yesterday that they are not in a position to attend the proceedings today but that in any event they do not intend to adduce oral evidence and that they will stand by the statement that they submitted in support of their Rule 3.3.6 and 3.4 Application. Perhaps I could just hand up the

correspondence to you?

CHAIRPERSON: Yes. They sought – they had applied for Leave to Adduce Evidence in relation to the Transnet matters relating to the locomotives hey?

ADV MYBURGH SC: That is correct Chairperson.

CHAIRPERSON: Yes.

ADV MYBURGH SC: You will see that I have flagged with a yellow flag where the correspondence starts.

CHAIRPERSON: Yes.

10 **ADV MYBURGH SC:** Initially on the 28 July they advised that because of the Covid-19 pandemic their senior people would not be able to travel from China.

CHAIRPERSON: Hm.

ADV MYBURGH SC: And then they went on in paragraph 4 to say they want to avail themselves of their rights in terms of Rule 3.9 to apply for leave to make legal submissions.

CHAIRPERSON: Hm.

ADV MYBURGH SC: And they said they would do that before the 25 August. If you go to the next letter on the 7
20 August, they then reaffirm their position.

CHAIRPERSON: Hm.

ADV MYBURGH SC: And what then happened on the 18 August the Chairperson you will see the next letter this essentially purports to be a set of Rule 3.9 submissions.

CHAIRPERSON: Hm.

ADV MYBURGH SC: In support of the statement and annexures that had already been filed.

CHAIRPERSON: Hm.

ADV MYBURGH SC: You will see if you go to the next letter that yesterday the – under the hand of the Acting Secretary of the commission.

CHAIRPERSON: Hm.

ADV MYBURGH SC: They were advised that they would still be required to appear today.

10 **CHAIRPERSON:** Hm.

ADV MYBURGH SC: And they would be required

1. To place on record that they no longer intend to adduce oral evidence at the commission pursuant to their Rule 3.3.6 read with 3.4 application granted on the 25 March and
2. That they would seek leave from you Chairperson to no longer adduce oral evidence.

CHAIRPERSON: Hm.

20 **ADV MYBURGH SC:** That then takes us to the last letter that we received in response where they record in paragraph 1 at the end that they no longer wish to adduce oral evidence at the commission. At paragraph 2 they say that they not in a position to arrange a legal representation today at short notice. But it is really paragraphing 3, 4 and 5 Chairperson that are important and I will read them into

the record.

CHAIRPERSON: Hm.

ADV MYBURGH SC: Paragraph 3:

10 “As regards the matter of adducing oral
evidence before – at commission we
reiterate that based on the advice of
counsel sought earlier in this regard we
have come to the considered decision not to
adduce evidence orally over and above the
statement dated 12 July 2019 and related
annexures filed with the commission and
resubmitted with a covering letter dated 18
August 2020 to the commission.

4.

“Accordingly, we humbly request the
Chairperson to record this accordingly.”

5.

“We trust that the Chairperson will grant our
request accordingly at tomorrow’s hearing.”

20 So what seems clear then is that they have abandoned the
application to adduce oral evidence. What they seem to
want to do is to rely on the statement and the Rule 3.9
submissions. That is something I suppose the status of
those things would have to be dealt with and grappled with
in time. But as of now it seems clear that their request is

to no longer adduce oral evidence and for you to permit that Chairperson.

CHAIRPERSON: No that is fine. I see that they make their approach much earlier than I thought they had sometime – oh 28 July. I think that – that is fine. I grant them leave not to adduce evidence – oral evidence but the proviso that I would make is that that would not preclude the commission should the commission consider that there are aspects in respect of which it might wish to have oral
10 evidence from one or more of – of their personnel to approach them for that purpose. Obviously to the extent that such people might be out of our jurisdiction that would be one thing but it may well be that their attitude might be that they would cooperate if the commission would like to question some of their personnel. But for now, I grant the leave requested on that understanding.

ADV MYBURGH SC: Thank you Chairperson.

CHAIRPERSON: Thank you. And you are excused.

ADV MYBURGH SC: Thank you.

20 **CHAIRPERSON:** Thank you.

ADV NOTSHE SC: Chairperson we were scheduled to hear evidence of four witnesses. The witnesses are coming under a subpoena and one of the witness' is Mr Fuzile Thomas Jotina. He is represented by Mr Kevin Hyde and Mr Kevin Hyde would like to make some presentations and

bring some – something to the attention of the commission.

Mr Hyde is here too.

CHAIRPERSON: Hm. Well somebody must just sanitise before Mr Hyde comes to the podium. Good morning.

ADV HYDE: On behalf – sorry on behalf of Mr Thomas Jotina.

CHAIRPERSON: Yes.

ADV HYDE: He has indicated that if he was to give evidence, he would prefer to actually give evidence in
10 Sotho.

CHAIRPERSON: Yes.

ADV HYDE: Unfortunately, it appears that there is no Sotho interpreter available today.

CHAIRPERSON: Yes.

ADV HYDE: However as discussed in order to move the process forward my client is happy to provide a statement in response.

CHAIRPERSON: Yes.

ADV HYDE: To the allegations made by the witness Dube.

20 **CHAIRPERSON:** Yes.

ADV HYDE: And that I will work with him to prepare that statement and make it available to the commission by close of business this Friday which is I think the 28th.

CHAIRPERSON: Yes.

ADV HYDE: In addition he will then be available on short

notice.

CHAIRPERSON: Yes.

ADV HYDE: By arrangement with my colleagues.

CHAIRPERSON: Yes.

ADV HYDE: To appear to answer any specific...

CHAIRPERSON: Yes.

ADV HYDE: Questions.

CHAIRPERSON: Yes.

ADV HYDE: Should that prove necessary.

10 **CHAIRPERSON:** Yes. Okay no that is fine. So what we will do then is we will adjourn the hearing of his evidence and I approve the arrangement you have made with Mr Notshe namely that by close of business on Friday this week he will furnish the commission with his statement or affidavit preferably an affidavit or affirm declaration and after that depending on the content of the affidavit or declaration then it may be necessary for him to come and give oral evidence. So he is excused today on that understanding on the understanding that he will be notified
20 as to the date when he should come back.

ADV HYDE: Thank you Chair.

CHAIRPERSON: Thank you very much.

ADV NOTSHE SC: Chair the next witness to testify is Ms Bongwiwe Eves Dube and Ms Dube gave her statement and she is here.

CHAIRPERSON: Well maybe you should first just give for the benefit of those who are watching or listening announce what today's evidence – to which work stream it relates and what it is about and its connection with other witness' evidence.

ADV NOTSHE SC: Yes. Chair the evidence today is the evidence of – relating to BOSASA – BOSASA activities. And the evidence of Mr Agrizzi was to the effect that BOSASA gave some presents in the form of meat, drinks
10 and – to one of the people Ms Mokonyane and other people. And one of the people who were involved in the BOSASA who was responsible to arrange that was Ms Dube. And Ms Dube was arranging those deliveries and you have just heard the evidence of a witness Mr Jotina who was – who has been excused from testifying. Mr Jotina is one of the drivers that Ms Dube says he did deliveries. So the evidence of Ms Dube is in relation to the deliveries that were made by BOSASA to people including Ms Mokonyane.

20 **CHAIRPERSON:** You witnesses for today are Ms Dube, Mr Coetzee, Ms S Thomas and F T Jotina is it not?

ADV NOTSHE SC: Yes Chair yes.

CHAIRPERSON: Okay. The evidence that will be led today relates to BOSASA. Ms Dube will give evidence that will relate to allegations made by Mr Agrizzi in his

evidence to the effect that certain items including grocery items were delivered to Ms Nomvula Mokonyane. She will give evidence of what she knows about that. The – Mr Jotina who was going to give evidence is said to have been a driver at BOSASA and according to Ms Dube he made some deliveries – he is not going to testify today. His statement will be filed on Friday and arrangements will be made for him to testify in due course. Mr F H Coetzee will be called today. He is the owner of a certain guest house.

10 His evidence will relate to the evidence given by Mr Agrizzi. Mr Agrizzi testified that – or deposed to an affidavit and testified – or deposed to an affidavit that BOSASA organised and paid for the 50th birthday party for Ms Nomvula Mokonyane at the particular guest house and he said that he attended that party and he was coordinating arrangements for that party. Since then the commission's investigators have been able to speak to – or interview and obtain an affidavit from the owner of the guest house Mr Coetzee. He will give evidence with regard

20 to what party if any was held in that guest house relating to Ms Nomvula Mokonyane. The other witness is Ms S Thomas. She used to be the PA to Ms Nomvula Mokonyane and she will give evidence with regard to what she may know about interactions between BOSASA and Ms Nomvula Mokonyane. Ja.

ADV NOTSHE SC: Chair may I just indicate even at this early stage that Ms – we have not seen Ms Sandy Thomas yet.

CHAIRPERSON: Yes.

ADV NOTSHE SC: So though there is a return of service.

CHAIRPERSON: Yes.

ADV NOTSHE SC: And that she was served but we will deal with that.

CHAIRPERSON: Ja.

10 **ADV NOTSHE SC:** When we come to the

CHAIRPERSON: Yes.

ADV NOTSHE SC: To that stage of the proceedings.

CHAIRPERSON: Yes okay alright. Thank you.

ADV NOTSHE SC: Ms Bongiwe Eves Dube's testify.

CHAIRPERSON: Please administer the oath or affirmation. Well if she – if she was served and we have a return of service then the police would have to be contacted.

ADV NOTSHE SC: Yes the ...

20 **CHAIRPERSON:** For – to – to deal with non-compliance with a summons criminally.

ADV NOTSHE SC: Yes Judge the – Chairperson the – when the turn comes for her to testify and she is still not here and then I will ask the Chair to – to authorise that a charge be laid against her with the police.

CHAIRPERSON: Administer the oath and or affirmation.

REGISTRAR: Please state your full names for the record.

MS DUBE: Bongiwé

CHAIRPERSON: Sorry just remove your mask a bit so that you can – we can hear you and then raise your voice a bit. Okay start afresh.

REGISTRAR: Please state your full names for the record.

MS DUBE: Bongiwé Eves Dube.

REGISTRAR: Do you have any objection in taking the prescribed affirmation? Do you have any objection in
10 taking the prescribed affirmation?

MS DUBE: No.

REGISTRAR: Do you solemnly affirm that the evidence you will give shall be the truth; the whole truth and nothing else but the truth; if so please raise your right hand and say, I truly affirm.

MS DUBE: I truly affirm.

CHAIRPERSON: Thank you. You may be seated.

ADV NOTSHE SC: Chair I understand from the – from the people who are looking after the records that as per your
20 directions there is new bundle that has been compiled and it is Bundle 1 and all the evidence of the witness – all the statements of the witnesses who are testifying today would be under that bundle although they will be under separate exhibit numbers. So the evidence of – the statement of Ms Dube will be in Bundle 1 but Exhibit T25.

CHAIRPERSON: Ja well do not say Bundle 1 because I am sure there is Bundle 1 somewhere. I think you – it is written here BOSASA Bundle 01. That might just make it different from another bundle 1.

ADV NOTSHE SC: I understand.

CHAIRPERSON: Ja.

ADV NOTSHE SC: So it is BOSASA.

CHAIRPERSON: So it is BOSASA Bundle.

ADV NOTSHE SC: It is BOSASA Bundle 01

10 **CHAIRPERSON:** Bundle 01 ja.

ADV NOTSHE SC: Yes.

CHAIRPERSON: Okay alright.

ADV NOTSHE SC: And then the evidence – the statement of Ms Bongwiwe Dube is Exhibit T25 in that bundle.

CHAIRPERSON: Yes.

ADV NOTSHE SC: Ms Dube can you have a bundle in front of you?

MS DUBE: Yes.

20 **ADV NOTSHE SC:** Can you look at – what is – on page 1 which is after the cover sheet index Exhibit T25 there is what is written page 1. You see that?

MS DUBE: Yes.

ADV NOTSHE SC: Yes.

CHAIRPERSON: Are you looking at the red numbers?

ADV NOTSHE SC: And if you – I beg your pardon.

CHAIRPERSON: Red numbers.

ADV NOTSHE SC: Yes. Are you looking at – look at the red numbers Ms Dube am I right?

MS DUBE: Yes.

ADV NOTSHE SC: Yes. Now Ms Dube look at the – that statement and go to page 4 of that statement the red 4.

MS DUBE: Yes.

ADV NOTSHE SC: There are – just above...

CHAIRPERSON: Please raise your voice Ms Dube so that
10 what you say can be captured and recorded.

ADV NOTSHE SC: What you can do Ms Dube is to lower the microphone towards you.

MS DUBE: Okay.

ADV NOTSHE SC: Ms Dube there is on page 4 there is above the word signed there is initials BED – B E Dube, is that your signature?

MS DUBE: Yes.

ADV NOTSHE SC: Ms Dube do you confirm that this statement is your statement?

20 **MS DUBE:** Yes.

ADV NOTSHE SC: And you swore – you took an oath to it?

MS DUBE: Positive.

ADV NOTSHE SC: Yes. Now Ms Dube do you confirm that you previously worked at BOSASA?

MS DUBE: Yes.

ADV NOTSHE SC: And what was your position?

MS DUBE: I was the Unit Leader.

ADV NOTSHE SC: When did you join BOSASA?

MS DUBE: 2013.

ADV NOTSHE SC: Now what were your duties?

MS DUBE: I first started – I was in the catering side with the food deliveries – the ordering and just seeing that they all the inmates, everybody has eaten that was my duties.

ADV NOTSHE SC: So just to [00:21:35] all the inmates of
10 what?

MS DUBE: I first started in the prisons working in the prisons.

ADV NOTSHE SC: Now on paragraph 4 on page 1 of the statement you deal with what you were doing in BOSASA. Can you read that for the record?

MS DUBE: On?

ADV NOTSHE SC: Page – page 4. No page 1 paragraph 4 at the bottom of page 1.

CHAIRPERSON: I am sorry why do you want her to read
20 that?

ADV NOTSHE SC: I beg your pardon?

CHAIRPERSON: Why do you want her to read that?

ADV NOTSHE SC: It is just the duties of what she was doing?

CHAIRPERSON: Oh okay.

ADV NOTSHE SC: Yes.

CHAIRPERSON: Oh page 3 – paragraph 3?

ADV NOTSHE SC: Paragraph 4.

CHAIRPERSON: Oh.

MS DUBE: Maybe I am lost which one?

CHAIRPERSON: Oh if you ask her to tell me her duties, she will not need to read she knows what her duties were.

ADV NOTSHE SC: Yes.

CHAIRPERSON: It is not a long list.

10 **ADV NOTSHE SC:** Yes that is fine.

MS DUBE: At BOSASA I was running the diner and the kitchen. Is this the statement which you want?

ADV NOTSHE SC: Yes.

CHAIRPERSON: No Ms Dube will have to do something about your voice. It is very low.

ADV NOTSHE SC: Come closer Ms Dube.

CHAIRPERSON: Ja and raise your voice.

20 **MS DUBE:** At BOSASA head office I was running the diner and the kitchen. This was for the staff, guest meetings people were attended training. We also provided catering to the training rooms when necessary.

CHAIRPERSON: Yes Mr Notshe she does not...

ADV NOTSHE SC: And then you all over the page.

CHAIRPERSON: No she must not read – she can just tell us. Tell the story. She knows what she was doing. What

were your duties at BOSASA when you were working at the head office?

MS DUBE: When I was working at that office, we were doing catering for the staff members or the staff who were coming for training or visitors which will be visiting BOSASA.

CHAIRPERSON: Yes.

MS DUBE: Yes and then there were some entertainments which were doing fund raising.

10 **CHAIRPERSON:** Yes. And who was in charge of the kitchen or that is not the – ja the kitchen? Were you in charge of the kitchen?

MS DUBE: I was in charge of the kitchen even though they were my seniors on top.

CHAIRPERSON: Yes. Okay. Take it from there Mr Notshe.

ADV NOTSHE SC: Who were your seniors on top?

MS DUBE: Sorry?

ADV NOTSHE SC: Who were your seniors above you?

20 **MS DUBE:** They were my seniors there is the...

ADV NOTSHE SC: Who were they?

MS DUBE: Alistair Essau.

ADV NOTSHE SC: Yes.

MS DUBE: Yes.

ADV NOTSHE SC: And who else?

MS DUBE: And then the rest were the bosses like Gavin Watson, Angelo Agrizzi and all of them.

ADV NOTSHE SC: Tell me who was before you in your position?

MS DUBE: It was Katherine Matabata.

ADV NOTSHE SC: I see. Now with the issue of delivery of food who instructed you – who gave you instructions as to what should be delivered and where?

MS DUBE: Alistair was the one who was telling us what we
10 would do – what we will arrange and then where will it be delivered.

ADV NOTSHE SC: Is there any other person besides him?

MS DUBE: In fact, TNI was also getting in from the tops.

CHAIRPERSON: What?

ADV NOTSHE SC: In your –

CHAIRPERSON: He was my senior.

CHAIRPERSON: What was Alistair's surname?

MS DUBE: Alistair Essau.

CHAIRPERSON: Huh?

20 **MS DUBE:** Alistair Essau.

CHAIRPERSON: Essau?

MS DUBE: Yes.

CHAIRPERSON: E-s-s-o?

MS DUBE: E-s-s-a-u.

CHAIRPERSON: Ja okay.

ADV NOTSHE SC: Now you in your statement you also mention Papa Leshabane what was he?

MS DUBE: Papa Leshabane was the leader as well. Was one of the directors?

ADV NOTSHE SC: Where at BOSASA?

MS DUBE: Yes.

ADV NOTSHE SC: Did he also give you instructions for the deliveries?

MS DUBE: Yes.

10 **ADV NOTSHE SC:** Now you also in your statement deal with the – the deliveries over Christmas time in December.

MS DUBE: Yes.

ADV NOTSHE SC: Can you tell the commission about that?

MS DUBE: Deliveries for Christmas times were maybe for churches and then or Nomvula Mokonyane I – I did not do one.

ADV NOTSHE SC: Yes.

MS DUBE: For – I was not allowed to.

20 **ADV NOTSHE SC:** What did you do in respect of her?

MS DUBE: Actually Katherine was who do it.

ADV NOTSHE SC: I see.

MS DUBE: Because she was still my senior even though there were some other things which I do not know what was the order so she used that.

CHAIRPERSON: This side Ms Dube.

MS DUBE: Okay.

CHAIRPERSON: I am the one you are telling the story to.

MS DUBE: Okay.

CHAIRPERSON: Okay. So I can hear you properly and you are looking that way and your voice is soft. Yes okay. Continue Mr Notshe.

ADV NOTSHE SC: And you were saying you were not allowed to deliver – did deliveries regarding Ms Nomvula
10 Mokonyane. Who did not allow you to do that?

MS DUBE: According to it I was like new to join head office.

CHAIRPERSON: I am not sure – I do not think she said she was not allowed to do deliveries.

ADV NOTSHE SC: To arrange. She said I was not allowed to arrange deliveries.

CHAIRPERSON: Ja the arranging part I think this is what she was talking about.

ADV NOTSHE SC: Yes.

20 **CHAIRPERSON:** Ja. Is that correct?

MS DUBE: Yes.

CHAIRPERSON: Ja. You say Ms Katherine Matabata was the one who was responsible for making arrangements for deliveries to Ms Mokonyane?

MS DUBE: Huh-uh.

CHAIRPERSON: This was in respect of what? The Christmas period?

MS DUBE: Yes.

CHAIRPERSON: And the first Christmas period that you were at BOSASA when – was which year?

MS DUBE: When she was not there still she did it. How I find out is the time when we were closed then – at head office and then Food Boys were I was ordering they phoned me and asked me there is such a delivery which is here but
10 I – we understand you are closed so where is it going?

CHAIRPERSON: Hm.

MS DUBE: And then – that is when I found out that it was for Katherine Matabata and it was for Mokonyane.

CHAIRPERSON: Hm. Now were there other – were there other orders for people outside of BOSASA that had to be attended to during Christmas period other than Ms Nomvula Mokonyane?

MS DUBE: I excepting for fund raising like going to Barra and maybe stay in send some small – those things.

20 **CHAIRPERSON:** Ja not for individuals. Not for individuals?

MS DUBE: No.

CHAIRPERSON: Not for individuals?

MS DUBE: No.

CHAIRPERSON: It was only for organisations and

institutions.

MS DUBE: Yes, yes.

CHAIRPERSON: How – how were orders treated? Were they labelled and given names or the people working in the kitchen always knew that this order is for Ms Nomvula Mokonyane, this one is for Baragwaneth, this one is for another institution?

MS DUBE: No they were not labelled.

CHAIRPERSON: They were not labelled?

10 **MS DUBE:** Huh-ah it was just like if she know that there will be such a thing that will happen.

CHAIRPERSON: Ja.

MS DUBE: In such a place that is when you know that this is going there.

CHAIRPERSON: Ja okay. Continue Mr Notshe.

ADV NOTSHE SC: Now just going back to the delivery. The incident in 2016 when you say you were phoned by the Food Boys and you were closed. Did you call Ms Matabata about the – the order that you – you were asked about but
20 the Food Boys?

MS DUBE: She did – yes I did call and she said it is organised.

ADV NOTSHE SC: I see. And then in the – in your statement you also say there was a large order of meat and then you give an estimation. How did you arrive at the

estimation of the amount?

MS DUBE: It is according to the people from Food Boys when they call me to ask...

CHAIRPERSON: Well let us deal with it this way. Did you ever see the order for Ms Nomvula Mokonyane?

MS DUBE: No.

CHAIRPERSON: You never saw it?

MS DUBE: No.

CHAIRPERSON: You only heard about it and from whom
10 did you hear about it?

MS DUBE: I heard it from when the Food Boys people called me.

CHAIRPERSON: Who are Food Boys?

MS DUBE: It was the company for meat.

CHAIRPERSON: Is that what it was called? Is that what the company was called Food Boys?

MS DUBE: Yes.

CHAIRPERSON: Oh that is the name of the company?

MS DUBE: The Company.

20 **CHAIRPERSON:** What were – what was – what – were they providing meat to BOSASA or what was the...

MS DUBE: Yes.

CHAIRPERSON: What were they doing?

MS DUBE: Yes that is where I was ordering my meat from.

CHAIRPERSON: So part of your job was to order meat

from Food Boys – part of your job?

MS DUBE: Yes.

CHAIRPERSON: Was to order meat from the Food Boys?

MS DUBE: Yes to order meat and everything almost to what we were using for catering.

CHAIRPERSON: Yes.

MS DUBE: Yes even though it was...

CHAIRPERSON: But Food Boys only provided meat or they also provided other things – other items?

10 **MS DUBE**: No they were only – they were only providing meat.

CHAIRPERSON: Oh so your duties included ordering whatever the kitchen needed?

MS DUBE: Yes.

CHAIRPERSON: Including meat? Do you order meat only from Food Boys or did you also order it from some other place?

MS DUBE: There were some other places which we were ordering from.

20 **CHAIRPERSON**: Yes. So just go back to how you came to hear about an order for Ms Nomvula Mokonyane. Just tell me the story as it happened.

MS DUBE: How I find out about it, is the time when I was asking that in such a delivery like we are closed ...[intervenes]

CHAIRPERSON: H'm?

MS DUBE: ...there is a delivery which is supposed to come here and these people were asking: What is it for? And what must I do about it? And then that is where I found out it is for Ms Nomvula Mokonyane.

CHAIRPERSON: Okay I am sorry.

MS DUBE: I must not worry about it.

CHAIRPERSON: Okay. Did you call the Food Boys for some reason and then they told about this order?

10 **MS DUBE:** The Food Boys called me.

CHAIRPERSON: They called you?

MS DUBE: Because they wanted to know since I am closed ...[intervenes]

CHAIRPERSON: Since you are?

MS DUBE: I am... the head office was closed by that time.

CHAIRPERSON: Oh, was closed?

MS DUBE: Yes.

CHAIRPERSON: For the Christmas break?

MS DUBE: For the Christmas break.

20 **CHAIRPERSON:** Yes.

MS DUBE: So they called me to ask me: There is such a big order here.

CHAIRPERSON: They said there is a big order?

MS DUBE: There is such a big order here.

CHAIRPERSON: Ja.

MS DUBE: Done by Catherine Mathabathe.

CHAIRPERSON: Ja.

MS DUBE: But you are closed. Where is it going to?

CHAIRPERSON: Yes.

MS DUBE: Then I said to them: I have got no clue but I know we are closed. Let me confirm. And that is when I find out is: No, I must not worry about it. It is for Nomvula Mokonyane.

CHAIRPERSON: So you did not ask whose order it was?

10 **MS DUBE:** They told me the order is for Catherine Mathabathe.

CHAIRPERSON: Yes.

MS DUBE: But for BOSASA.

CHAIRPERSON: Yes.

MS DUBE: Yes.

CHAIRPERSON: But then they told you: Do not worry. It is from Ms Nomvula Mokonyane.

MS DUBE: Yes.

CHAIRPERSON: Okay.

20 **ADV NOTSHE SC:** Chair, can I...?

CHAIRPERSON: H'm?

ADV NOTSHE SC: Can we come and just clarify before we get there?

CHAIRPERSON: Ja. H'm.

ADV NOTSHE SC: You say the Food Boys said there is a

big order there for Catherine, alright?

MS DUBE: Yes.

ADV NOTSHE SC: And then you phoned Catherine to ask: What is going on about the order?

MS DUBE: And then Catherine explained to me that I must not worry about it.

ADV NOTSHE SC: Just hold on.

MS DUBE: Yes.

ADV NOTSHE SC: Yes. Just... just.

10 **CHAIRPERSON**: So the Food Boys are not the ones who told you that the order was for Ms Nomvula Mokonyane?

MS DUBE: No.

CHAIRPERSON: They told you there was a big order ...[intervenes]

MS DUBE: There is a big order for me.

CHAIRPERSON: And they wanted to find out what should be done with it because the office was closed?

MS DUBE: Yes.

20 **CHAIRPERSON**: And then you phoned Ms Mathabathe and she said: Do not worry. It is for Ms Nomvula Mokonyane.

MS DUBE: Yes.

CHAIRPERSON: Okay. And... okay take it from there.

ADV NOTSHE SC: And then you... you then say Ms Mathabathe said you should not worry about it. She will deal with it.

MS DUBE: Yes.

ADV NOTSHE SC: Now in your statement you say the same occurred the following year in December 2017. What... when you say that what do you mean? You say the same occurred in 2017. What occurred in December 2017?

MS DUBE: The 2017... like, 2016 I was new.

ADV NOTSHE SC: Yes.

MS DUBE: 2017, it did not come straight to me again because like I was, you know, if you deal with something
10 from before, it was not easy that I have been jumped and take over the order.

CHAIRPERSON: Look this side Ms Dube.

MS DUBE: It was not easy to take over the order for that or say okay that next year the next 2017, still the order was not done by me.

CHAIRPERSON: Okay, let us... the evidence you gave earlier on when you say the Food Boys called you, which year was that?

MS DUBE: It was 2017.

20 **CHAIRPERSON:** It was 2017?

MS DUBE: H'm.

CHAIRPERSON: Okay. And after Ms Mathabathe had spoken to you and said: Do not worry. That order is for Ms Nomvula Mokonyane. Do you know what happened about that order?

MS DUBE: Obviously, it was delivered.

CHAIRPERSON: H'm?

MS DUBE: It was delivered to her.

CHAIRPERSON: Why do you say obviously?

MS DUBE: Because if it was ordered it has to go for delivery.

CHAIRPERSON: But you do not know that, is it? Do you know that?

MS DUBE: No.

10 **CHAIRPERSON:** You do not know that?

MS DUBE: Yes.

CHAIRPERSON: You just assume it was delivered?

MS DUBE: H'm.

CHAIRPERSON: Is that correct?

MS DUBE: Yes.

CHAIRPERSON: Okay. But you never had anything to do with it after Ms Mathabathe had spoken to you?

MS DUBE: No.

20 **CHAIRPERSON:** And you did not see it... you did not see the actual parcel? You did not see anybody delivering it? Is that right?

MS DUBE: Yes.

CHAIRPERSON: Okay. Do you have any understanding as to who would normally make deliveries to people of orders for meat and other things?

MS DUBE: As I say that we are having the drivers at head office which were doing the deliveries.

CHAIRPERSON: H'm?

MS DUBE: As I was saying that the deliveries were done by our drivers.

CHAIRPERSON: Ja. Were there a number of drivers?

MS DUBE: For head office the driver we had was Thomas Jotina.

CHAIRPERSON: Sorry?

10 **MS DUBE:** Thomas Jotina.

CHAIRPERSON: Was the only one driver?

MS DUBE: There were some but the one that was working for head office was him.

CHAIRPERSON: Who was working for?

MS DUBE: For head office.

CHAIRPERSON: For head office?

MS DUBE: Yes.

CHAIRPERSON: There was only one?

MS DUBE: Yes.

20 **CHAIRPERSON:** For head office?

MS DUBE: Yes.

CHAIRPERSON: That Mr Jotina?

MS DUBE: Yes.

CHAIRPERSON: Okay alright.

ADV NOTSHE SC: Sorry, Chair. Can I just ask...?

CHAIRPERSON: H'm.

ADV NOTSHE SC: Ms Dube, just settled. Do not move up and down.

CHAIRPERSON: Ja, do not move.

ADV NOTSHE SC: Your voice is moving up and down.

CHAIRPERSON: Ja, sit still. Ja. Sit still. Okay Mr Notshe.

ADV NOTSHE SC: Now when did you start at the head office?

MS DUBE: 2013.

10 **ADV NOTSHE SC:** 2013. And then when did you start dealing with all the Food Boys?

MS DUBE: I started when I was at head office.

ADV NOTSHE SC: In 2013?

MS DUBE: No, in 2016 when I joined head office.

ADV NOTSHE SC: I see. Now after the incident wherein the Food Boys called you about the large parcel, did you ever call you again?

MS DUBE: No.

20 **ADV NOTSHE SC:** So you do not know whether ...[intervenes]

MS DUBE: This... it was 2017/2017, I did not finish up... I did not... there was no more Christmas there. There was nothing like that.

ADV NOTSHE SC: I see. So the only incident that they call you was that one incident when they said there was a large

order.

MS DUBE: Yes.

ADV NOTSHE SC: And it is for Ms Catherine.

MS DUBE: Yes.

ADV NOTSHE SC: Now did you... were you ever involved in other issues like birthdays of people?

MS DUBE: We only attended the... we only did the birthday once for Jacob Zuma.

ADV NOTSHE SC: Who gave you instructions to do that?

10 **MS DUBE**: We were instructed by Alice ...[indistinct]
[00:07:57]

ADV NOTSHE SC: What did you do as the stuff for that birthday?

MS DUBE: We just ordered the cake. Then we arranged some simple things like snacks and all those things.

ADV NOTSHE SC: I see. Now in your statement, you also deal with the politicians who attended the BOSASA Head Office.

20 **MS DUBE**: Yes, when they were having their own meetings. When they were having meetings, we were catering for them.

ADV NOTSHE SC: And did you delivering... what did you cater for them?

MS DUBE: No, like we were cooking food. Like, there is a big meeting, then we do food for them, offering them drinks and all those things.

ADV NOTSHE SC: Can you remember which politicians you saw?

MS DUBE: I saw Fikile Mbalula. I saw Gwede Mantashe. I saw different people.

CHAIRPERSON: You say that was during election campaigns?

MS DUBE: Yes.

CHAIRPERSON: Okay.

ADV NOTSHE SC: And then you also mention in your
10 statement the destruction of documents. What were... what were the documents that were destroyed?

MS DUBE: Those documents were just documents. I cannot explain what was it but it was just time of cleaning. After Angelo Agrizzi left, there was cleaning of changing(?) of things.

ADV NOTSHE SC: I see. And then lastly, you say in your statement that you were in the end dismissed by BOSASA.

MS DUBE: Yes.

ADV NOTSHE SC: So this is the evidence of the witness.

20 **CHAIRPERSON:** Do you know how... what the monetary value was of the order for Ms Nomvula Mokonyane that the Food Boys called you about? Or the price, do you know what it was or do you not know?

MS DUBE: The price? They just explained something like there is a big order for about 17 000 which we have here.

CHAIRPERSON: That is what they said

MS DUBE: Yes.

CHAIRPERSON: Ja. So it was they said. You do not know about it but that is what they told you?

MS DUBE: Yes.

CHAIRPERSON: Ja. Okay alright. The Food Boys, when you left BOSASA was that company still there or you do not know?

MS DUBE: Ja, ja. I think it is still..

10 **CHAIRPERSON:** Do you know if it is still there now?

MS DUBE: Yes, I hope(?) it is still available(?).

CHAIRPERSON: Do you know or you do not know?

MS DUBE: [No audible reply]

CHAIRPERSON: When last did you...?

MS DUBE: If it is belong(?), I will have to speak to them because I never ordered from them.

CHAIRPERSON: Yes.

MS DUBE: But I know they are still available.

20 **CHAIRPERSON:** Ja, in 2019, were they still there? Do you know?

MS DUBE: Yes, yes.

CHAIRPERSON: Are you sure?

MS DUBE: I am positive.

CHAIRPERSON: Yes. Okay alright. Thank you. Thank you for coming to give evidence. You are excused.

MS DUBE: Thank you.

CHAIRPERSON: You may go.

ADV NOTSHE SC: Thank you, Chair. Chair, the next witness is Mr Frederick Hendrick Coetzee.

CHAIRPERSON: [No audible reply]

ADV NOTSHE SC: Chair, is... as you... as we have indicated in the opening address indeed that Mr Coetzee is the owner of the guesthouse.

CHAIRPERSON: Let him get seated first. Let them finish
10 what they are doing.

ADV NOTSHE SC: [No audible reply]

CHAIRPERSON: Yes, Mr Notshe.

ADV NOTSHE SC: Mr Coetzee, Chair is the owner of the Victorian Guest House and Chair will remember that there was the evidence of Mr Agrizzi that there was a party, a birthday party held at the Victorian Guest House for the 50th birthday of Ms Mokonyane.

And Chair will remember that Ms Mokonyane testified the fact that no birthday party was ever had at that
20 guesthouse, neither her 40th or her 50th or any other birthday party was held at that place.

And now Chair the statement has been obtained from Mr Coetzee ...[intervenes]

CHAIRPERSON: Did she go that far?

ADV NOTSHE SC: Yes, she went that far Chair.

CHAIRPERSON: To say, no birthday party was held at the Victorian Guest House for her?

ADV NOTSHE SC: Yes, she went that far. We clarified that.

CHAIRPERSON: You clarified that?

ADV NOTSHE SC: We clarified that.

CHAIRPERSON: Okay.

ADV NOTSHE SC: That it is no 40th no 50th and no birthday party.

10 **CHAIRPERSON:** Ja, okay.

ADV NOTSHE SC: Yes.

CHAIRPERSON: H'm?

ADV NOTSHE SC: Mr Coetzee is here to testify.

CHAIRPERSON: Yes, yes. Please administer the oath or affirmation. Just press it so that... ja.

REGISTRAR: Please state your full names for the record.

WITNESS: Frederick Hendrick Coetzee.

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

20 **WITNESS:** No, I do not.

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

WITNESS: Yes, I do.

REGISTRAR: Do you swear that the evidence you will give, will be the truth, the whole truth and nothing else but the

truth? If so, please raise up your right-hand and say, so help me God.

WITNESS: So help me God.

FREDERICK HENDRICK COETZEE: (d.s.s.)

CHAIRPERSON: Thank you. You may be seated Mr Coetzee.

ADV NOTSHE SC: Now Mr Coetzee, can you... there is a bundle in front of you.

MR COETZEE: Ja?

10 **ADV NOTSHE SC:** It is written BOSASA Bundle 1.

MR COETZEE: Yes?

ADV NOTSHE SC: Can I ask you to turn to Exhibit 26? You will see there is a tag 26 and then below that, you will see underneath that there is Exhibit T26.

MR COETZEE: Yes?

ADV NOTSHE SC: It is written Mr Frederick Hendrick Coetzee.

CHAIRPERSON: Mr Notshe, you forgot to ask me to admit Mr Bongwiwe Dube's statement as an exhibit.

20 **ADV NOTSHE SC:** Yes, Chair. I beg your pardon. May it be permitted as Exhibit T25?

CHAIRPERSON: What exhibit?

ADV NOTSHE SC: T25 Chair.

CHAIRPERSON: Ms Bongwiwe Dube's affidavit is admitted and will be marked EXHIBIT T25.

**AFFIDAVIT OF MS BONGIWE DUBE IS ADMITTED AND
MARKED AS EXHIBIT T25**

ADV NOTSHE SC: In BOSASA Bundle 1.

CHAIRPERSON: Ja.

ADV NOTSHE SC: Thank you, Chair.

CHAIRPERSON: [No audible reply]

EXAMINATION BY ADV NOTSHE SC:

Now Mr Coetzee, can you look at the... there is a document,
an affidavit that appears on... when I talk pages... when I
10 refer to pages, I am referring to red pages at the right-hand
top corner of... it appears on page 1 and up to... the affidavit
itself, it goes from page 1 to... I just want to... to page 4 of
that document.

MR COETZEE: Yes?

ADV NOTSHE SC: And then there is also a signature there.
Is that your signature?

MR COETZEE: Yes, it is.

ADV NOTSHE SC: And then that affidavit is accompanied
by a number of annexures. The last annexures is at page
20 16.

MR COETZEE: Yes.

ADV NOTSHE SC: You go to this. Do you confirm that this
affidavit is your affidavit?

MR COETZEE: It is mine.

ADV NOTSHE SC: Together with annexures?

MR COETZEE: It is mine indeed, yes.

ADV NOTSHE SC: Mr Coetzee, can you just tell the Court the... your history as the owner of the Victorian Guest House? When did you become the owner?

MR COETZEE: I have been involved with the guest house since 2000... early 2000 as co-owner with my mother which unfortunately and subsequently passed away in November 2018. Since then I have been the sole owner up to currently.

10 **ADV NOTSHE SC**: Can you confirm the address of the... is the name, is it Victoria Guest House.

MR COETZEE: It is Victoria Guest House.

ADV NOTSHE SC: Can you confirm the address?

MR COETZEE: It is A1 Tom Muller Street, West village, Krugersdorp.

ADV NOTSHE SC: Yes. Now there is evidence of Mr Agrizzi that he coordinated a birthday party, the 50th birthday party “Break the Leg” at the Victoria Guest House situated at that address.

20 **MR COETZEE**: H'm.

ADV NOTSHE SC: Do you remember a birthday party coordinated by Mr Agrizzi.

MR COETZEE: I do but not the original as I was initially enquired about. Ms Mokonyane had a 40th in 2003 and which was arranged by Mr Agrizzi himself and my... between

Mr Agrizzi and myself.

ADV NOTSHE SC: I see. Now, and what did the... was the... who paid for the birthday party?

CHAIRPERSON: Well, maybe before that. Maybe Mr Coetzee can just tell me how it came about because from reading his affidavit, I think he has a fair recollection of how it came about. How did it come about that you hosted Ms Mokonyane's 40th birthday party?

MR COETZEE: BOSASA as one of or was one of my
10 corporate lines and have been so for many years. We are just down the road from one another.

CHAIRPERSON: Yes.

MR COETZEE: Up until that point, they have used my guest house as venue. I then got a call from Mr Agrizzi himself asking me, you know, for a quick meeting. He and somebody else from BOSASA, which I cannot recall her name, then came to the guest house itself enquiring to do this function.

Also informing me who the function would be for, as well as, Chair to answer your questions that BOSASA will be
20 paying for the entire event.

CHAIRPERSON: And who did he say the function was going to be for?

MR COETZEE: It was for the then Minister Safety and Security, Nomvula Mokonyane.

CHAIRPERSON: So at that time she was MEC for Safety

and Security in Gauteng?

MR COETZEE: Yes.

CHAIRPERSON: Yes. So and... and so Mr Agrizzi was the one who called you and he said they were looking to do a function for... a birthday function for Ms Mokonyane?

MR COETZEE: Yes.

CHAIRPERSON: And that they will be responsible as BOSASA for paying ...[intervenes]

MR COETZEE: For the account, ja.

10 **CHAIRPERSON**: ...for that function.

MR COETZEE: Yes.

CHAIRPERSON: Yes. At that stage, did he tell you how many guests they were looking at having?

MR COETZEE: Initially it was for 80.

CHAIRPERSON: For 80. Eight zero?

MR COETZEE: Eight zero.

CHAIRPERSON: Yes.

MR COETZEE: Which then subsequently went up to 120. That was the final confirmed number for the event.

20 **CHAIRPERSON**: Ja.

MR COETZEE: At the day of the event when the guests started arriving that exponentially grew to 174.

CHAIRPERSON: Yes. So it started being a function that was meant for 80 people?

MR COETZEE: Yes.

CHAIRPERSON: And then the numbers went up to 120?

MR COETZEE: Yes.

CHAIRPERSON: But on the day of the function the numbers went up to 174?

MR COETZEE: 174. That is correct, ja.

CHAIRPERSON: Yes. Do you remember the date when the function was held? Or you can look in your affidavit.

MR COETZEE: I think it was the end of June 2003.

CHAIRPERSON: I think your...

10 **ADV NOTSHE SC:** There is an invoice on page 6. Will that help Mr Coetzee?

MR COETZEE: Just quickly... That was when the invoice was originally submitted for the 80 guests.

CHAIRPERSON: Ja.

MR COETZEE: The final one was submitted only later.

CHAIRPERSON: Yes.

ADV NOTSHE SC: I see on the invoice is written "attention". Attention for Angelo Agrizzi for even and then ...[intervenes]

20 **CHAIRPERSON:** Was the invoice on page 6?

MR COETZEE: The 28th of June. Ja.

CHAIRPERSON: I am sorry. We are looking... are we looking at the invoice on page 6?

ADV NOTSHE SC: Yes, Chair.

MR COETZEE: Ja.

CHAIRPERSON: Okay under tab 26. Mr Notshe, are you... should we not be using the black numbers?

ADV NOTSHE SC: No, we are using the red numbers Chair.

CHAIRPERSON: No, I think you... I think you may have forgotten. You see, if you use the... if you use these red numbers, are you not going to run into... yes, you will run into the problem that... under different tags you start afresh. I think the... it is black numbers that are used because they start from page 1 and go up to the last page. I think we
10 should use the black numbers.

ADV NOTSHE SC: No, that is fine Chair.

CHAIRPERSON: So the invoice we are talking about appears at page 14 if you look at the top left corner, the black numbers.

MR COETZEE: Yes.

CHAIRPERSON: So it says: "Attention Mr Angelo Agrizzi".

MR COETZEE: Yes.

CHAIRPERSON: And then it says: "For event
28 June 2003".

20 **MR COETZEE:** Yes.

CHAIRPERSON: Would that then be the date when the event was held?

MR COETZEE: Being when it was actually held itself, ja.

CHAIRPERSON: Yes.

MR COETZEE: The event took place.

CHAIRPERSON: Yes. Okay continue Mr Notshe. But I would like him to just tell me ...[intervenes]

ADV NOTSHE SC: Yes, Chair.

CHAIRPERSON: ...how everything unfolded as he remembers it.

ADV NOTSHE SC: Now you have just told the Chair that the even for was 80 people and then it increased to 120 people. How did you manage to then cater for this increased numbers?

10 **MR COETZEE:** Normally as a venue when we do events you cater for 10, 15 people extra. Luckily for us for that evening their speeches were quite long which then... we and the kitchen managed to get enough food. We changed the menu slightly to accommodate everybody. And as I said, luckily for the speeches being so long, we managed to actually produced food for all the people attending the event.

ADV NOTSHE SC: Now the... can you just tell the Commission about the arrangement? Who provided food and who provided the drinks?

20 **MR COETZEE:** This was part of the agreement in our initial contract with Mr Agrizzi that BOSASA would be bringing in all the beverages. Let me rephrase. Not all the beverages, the majority of the beverages. We will do arrival drinks, wine and sparkling wine for the speeches. The rest was all brought in and sponsored by BOSASA.

ADV NOTSHE SC: In paragraph 14 on page 10 you deal with... you mention there a liquor store which sponsored this. Can you explain that to the Commission?

MR COETZEE: How I know which store it was. The next day whatever was left over a few crates of mixes, like we call it in our industry, I personally delivered it back to this liquor store ...[intervenes]

ADV NOTSHE SC: H'm.

CHAIRPERSON: Mr Coetzee, I do not know. It is like
10 everybody... every witness today, their voices are very soft.

MR COETZEE: Sorry, sorry.

CHAIRPERSON: Please try and raise your voice and do not be too far from the mic.

MR COETZEE: Okay.

CHAIRPERSON: Yes, okay. Just repeat what you said just before I interrupted you.

MR COETZEE: I personally... whatever was left over from the event, the next morning I personally took back to the liquor store. It was I think two or three crates of mixes.

20 **CHAIRPERSON:** H'm, h'm, h'm.

MR COETZEE: Initially when it was delivered, it was quite a substantial amount of boxes which is unusual for the size of the event as well.

CHAIRPERSON: H'm.

MR COETZEE: Ja.

ADV NOTSHE SC: Now how much liquor? Do you know? Can you estimate? Where did you have to put the liquor?

MR COETZEE: It was delivered actually in one of my garages which was one side. I had to remove a car. It was, as I said, it was quite a substantial amount of alcohol delivered.

CHAIRPERSON: Yes, yes.

MR COETZEE: Yes.

CHAIRPERSON: Okay.

10 **ADV NOTSHE SC:** Now what type of liquor was this? Can you remember?

MR COETZEE: It was also the upper range of brandies, KWV, Johnny Walker Blacks and Reds. It was the normal malt whiskeys or anything like that but it was the upper range of each brand.

CHAIRPERSON: That was a long time ago.

MR COETZEE: Yes.

CHAIRPERSON: Close to... it is about what? Eighteen years.

20 **MR COETZEE:** Yes.

CHAIRPERSON: It is about eighteen years now. How is that you seem to remember this function so well?

MR COETZEE: Chair, there is... in our industry you can almost speak to anybody that has been in it for a long time. There are certain events that do just stuck in your head of

which this event is one of them.

One, because we had to scramble behind doors to get extra food done and to get extra seating done. The procedure of event.

Although, I personally and the guest house has catered for truly grateful(?) people, it is sometimes just small things that just gets stuck in your head.

And when the day I did my affidavit, you know collected that, I spoke to one of my staff members and even they said:
10 Oh, well. Ja, this one was in 2003. So there are certain events that just get stuck in your head for quite a long time.

CHAIRPERSON: H'm, h'm. In terms of the profile of the function, was it quite usual for your guest house to host functions of that profile at that time?

MR COETZEE: Not for us personally.

CHAIRPERSON: Ja.

MR COETZEE: I have done quite a number of events personally.

CHAIRPERSON: Yes.

20 **MR COETZEE:** I have done quite high profile celebrates, both local and international, as well as, for my mother.

CHAIRPERSON: Yes.

MR COETZEE: For the guest house itself, that was the first high-profile event we did for the government.

CHAIRPERSON: Yes.

MR COETZEE: But I had a prior and post that event
...[intervenes]

CHAIRPERSON: Yes.

MR COETZEE: ...I have done quite a significant number of
high-profile events for people, yes.

CHAIRPERSON: Yes. So why you and your mom may have
been involved in high-profile functions, this was the first
high-profile function for this guest house.

MR COETZEE: For Victoria Guest House itself, ja.

10 **CHAIRPERSON:** Ja, okay. Okay alright. Thank you. And
are you able to say Ms Mokonyane was there at the
function?

MR COETZEE: I was personally introduced to her.

CHAIRPERSON: Yes.

MR COETZEE: I ran the function function-wise.

CHAIRPERSON: Yes.

MR COETZEE: The event went on for quite a while that
evening as well.

CHAIRPERSON: Yes.

20 **MR COETZEE:** Of which, at a certain point, I sent all the
staff home.

CHAIRPERSON: Yes.

MR COETZEE: So, ja I was there up until the last guest
left.

CHAIRPERSON: Yes.

MR COETZEE: And as I said, during the course of the evening, I was introduced to her personally as well.

CHAIRPERSON: Yes. And was Mr Agrizzi at the function as well?

MR COETZEE: Yes, they were. He was there as well, ja.

CHAIRPERSON: Yes. Are there any other persons of high-profile that you can remember that were also there or not really?

MR COETZEE: Exactly name-wise, I cannot.

10 **CHAIRPERSON:** Yes, okay.

MR COETZEE: But I can you there were.

CHAIRPERSON: Yes.

MR COETZEE: As that is the reason why the speeches went on for three and a half hours.

CHAIRPERSON: Yes, yes.

MR COETZEE: A few minutes made some speeches.

CHAIRPERSON: Yes.

MR COETZEE: Other than just a normal raise the glass and go.

20 **CHAIRPERSON:** Okay. Mr Notshe

ADV NOTSHE SC: After you had been contacted by the investigators of the Commission did you go to archives to look for documents, invoices relating to this?

MR COETZEE: Ja.

ADV NOTSHE SC: Can you turn to page 14, the black 14,

that is an invoice.

MR COETZEE: Yes.

ADV NOTSHE SC: Is this the invoice for the event?

MR COETZEE: Yes, it is.

ADV NOTSHE SC: And we see the invoice is invoice to BOSASA, it is from Victoria Guesthouse to BOSASA.

MR COETZEE: Yes it is.

ADV NOTSHE SC: And it is for attention of Mr Agrizzi.

MR COETZEE: Ja.

10 **ADV NOTSHE SC:** And then it lists the items that would be paid for.

MR COETZEE: Yes, it is.

ADV NOTSHE SC: Now in ...(intervenes)

CHAIRPERSON: I am sorry, would you ask him to just read those items?

ADV NOTSHE SC: He can go to those items that were invoiced for.

MR COETZEE: And read it?

ADV NOTSHE SC: Yes please.

20 **MR COETZEE:** It was for 174 people for catering, flowers, some venue hire – because of the function going on quite late that evening, for chair covers hired in for the event, setting layout, pre-drinks prior to the event, wine, both red and white for the event, J C Le Roux for the speeches and then a bar corkage fee.

ADV NOTSHE SC: And then there is also a thank you payment for R25 080.

MR COETZEE: Yes.

ADV NOTSHE SC: What was that?

MR COETZEE: Yes, that was on the initial invoice.

CHAIRPERSON: Yes?

CHAIRPERSON: For the 80 people then obviously subsequent to the numbers increasing so drastically, the final invoice was submitted.

10 **ADV NOTSHE SC:** So this 16 was for the people you said were not catered for in the beginning?

MR COETZEE: Yes.

ADV NOTSHE SC: I see.

CHAIRPERSON: So the invoice, you had to add R16 757.50?

MR COETZEE: Yes.

CHAIRPERSON: As a result of the ...[intervenes]

MR COETZEE: The increasing numbers.

CHAIRPERSON: The increasing numbers.

20 **MR COETZEE:** Yes, Chair.

CHAIRPERSON: Okay, so the total function cost you – cost how much? That is R25 080 plus R16 757,50, is that right?

MR COETZEE: Ja.

CHAIRPERSON: It is adding the two, they have not been

added here or are they added somewhere else?

MR COETZEE: No, it is roughly about 41 000, ja.

CHAIRPERSON: Ja. Okay, well that would be 35, 40 – it looks like 41 000 something.

MR COETZEE: Yes.

CHAIRPERSON: Ja. I think it would be 41 000 and some change.

MR COETZEE: That sounds more or less correct.

CHAIRPERSON: Okay, alright. So that was more or less
10 what you charged for doing that function for Ms
Mokanyane's 40th birthday party in 2003.

MR COETZEE: Yes.

CHAIRPERSON: Okay.

ADV NOTSHE SC: And then there was also a garage full
of liquor.

MR COETZEE: Ja.

ADV NOTSHE SC: That had been obtained from the – in
this bottle store.

MR COETZEE: Yes, that is right.

20 **CHAIRPERSON:** So the liquor that had been provided by
BOSASA is not included here obviously because
...[intervenes]

MR COETZEE: That is not included.

CHAIRPERSON: Yes.

MR COETZEE: That was why the corkage fee at the

bottom of the invoice.

CHAIRPERSON: Yes.

MR COETZEE: Or the last item listed on the invoice.

CHAIRPERSON: So you ...[intervenes]

MR COETZEE: It was for them to allow to bring it in.

CHAIRPERSON: So if one includes that, then BOSASA must have paid quite a substantial amount, much more substantially than 41 000.

MR COETZEE: You can almost easily the amount of
10 alcohol that was – I would even estimate almost double
this invoice, ja.

CHAIRPERSON: What – well, you deal with function regularly.

MR COETZEE: Ja.

CHAIRPERSON: Are you able to give an estimate of what the function must have cost BOSASA when you include the liquor? Obviously, you do not have an itemised bill relating to liquor but you saw how much it was, you say it was – it took quite a substantial part of your garage.

20 **MR COETZEE:** If I have to – my good guess, not even a quarter of that which would be sufficient for about 250 guests and that would have cost you about anything between R7' to R10 000 on that stage.

CHAIRPERSON: About how much?

MR COETZEE: R7 000 to R10 000.

CHAIRPERSON: Yes.

MR COETZEE: And that was about three times more, delivered for this event.

CHAIRPERSON: So your estimate would be?

MR COETZEE: I would give a rough estimate between R30' to R40 000.

CHAIRPERSON: Just for the liquor?

MR COETZEE: Just for liquor, ja.

CHAIRPERSON: Ja, so if you add what you charged that
10 could come to about R80 000 or thereabout.

MR COETZEE: Ja, definitely.

CHAIRPERSON: Okay, alright.

ADV NOTSHE SC: and you have also attached to your affidavit exhibit – page 16 and 17. There seems to be some fancy ...[intervenes]

CHAIRPERSON: You said exhibit, you mean pages 16 and 17?

ADV NOTSHE SC: I beg your pardon, pages 16 and 17, the black 16 and 17.

20 **CHAIRPERSON:** Ja, what is on page 16 there, Mr Coetzee?

MR COETZEE: This is basically décor of the tables itself.

CHAIRPERSON: Yes.

MR COETZEE: In the background you will see photographs as gifts for Mrs Mokanyane.

CHAIRPERSON: Yes.

MR COETZEE: Which you will also see on page 17.

CHAIRPERSON: Yes.

MR COETZEE: That was gifted by BOSASA that I know of.

CHAIRPERSON: Yes.

MR COETZEE: And this is just of individual place settings and chair covers, etcetera, as well as flower arrangements.

CHAIRPERSON: Yes.

10 **MR COETZEE:** For the event.

CHAIRPERSON: Yes. And then, of course, page 18 is also – does it also reflect what was on a certain table, I guess the décor and the glasses and the cutlery.

MR COETZEE: Ja, ja, just – or, you know, close, close up of an individual place setting.

CHAIRPERSON: Yes. Yes, Mr Notshe.

ADV NOTSHE SC: And then on page 20 to 24, this looks like the invoices that were invoiced to you for what you had supplied, is that correct?

20 **MR COETZEE:** Yes, it is.

CHAIRPERSON: I am sorry, what is it, page 20?

ADV NOTSHE SC: From page 20 to 24, Chair, the invoices that were issued to the guesthouse.

CHAIRPERSON: Yes, ja.

MR COETZEE: For extra décor that we hired in for this

event.

CHAIRPERSON: I am sorry, let us take it one at a time.

What invoices are these?

MR COETZEE: The first one on page 20 is for the wine that we obtained and we had serve. Page 22 ...[intervenes]

CHAIRPERSON: And the one at page 20, the total is R1 860.10, is that right?

MR COETZEE: Yes.

10 **CHAIRPERSON:** And it is written exactly what wine you bought.

MR COETZEE: For the event itself, yes.

CHAIRPERSON: Ja. And then page 22, what invoice is that? From whom to whom?

MR COETZEE: It is from Classic Function Hire to Victoria Guesthouse.

CHAIRPERSON: Ja.

MR COETZEE: For chair covers and gold tieback tassels which ...[intervenes]

20 **CHAIRPERSON:** And the amount is R1 320?

MR COETZEE: Ja, 1 320.

CHAIRPERSON: Yes.

MR COETZEE: And then a local hiring company in Krugersdorp as well, in Rant en Dal.

CHAIRPERSON: Ja.

MR COETZEE: For extra tables and some cutlery.

CHAIRPERSON: Yes. Okay and 23?

MR COETZEE: Sorry, that is 23 and 24.

CHAIRPERSON: That is 23 and 24?

MR COETZEE: Ja.

CHAIRPERSON: Okay, that is for, among others, the furniture, tables and other things that you needed for the function, is that right?

MR COETZEE: Say again, sir?

10 **CHAIRPERSON:** 23 and 24, that is for the furniture, tables as well as other items that you needed for the function.

MR COETZEE: For the function itself, ja.

CHAIRPERSON: Yes, table cloths and black napkins that appears at page 24. At page 23, what is the total that appears on the invoice?

MR COETZEE: Was 836 for the two invoices together.

CHAIRPERSON: I see R615,96. Are we on the same page?

20 **ADV NOTSHE SC:** Look on page, Mr...

CHAIRPERSON: Page 23, black 23.

MR COETZEE: Yes, 615.

CHAIRPERSON: I have 615,96, is that right?

MR COETZEE: Yes, it is, ja.

CHAIRPERSON: Okay.

MR COETZEE: And then the second one from the same company is for R221.

CHAIRPERSON: Oh, when you add them together that is how you come to 8, ja. Okay. Yes, Mr Notshe.

ADV NOTSHE SC: Chair, that is the evidence of Mr Coetzee. Can that be – the affidavit can then be admitted as EXHIBIT T26 together with the annexures that...

CHAIRPERSON: T...?

ADV NOTSHE SC: T26, EXHIBIT T26.

10 **CHAIRPERSON:** Mr Frederick Henry Coetzee's affidavit is admitted and will be marked as EXHIBIT T26.

FREDERICK HENRY COETZEE'S AFFIDAVIT HANDED IN AS EXHIBIT T26

CHAIRPERSON: Now how long did the function take, do you remember?

MR COETZEE: It went on – I think it was half past three, quarter to four in the morning.

CHAIRPERSON: In the morning?

MR COETZEE: Yes.

20 **CHAIRPERSON:** Yes. And this was the only function relating to Ms Mokonyane's birthday party that you hosted.

MR COETZEE: Yes.

CHAIRPERSON: Okay. Yes. No, thank you very much ...[intervenens]

ADV NOTSHE SC: Just one question to the witness?

CHAIRPERSON: Yes, okay.

ADV NOTSHE SC: Mr Agrizzi said the party was supposed to be Break a Leg, did anyone break a leg?

MR COETZEE: No, hopefully not.

ADV NOTSHE SC: Thank you, Chair.

CHAIRPERSON: Do you remember if there was a theme for the party?

MR COETZEE: Not – no, there was not.

CHAIRPERSON: Ja. I see that there is no where written
10 Ms Nomvula Mokonyane on the invoices, that must be because she was not going to pay.

MR COETZEE: Ja.

CHAIRPERSON: Because BOSASA was going to pay. That is why you have got BOSASA and Mr Agrizzi's name on the invoices.

MR COETZEE: Exactly, ja.

CHAIRPERSON: Ja. Okay, but you are quite clear that this function was for Ms Mokonyane's 40th birthday party.

MR COETZEE: I can ...[intervenenes]

20 **CHAIRPERSON:** You are not mistaken about that.

MR COETZEE: I can definitely that it was definitely.

MR COETZEE: Yes and you say it was organised by Mr Agrizzi.

MR COETZEE: Agrizzi, ja.

CHAIRPERSON: And BOSASA paid.

MR COETZEE: Definitely, Chair.

CHAIRPERSON: Yes. Thank you very much, Mr Coetzee, for coming to assist the Commission, we appreciate it very much. Thank you very much, you are excused.

MR COETZEE: Thank you.

CHAIRPERSON: Thank you.

ADV NOTSHE SC: The next witness who is supposed is Ms Sandy Thomas and I have not seen her, I have not been contacted by her and, Chair, her – the summons calling her
10 to testify appears in EXHIBIT T27 and can I take you, Chair, to page 57 of this bundle where we have return of serve in respect thereof in that she was ...[intervenes]

CHAIRPERSON: Has she made contact with the Commission at all or through herself or through attorneys.

ADV NOTSHE SC: No, not – I have not received anything.

CHAIRPERSON: Not all since the summons was served?

ADV NOTSHE SC: What I – I had received a call from the attorneys, Madlanga Attorneys.

CHAIRPERSON: Ja?

20 **ADV NOTSHE SC:** To say they will represent her as well.

CHAIRPERSON: Ja.

ADV NOTSHE SC: And they indicated that they might ask for time but I had said then that if they want to do that, one, they must write to the Commission.

CHAIRPERSON: Ja.

ADV NOTSHE SC: Then they will be told – the Commission will respond.

CHAIRPERSON: Ja.

ADV NOTSHE SC: But I told them that my view is that they will have to appear.

CHAIRPERSON: Yes.

ADV NOTSHE SC: She will have to appear and then apply here for a postponement or for whatever.

CHAIRPERSON: Yes.

10 **ADV NOTSHE SC:** As Mr [indistinct] 14.16 did.

CHAIRPERSON: Yes.

ADV NOTSHE SC: When he appeared and then applied for a postponement.

CHAIRPERSON: Yes, yes.

ADV NOTSHE SC: And I have heard nothing from that end, I have not seen any correspondence.

CHAIRPERSON: Okay, how long ago was it when they called you?

20 **ADV NOTSHE SC:** It was last week, I think about Thursday.

CHAIRPERSON: Ja.

ADV NOTSHE SC: Ja.

CHAIRPERSON: Well, I am going to adjourn, I suggest that contact be made with them or Ms Thomas if there is contact but certainly with the attorneys to say

...[intervenes]

ADV NOTSHE SC: No, I will definitely call the attorneys. Unfortunately, I have ...[intervenes]

CHAIRPERSON: To say she is not here and they are not here, what is going on, simply because that firm seems to cooperate with the Commission quite well when Ms Mokonyane was going to give evidence, if I recall correctly.

ADV NOTSHE SC: Yes.

CHAIRPERSON: Just in case there is something.

10 **ADV NOTSHE SC:** Yes.

CHAIRPERSON: I think I will adjourn and then when I come back you can then tell me what is going on.

ADV NOTSHE SC: I will do that.

CHAIRPERSON: So we will adjourn for twenty minutes just to give you a little of more time.

ADV NOTSHE SC: Thank you.

CHAIRPERSON: So we will resume at twenty to twelve.

ADV NOTSHE SC: Thank you, Chair.

20 **CHAIRPERSON:** Then you can give me a report of what is going on.

ADV NOTSHE SC: Thank you, Chair.

CHAIRPERSON: We adjourn.

INQUIRY ADJOURNS

INQUIRY RESUMES

ADV NOTSHE SC: The witness, Ms Thomas, Mr Madlanga,

he informs that he had briefed counsel to appear but I told him that no one appeared and he is on his way to the Commission and he indicated that he is going to apply for a postponement of the evidence of the witness. And he said he estimates that he will be here at about ten past twelve.

CHAIRPERSON: Okay. I think we are going to adjourn. I think you must inform him. I will adjourn until two.

ADV NOTSHE SC: That is fine.

10 **CHAIRPERSON:** Let him be here at two but with the witness.

ADV NOTSHE SC: No, that is fine.

CHAIRPERSON: Because the witness was served with a summons to be here and if he is going to apply for a postponement that application must happen at a time when the witness is in compliance with the summons.

ADV NOTSHE SC: I understand.

20 **CHAIRPERSON:** And that means being here even if she was supposed to be at nine and she was not here but I have difficulty with the idea where a summons has been issued and served that you can apply for a postponement with a client or witness not being there unless it is a situation where the witness is sick, then that is different but – so I think if the witness is not here at two, when he is here, then I will have to hear what the good reason is why

the witness is not here.

ADV NOTSHE SC: I understand.

CHAIRPERSON: Ja and then if he has an application to move then we will deal with it then but if the application is moved in circumstances where the witness continues to be in breach of the summons, that might pose difficulties for the application.

ADV NOTSHE SC: No, that is fine.

CHAIRPERSON: So we will adjourn until two o'clock.

10 **ADV NOTSHE SC:** Thank you, Chair.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Good afternoon Mr Madlanga.

MR MADLANGA: Good afternoon Judge. Thanks for giving us the opportunity and indulgence to appear this afternoon before the Commission.

My client is Sandy Thomas. We have been in consultation with Sandy for the past – when she received the first summons ...[intervenes]

20 **CHAIRPERSON:** Just pull the mic closer to you so I can hear you, ja, I think.

MR MADLANGA: From the onset Judge we have been representing Ms Sandy Thomas and last week we wrote correspondence to the Commission requesting an indulgence for us to consult with her together with the brief

counsels in the matter who are not available today. We have Advocate Moos Mpagu [?] and Advocate Manala on the brief, they are not available today and we only received the Notice in terms of Rule 3.3 last week on the 19th of August 2020 and we are of the view that, according to the rules we're supposed to have 14 days upon which our client should respond and proceed but we're making an undertaking to provide the affidavit to the Commission before the 2nd of September 2020, hence we request an
10 indulgence to have the matter stood down until the 2nd of September for the legal teams to arrange and come and bring Ms Thomas before the Commission, that's the request. The letter details the reasons of our – the reasons why we request an indulgence from this Commission.

CHAIRPERSON: Can I see a copy of the letter, have you got a copy? Well the first point is, the summons required Ms Thomas to be here this morning, isn't it?

MR MADLANGA: Yes Judge.

20 **CHAIRPERSON:** I think at 9 o'clock, is that right?

MR MADLANGA: Ja she was supposed to be here at 9 o'clock.

CHAIRPERSON: And she was not excused from being here at 9 o'clock, isn't it?

MR MADLANGA: Yes Judge.

CHAIRPERSON: So, she should have been here, isn't it?

MR MADLANGA: Yes Judge.

CHAIRPERSON: And irrespective of what application was to be made, if someone says you must be at Court or at the Commission on a certain date and time, until you are excused you have an obligation to be there at that time. If you are going to ask for a postponement of the hearing of your evidence, you make it while you are there, while you are in compliance with the summons, you don't sit at home
10 and when the summons says you must be at the Commission. If your lawyers are going to apply, they apply while you are there because the application might be refused and what is supposed to happen if you are not there, you understand?

MR MADLANGA: I understand Judge, our sincere apologies Judge, I think, amongst the reasons – the reason why she's here now, she's here now is because of those summons that you will realise that it will be a serious error on her part or on the part of the legal team not to bring her
20 here before the Commission.

CHAIRPERSON: Yes, ja I think bring the mic closer because I'm also struggling to hear you, do you want to just repeat what you said?

MR MADLANGA: Yes Judge, it's exactly that error that we're acknowledging, that we advised her to come this

afternoon because whatever excuses she might be having, she needs to appear before the Commission and make this application before you Judge. It was a serious error on our part, hence we're requesting an indulgence from this Commission to grant the postponement, more in particular that she needs to be represented by counsel and counsel has to prepare affidavits on the matter.

CHAIRPERSON: But I see from this letter that there have been 11 days, she seems to have been served with
10 summons 11 days ago on the 14th of August, according to this letter.

MR MADLANGA: She only drew to our attention the summons only last week Judge.

CHAIRPERSON: Yes well she might not have acted promptly which she should have done, you know, that appears to me to be enough time to have consulted with the lawyers and be ready and of course, as I understand the summons, and I'm speaking under correction, as I understand the summons it didn't require her to put up an
20 affidavit, it required her to present herself and she would be questioned or have I missed something in the summons?

MR MADLANGA: Yes Judge, but we wanted to deal, holistically with all the matters because there is an affidavit by Gina which implicates our client, we wanted to

also deal with that affidavit.

CHAIRPERSON: You see...[intervenes].

MR MADLANGA: Gina Peters.

CHAIRPERSON: My understanding from the legal team is that previous attempts that have been made to obtain an affidavit from your client by the Commission have not been successful, she has not been very cooperative, that's the impression I have, from what I've been told. That is why a summons was issued, to say, she needs to come here and
10 be questioned because she didn't seem to be cooperating in terms of filing any affidavits, that's the impression I have from the reports that I've been given and now if you say, as you do, in this letter that you have been representing her and interacting with the Commission, it may well be that you know about that as well.

MR MADLANGA: Yes Judge, there is also – there is a correspondence that the Commission evidence leader is having, they've not fully responded to that letter. We're surprised to see a Notice – a summons now without first
20 dealing with that correspondence of which we were requesting some information.

CHAIRPERSON: But you see, my understanding, as I say, is that the Commission's legal team and investigation team have long been trying to get an affidavit from her and that has not been forthcoming and that is why it was resorted to

issuing a summons and getting her to come here to say, even without an affidavit she will be questioned because the Commission doesn't have time we are running out of time, we can't be postponing and postponing. If she had provided an affidavit much earlier, maybe it would have been clear there was no need for her to come and give evidence or she would long have appeared before the Commission giving her evidence, that's the impression I've received as to why, up to now, the Commission doesn't

10 have any affidavit from her and then a summons has been issued then she's not here in the morning. This morning we – a summons had been issued more or less at the same time against one of the BOSASA drivers and his lawyer was here and I'm told he was here too because he understood that, if a summons says you must be at the Commission at such and such a date at such and such a time, you must be there. They were here, they made arrangements because it transpired that he needed Sesotho interpreter and those arrangements had not been made because it was not

20 known that he would need an interpreter and arrangements were made but they were here, the lawyer was here and I'm told the client was – the witness was here to comply with the summons you see. So, it's unacceptable, when somebody receives a summons and without having been excused first, stays away. If it's a situation where

somebody is in hospital, that's different but then somebody must appear and say, this is the situation but you can't just stay away just because the lawyers will apply for a postponement because who said the postponement will be granted, do you understand?

MR MADLANGA: No, I hear you – I hear you very well Judge.

CHAIRPERSON: Now, with regard to there being an affidavit do you say there's an affidavit of Ms Gina or Gina
10 or somebody?

MR MADLANGA: Gina Peters yes Judge.

CHAIRPERSON: That has been served on her?

MR MADLANGA: Yes.

CHAIRPERSON: How long ago was it served on her, do you know, together with summons or what?

MR MADLANGA: Yes, together with summons.

CHAIRPERSON: You can take instructions.

MR MADLANGA: It was sent, Judge last week.

CHAIRPERSON: Hm.

20 **MR MADLANGA:** It was sent separately last week Judge.

CHAIRPERSON: Ja, how long is it do you know? I take it, it must be short?

MR MADLANGA: Short, but it was commissioned on the 11th of ...[intervenes].

CHAIRPERSON: How many pages is it?

MR MADLANGA: It is six pages.

CHAIRPERSON: Ja that's quite short.

MR MADLANGA: Eight pages yes.

CHAIRPERSON: You know, I might postpone because of that affidavit otherwise I would have wanted her to take witness stand and give evidence because she would be asked about things that she knows and there's been a lot of time, from what I've been told, when attempts were made to obtain an affidavit from her but now if I postpone
10 the hearing of her evidence I would postpone it to either Monday or Tuesday next week because from then on, I mean next week Monday we're supposed to have a certain matter, certain witness, that witness, other arrangements have to be made, so there's a space there, Tuesday, I think there may be – I think it's Ms Gina or I'm not sure who is the 1st of September after that we have witnesses lined up for quite some time so it makes it very difficult when there has to be a postponement. So, of course, in this kind of situation a client must get lawyers who are available when
20 the client is required to appear because otherwise if we are only going to wait for her lawyers who might not be available we are not going to get anywhere. So, if I postpone, I'm looking at early next week and from what I've heard from other witnesses, I don't expect that her evidence will be too long, so that's why I'm saying, if she

received the summons on the 14th there's been enough time to prepare her affidavit but from the Commission's side even if she didn't prepare an affidavit, if she presented herself, she'll be questioned and would get on with the job. So, if I postpone you might have to see what arrangements you make but it would either be – it seems to me it would either be Monday or Tuesday.

MR MADLANGA: Yes Judge, Tuesday will be okay.

CHAIRPERSON: Ja, let me hear what Mr Notshe has to
10 say and then we'll take it from there.

ADV NOTSHE SC: Chair if Monday is – Tuesday will be even better but then if we're going to prepare a statement, we'd like to have a statement for Monday...[intervenes].

CHAIRPERSON: Sorry?

ADV NOTSHE SC: If there's going to be a statement then we'd like to...[intervenes].

CHAIRPERSON: But today there was going to be no statement and we would proceed, isn't it?

ADV NOTSHE SC: Yes.

20 **CHAIRPERSON:** Yes.

ADV NOTSHE SC: What I'm saying is, if there is going to be a statement it will be better if we get a statement by Friday but if they can't then we'll proceed without the statement.

CHAIRPERSON: Well today is what, Tuesday?

ADV NOTSHE SC: Today is Tuesday yes.

CHAIRPERSON: Ja, well if they're going to file an affidavit it might have to be this week.

ADV NOTSHE SC: Yes.

CHAIRPERSON: Have you got a witness for Tuesday?

ADV NOTSHE SC: No, the witnesses are starting on Wednesday, the 2nd.

CHAIRPERSON: On Wednesday?

ADV NOTSHE SC: Yes.

10 **CHAIRPERSON:** Ja, there might be some other witness but even if there is, her evidence is not supposed to be too long as far as I'm concerned.

ADV NOTSHE SC: Yes.

CHAIRPERSON: Okay, alright, Mr Madlanga what do you say to ...[intervenes].

MR MADLANGA: No, there's no objection Judge we will find the affidavit...[intervenes].

CHAIRPERSON: You can file on Friday.

MR MADLANGA: On Friday, Judge, yes.

20 **CHAIRPERSON:** Ja, okay, Ms Thomas it's not good that you are not here at 9 o'clock, it's not acceptable. If a summons says you must be in Court or in the Commission on a certain date at a certain time, unless you are sick, you are in hospital, you must be there. If you are going to ask that there be an adjournment, a postponement you

must first comply with the summons because when you don't comply with the summons, that's a criminal offence, you understand?

MS THOMAS: My apologies Your Honour, I wasn't aware that, those were the procedures.

CHAIRPERSON: Ja, so the sheriff is supposed to have explained to you, so I'm going to grant your lawyer's request for a postponement.

MS THOMAS: Yes, Your Honour.

10 **CHAIRPERSON**: But then on that day that I'm going to give you, you must be here.

MS THOMAS: I will do so sir.

CHAIRPERSON: Ja, I don't think your evidence will be too long so even the preparation should take too long.

MS THOMAS: Yes sir, thank you so much.

CHAIRPERSON: Ja okay, alright. I think what we'll do then, Mr Madlanga, one, I will postpone to – the hearing of her evidence to Monday and on the – and you must file her statement or affidavit by close of business on Friday this
20 week and I will make this – her appearance to be in terms of Regulation 10(6) of the Regulations of the Commission. Failure to comply with such a directive is a criminal offence, Ms Thomas. So, the hearing of Ms Thomas' evidence is postponed to Monday next week at 10 o'clock and in terms of Regulation of 10(6) of the Regulations of

the Commission I direct that she must appear in this venue at 10 o'clock on Monday next week. Through her lawyers she must file her affidavit or affirmed declaration with the Commission by close of business on Friday this week, alright, okay.

MR MADLANGA: Thank you Commissioner.

CHAIRPERSON: You are excused for today but come back on Monday as I indicated otherwise you will be – you'll run the risk of facing criminal charges.

10 We adjourn.

INQUIRY ADJOURNS TO 26 AUGUST 2020