

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

**27 AUGUST 2020**

**DAY 256**



**Gauteng Transcribers**  
Recording & Transcriptions

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TRANSCRIBERS:

B KLINE; Y KLIEM; V FAASEN; D STANIFORTH



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**PROCEEDINGS RESUME ON 27 AUGUST 2020**

**CHAIRPERSON:** Good morning Mr Myburgh, good morning everybody.

**ADV MYBURGH:** Good morning Chairperson.

**CHAIRPERSON:** Yes.

**ADV MYBURGH:** Chairperson this matter involves the Transnet's steam and the acquisition of certain locomotives.

**CHAIRPERSON:** Hm.

10 **ADV MYBURGH:** In particular Mr Leher is scheduled to give evidence today.

**CHAIRPERSON:** Hm.

**ADV MYBURGH:** Rebutting certain evidence given by Mr Callard in relation to his involvement in the negotiations leading the acquisition of certain locomotives.

**CHAIRPERSON:** Hm.

**ADV MYBURGH:** This further to you Mr Chairperson having granted Mr Leher's Rule 3.4 application.

**CHAIRPERSON:** Hm.

20 **ADV MYBURGH:** As you know we seek a postponement of this matter until the October sitting in the weeks of 12 and 19 October.

**CHAIRPERSON:** Hm.

**ADV MYBURGH:** Essentially the reasons are twofold Chairperson. Firstly, after Mr Callard completed his

evidence, he has uncovered certain additional evidence which he has put in a statement which we got last week. It might be that we want to lead that evidence before the commission and it might also be that that evidence implicates Mr Leher.

Secondly Mr Leher over and above wishing to rebut evidence given against him by Mr Callard has provided us with a statement that also contains potentially important information relating to the negotiations and the relocation  
10 of the manufacturing plants.

It is our intention to lead him in respect of certain of that evidence. So what we need to do is to complete the new statements of Mr Callard complete the new statement of Mr Leher and then our intention with your leave would be to acquire a postponement now and then for Mr Leher to give evidence at once and not on a piecemeal basis.

**CHAIRPERSON:** No, no that is fine. So I will postpone the hearing of Mr Leher's evidence. Now you mentioned October is that when other Transnet evidence is to be  
20 heard?

**ADV MYBURGH:** Yes Chairperson.

**CHAIRPERSON:** And you would like him to – to give evidence during the same week?

**ADV MYBURGH:** One of those weeks.

**CHAIRPERSON:** Yes.

**ADV MYBURGH:** So we will arrange that and sort it out yes.

**CHAIRPERSON:** Yes. Okay I think for now I will just say to a date to be determined and that will be – will be done.

**ADV MYBURGH:** Thank you.

**CHAIRPERSON:** But if – if he can be accommodated during that week there is no reason why he cannot be there that week. So the hearing of Mr Leher's evidence is postponed to a date to be determined.

10 **ADV MYBURGH:** Thank you. May I be excused Mr Chairperson?

**CHAIRPERSON:** You are excused.

**ADV MYBURGH:** Thank you.

**CHAIRPERSON:** Thank you. Are you ready?

**ADV RASIVHETSHELE:** Indeed Chair we are ready. Good morning, good morning Chair.

**CHAIRPERSON:** You have not been in the hearing for a long time.

**ADV RASIVHETSHELE:** Indeed so Chair.

20 **CHAIRPERSON:** You may have to place yourself on record.

**ADV RASIVHETSHELE:** Chair I am part of the FABT stream with Ms Thandi Norman. Today's evidence and my name is Advocate Mpho Rasivhetshele.

Today's evidence relates Mr Rajesh Sundaram who

is the former editor of ANN7 and he was employed by Infinity Media to help set up – well it is the establishment of ANN7. Mr Rajesh Sundaram's evidence was heard on the 3<sup>rd</sup> and 4<sup>th</sup> June 2019. Mr Sundaram's evidence it is an entirety Chair yields with particularly three matters which are relevant to the commission Terms of Reference 1.6 and 1.9.

The first being the sale of the archive content. Second being the irregular and corrupt processing of viva  
10 applications and the third the involvement of the former President Mr Jacob Zuma in the establishment of ANN7.

Mr Sundaram testified to three meetings that took place at the former President's official residence which were attended by the former President, Mr Sundaram himself and some members of the Gupta family and some employees of ANN7.

Mr Sundaram was unambiguous in his description of the meeting rooms wherein three of the – the three meetings took place. Two of the three witness' today Chair  
20 will verify whether Mr Sundaram's description of the meeting rooms as described in Mr Sundaram's book and affidavit.

The third witness this morning Chair will confirm Mr Sundaram's evidence in that the former President disclosed his travelling arrangements during the second

meeting at the official residence.

I have kindly asked the Chairperson's Registrar to place before the Chair the relevant exhibits to Mr Sundaram's evidence which have already been admitted into evidence.

The first being CC1A and B which contains Mr Sundaram's main affidavit and supplementary affidavit and Mr Sundaram's book indentured Behind the Scenes of Gupta TV which is not marked clearly but has been  
10 admitted into evidence as CC1F.

Then the following presentation file before the Chairperson which I have also been informed in lines with the Chairperson's new directive of pagination and labelling has been labelled SABC Bundle 1 which contains Exhibit CC1G which contain – which is Mr Rajesh Sundaram's supplementary affidavits.

The first being Chair is under the folder before the Chair it is supplementary affidavit 1 which contains – which relates actually Chair to Mr Sundaram's book wherein he  
20 states that it is a true accord of his experiences while working as editor doing the setting up of ANN7 in 2013.

Also, that all quotations used in the book are not verbatim however they convey an accurate gist of what was spoken by the individual and finally that he commenced writing his book immediately upon his arrival in India in

2013.

The second supplementary statement relates to his response to Mr Moegsien Williams whose affidavit has been previously admitted into evidence as CC1E.

Mr Williams' affidavit was put before Mr Sundaram during the – his testimony and Mr Sundaram has just reiterated his testimony in response to Mr Moegsien Williams in his supplementary affidavit.

Mr Williams has conveyed that he has no interest in  
10 testifying before the commission or to cross-examine the evidence – Mr Sundaram.

With the Chair's approval may the supplementary affidavits of Mr Sundaram under SABC bundle 1 be admitted into evidence?

**CHAIRPERSON:** But where the not admitted already when he gave evidence?

**ADV RASIVHETSHELE:** No Chair these affidavits have not been admitted as yet. During the time of Mr Sundaram's evidence on the 3<sup>rd</sup> and 4<sup>th</sup> the Chair had indicated that Mr  
20 Sundaram should in affidavit form apply that – that the words that were in quotes in the book he must clearly state if they were in actual conversations and so forth and also the Chair had indicated that – well had given rather an opportunity for Mr Sundaram to put an affidavit his response to Mr Moegsien Williams.



**CHAIRPERSON:** Well it may not be your fault but nobody has ever come back to me and said it has been done. Here are those supplementary affidavits. I am hearing for the first time that such supplementary affidavits were – were made.

**ADV RASIVHETSHELE:** Chair if I could just refer to the transcript of the hearing on the 4 June 2019?

**CHAIRPERSON:** No, no, no I – you do not have to do that.

**ADV RASIVHETSHELE:** Yes Chair.

10 **CHAIRPERSON:** I – if you say that is what I said I accept that. I am simply saying nobody has come back to me over the past twelve months or fourteen months to say Mr Sundaram has actually deposed to supplementary affidavits to address what you raised with him and here are the supplementary affidavits. And I am saying that might not be your fault but I am just surprised that I am hearing for the first time that there are new affidavits from him. So where do I find – find – is it one or two supplementary affidavits?

20 **ADV RASIVHETSHELE:** Chair it is two supplementary affidavits under – so there is a presentation.

**CHAIRPERSON:** What Tab number?

**ADV RASIVHETSHELE:** Tab – it is G.

**CHAIRPERSON:** G?

**ADV RASIVHETSHELE:** G Chair and then under G you will

find...

**CHAIRPERSON:** But I do not have tabs that are in alpha – alphabets here. I have got 1, 2, 3, 4, 5, 6, 7 up to whatever.

**ADV RASIVHETSHELE:** I was – sorry Chair I was under the impression that my presentation file mirrors the Chair’s presentation file. So from this it should in fact read SABC Bundle 1 Exhibit CC1G on the – the front of the presentation file. I think Chair – Chair I think you have the  
10 incorrect file in front of you. This is – it is just a small presentation file.

**CHAIRPERSON:** No well why is it called SABC Bundle?

**ADV RASIVHETSHELE:** Chair I was informed by the bundling team that this...

**CHAIRPERSON:** Well it is – it is about ANN7. Sundaram’s evidence was largely about ANN7 and only as I remember marginally about the archives at the SABC.

**ADV RASIVHETSHELE:** Yes Chair I think it – it would inter-relate with the sale of the archive content from the  
20 SABC to ANN7.

**CHAIRPERSON:** So where do I find the supplementary affidavits of Sundaram in this pack?

**ADV RASIVHETSHELE:** Chair you would find it under the file divider.

**CHAIRPERSON:** And please arrange for these to go into a

lever arch file. You know these files that are like this they get lost.

**ADV RASIVHETSHELE:** Indeed, so Chair we will – I will – I will make sure that it is put in an arch lever file. Chair you will find it under the file divider G and the front page it is Exhibit CC1G and the first supplementary affidavit of Mr Sundaram is under divider 1 which is labelled in tabs on Chairperson's file and affidavit 2 which is tabbed as well.

**CHAIRPERSON:** I have read the first one then there is  
10 another one at page 3, is that – is that one of the new ones?

**ADV RASIVHETSHELE:** Yes, yes Chair. Yes that is also one of the new ones which relates to his response to Mr Williams.

**CHAIRPERSON:** Ja this – this affidavit too has never been given to me so I do not know anything about it. I saw an affidavit yesterday of Mr Williams. I assume it is the same Mr Williams that Mr Sundaram is talking about.

**ADV RASIVHETSHELE:** Yes Chair and Mr Williams'  
20 affidavit was put to Mr Sundaram and he did in fact in response in testimony respond to Mr Williams is affidavit.

**CHAIRPERSON:** Was there no need for him to be called?

**ADV RASIVHETSHELE:** Mr Williams?

**CHAIRPERSON:** Mr Williams?

**ADV RASIVHETSHELE:** Mr Williams indicated Chair that

he does not want to - interested in testimony he just wanted to put his affidavit forward and he has no intention of cross-examining Mr Sundaram.

**CHAIRPERSON:** Ja. But what his interest is is neither here nor there.

**ADV RASIVHETSHELE:** Yes Chair.

**CHAIRPERSON:** Was there no need for the commission to get him to come and give evidence and be questioned?

**ADV RASIVHETSHELE:** Chair in light of that Chair we  
10 could make arrangements according to also Chair's leave to have Mr Williams come to the commission and testify. But he – as I said that even though his interest of coming or not coming is relevant to the commission we could...

**CHAIRPERSON:** Ja but the – the legal team is supposed to have made their own determination of whether he should be called or should not be called. So my question is whether is that what the legal team determined that it was not necessary to call him?

**ADV RASIVHETSHELE:** Chair Mr Williams had indicated  
20 he admitted to a meeting did in fact happening but he denied two other meetings but he did in fact admit to one of the meetings having taken place and he also – despite him admitted that the meeting took place he denied the reason of the meeting.

**CHAIRPERSON:** Yes but did the legal team determine that

it was not necessary to call him

**ADV RASIVHETSHELE:** Chair at the time we had found that you know it was not as necessary to call him at the time because he had admitted a meeting having taken place.

**CHAIRPERSON:** Yes but he had denied some things is it not?

**ADV RASIVHETSHELE:** He did in fact.

**CHAIRPERSON:** Did he admit the content of the meetings  
10 as – as testified to by Mr Sundaram?

**MR MEKGWE:** He denied that the meetings were about policies in relation to the establishment of ANN7. But he did not deny the fact that the meetings did in fact take place at the former President's official residence.

**CHAIRPERSON:** Yes but if he denies what Mr Sundaram says we should have that side as well. We should not have one side. We should not have somebody only the witness who says the meetings took place this is what was discussed unless everybody admits that that is what  
20 happened. If somebody denies then we should hear that person.

**ADV RASIVHETSHELE:** True Chair. Mr Williams did in fact also receive a 3.3 Notice in terms of Mr Sundaram's affidavit and Mr Williams also elected to tell his part of the story in his affidavit which has been admitted into

evidence. So to that extent we felt that you know that is enough because he did receive the opportunity to tell his side of the story.

**CHAIRPERSON:** Ja no that does not speak to what I am talking about. If the legal team has to make – take a view whether a witness should be called or somebody should be called obviously subject to me but I have no recollection of anybody telling me that Mr William denies certain things that have been testified to by Mr Sundaram but the  
10 proposal is that he should not be called.

**ADV RASIVHETSHELE:** I – I think if I could go...

**CHAIRPERSON:** So – so I you must ask your leader to talk to me about it. But you know we have in regard to those meetings and the discussions we have only one witness. If there is somebody else who has something to say we should hear what that person has to say. Okay let us – let us get on with today's job. Let us start with the witnesses. Basically the witnesses that are going to be called today – our witnesses who are being called as a  
20 result of the commission's investigation aimed at establishing certain aspects of – or establishing the veracity of certain aspects of Mr Sundaram's evidence about meetings that he said were held at the President's official residence between the former President Mr Jacob Zuma and the Gupta's – Gupta family which he said he

attended. So the point of the evidence is to test in effect certain aspects of his evidence. Okay. Call your first witness.

**ADV RASIVHETSHELE:** Thank you Chair.

**CHAIRPERSON:** You must just announce who the first witness is going to be.

**ADV RASIVHETSHELE:** Chair the first – the first witness is Mr Mekgwe. He was the former household manager at the former President’s official residence. May the  
10 witness...

**CHAIRPERSON:** You may be seated for now Mr Mekgwe.

**ADV RASIVHETSHELE:** Chair Mr Mekgwe’s affidavit ...

**CHAIRPERSON:** Just spell the surname for the benefit of the transcribers.

**ADV RASIVHETSHELE:** It is M-e-k-g-

**CHAIRPERSON:** Give the full name.

**ADV RASIVHETSHELE:** It is...

**CHAIRPERSON:** Names.

**ADV RASIVHETSHELE:** Mr Ramaru Mekgwe.

20 **CHAIRPERSON:** Yes. Give the spelling for the benefit of the transcribers.

**ADV RASIVHETSHELE:** Yes Chair. First name is R-a-m-a-r-u, surname Mekgwe M-e-k-g-w-e. And Chair

**CHAIRPERSON:** Yes.

**ADV RASIVHETSHELE:** Mr Mekgwe’s affidavit can be

found in the same file as Mr Sundaram's supplementary affidavits under the divider CC8

**CHAIRPERSON:** We will get there – we will get there after he has been sworn in.

**ADV RASIVHETSHELE:** Yes Chair.

**CHAIRPERSON:** Do you want to tell me briefly what his evidence will relate to?

**ADV RASIVHETSHELE:** Chair Mr Mekgwe's evidence will relate to verifying Mr Sundaram's unambiguous  
10 descriptions of the meeting rooms and also other submissions made by Mr Sundaram in terms of the security when they arrived for the meetings at the official residence  
Chair.

**CHAIRPERSON:** Yes okay alright. Please administer the oath or affirmation.

**REGISTRAR:** Please state your full names for the record.

**MR MEKGWE:** Ramaru Mekgwe.

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

20 **MR MEKGWE:** No objection.

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

**MR MEKGWE:** Yes.

**REGISTRAR:** And 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 your right hand and say, so help me God.

**MR MEKGWE:** So help me God.

**CHAIRPERSON:** You may be seated. So Mr Mekgwe's evidence will focus on how in his evidence Mr Sundaram described certain rooms at which he said meetings were held that he attended between the former President Mr Zuma and the Gupta's to see whether his description of the rooms were correct, is that right?

10 **ADV RASIVHETSHELE:** Indeed so, Chair.

**CHAIRPERSON:** And his evidence also, Mr Mekgwe's evidence will focus on the... on certain issues relating to security when those meetings took place at the official resident and Mr Mekgwe will indicate that the situation was at the time. Is that right?

**ADV RASIVHETSHELE:** Yes, Chair.

**CHAIRPERSON:** Ja, okay alright.

**ADV RASIVHETSHELE:** Thank you.

20 **CHAIRPERSON:** So it will be important, as you lead Mr Mekgwe, to... I think first tell us what Mr Sundaram said and then Mr Mekgwe can indicate whether... what Mr Sundaram said. Perhaps a little bit reflects what the position was the relevant time, that is in 2013 at the official residence of the president. Okay?

**ADV RASIVHETSHELE:** Yes, Chair. Chair, with your leave,

can I commence firstly with the identification and... of Mr Mekgwe's affidavit?

**CHAIRPERSON:** I am sorry?

**ADV RASIVHETSHELE:** The witness?

**CHAIRPERSON:** Just repeat that.

**ADV RASIVHETSHELE:** With the Chair's leave, may I first commence with Mr Mekgwe identifying his affidavit?

**CHAIRPERSON:** Ja. Well, we need to first admit because yours certainly had not been admitted.

10 **ADV RASIVHETSHELE:** Yes, Chair.

**CHAIRPERSON:** Mr Sundaram's two supplementary affidavits. The one appear in... this is SABC 1201. We will have... I will admit Mr Sundaram's first supplementary affidavit attested to on 22 January 2020 as exhibit... what or it will be what, exhibit...?

**ADV RASIVHETSHELE:** CC1G.

**CHAIRPERSON:** And the second one will be what?

**ADV RASIVHETSHELE:** It is... Chair, there are... CC1G and then they have the numbered as Supplementary Affidavit  
20 1 and Supplementary Affidavit 2.

**CHAIRPERSON:** H'm?

**ADV RASIVHETSHELE:** This is the... so in... they would be numbered... those two affidavits Chair are numbered as EXHIBIT CC1G and under the photos, I think they are numbered holistically, both of them, and then they are

subdivided as Supplementary Affidavit 1 and Supplementary Affidavit 2.

**CHAIRPERSON:** Ja, but it cannot... it is not right. They cannot both be G. There are two separate exhibits. And the first one will be Exhibit CC1G and the second one will be admitted and marked Exhibit...

**ADV RASIVHETSHELE:** Sorry, Chair. Would Chair prefer them to... we just, you know, shift down the numbers. So the first supplementary affidavit with the number CC1G and  
10 the second supplementary be number CC1H. And then I would... we would just have to change the subsequent affidavits of the witnesses.

**CHAIRPERSON:** We are going to make this one Exhibit CC1.1.G. So you will have to make correction.

**ADV RASIVHETSHELE:** Yes, Chair.

**CHAIRPERSON:** The one is CC1G. This one is CC1.1.G. And then your other exhibit numbers should remain the same.

**SUPPLEMENTARY AFFIDAVIT 1 - MR SUNDARAM IS**  
20 **ADMITTED AND MARKED AS EXHIBIT CC1G**

**SUPPLEMENTARY AFFIDAVIT 2 - MR SUNDARAM IS**  
**ADMITTED AND MARKED AS EXHIBIT CC1.1.G**

**ADV RASIVHETSHELE:** Yes, Chair.

**CHAIRPERSON:** Okay alright.

**ADV RASIVHETSHELE:** Thank you, Chair.

**CHAIRPERSON:** Yes. Continue.

**ADV RASIVHETSHELE:** Chair, Mr Mekgwe's affidavit is identified as Exhibit CC1H. With your Chair's leave, can this affidavit please be admitted into evidence?

**CHAIRPERSON:** Well, get the witness to first confirm it.

**ADV RASIVHETSHELE:** Yes, Chair. Mr Mekgwe, if you would go just to the file in front of you.

**CHAIRPERSON:** You will have to raise your voice.

**ADV RASIVHETSHELE:** Yes, Chair. Mr Mekgwe, if you  
10 could just please to the affidavit in front of you under the file divider H? And if you would go to page 1 on that document. It is... would you follow the sequence numbering that is in red, please on your top right-hand side?

**MR MEKGWE:** [No audible reply]

**ADV RASIVHETSHELE:** Are you there, Mr Mekgwe?

**MR MEKGWE:** Yes, I am there.

**ADV RASIVHETSHELE:** What is that document in front of you, Mr Mekgwe?

**MR MEKGWE:** My affidavit?

20 **ADV RASIVHETSHELE:** Yes.

**MR MEKGWE:** SABC 0115 CC1H ...[indistinct]

**ADV RASIVHETSHELE:** Yes ...[intervenes]

**CHAIRPERSON:** Mr Mekgwe, please raise your voice. And although she is asking you questions, look just in my direction when you answer.

**MR MEKGWE**: Okay, Chair.

**CHAIRPERSON**: Is... if you go to page 6, is that your signature at the bottom of the page?

**MR MEKGWE**: [No audible reply]

**CHAIRPERSON**: Page 6, I am referring to the red numbers but it is page 20 if you look at the black numbers. Actually, we should use the black numbers on the top left corner of each page. Are you there?

**MR MEKGWE**: Correct, Chair.

10 **CHAIRPERSON**: Okay the signature at the bottom of the page are above the word “deponent”. Is that your signature?

**MR MEKGWE**: Correct, Chair.

**CHAIRPERSON**: Is this an affidavit that you deposed to on the 19<sup>th</sup> of August 2020 in Pretoria?

**MR MEKGWE**: Correct, Chair.

**CHAIRPERSON**: Is the... are the contents of your affidavit correct... true and correct to the best of your knowledge and belief?

**MR MEKGWE**: Yes, Chair.

20 **CHAIRPERSON**: Yes. Okay. Continue Ms Counsel.

**ADV RASIVHETSHELE**: Thank you, Chair. Mr Mekgwe, could you please talk about your employment history as indicated in your affidavit?

**CHAIRPERSON**: Well, let us start here. Where are you employed at the moment?

**MR MEKGWE:** I am employed at the Presidency.

**CHAIRPERSON:** What is the position you hold there?

**MR MEKGWE:** Household Manager.

**CHAIRPERSON:** Household Manager?

**MR MEKGWE:** Yes.

**CHAIRPERSON:** At the official residence of the president or at the Presidency?

**MR MEKGWE:** No, at the Presidency.

**CHAIRPERSON:** Yes. Okay how long have you held that  
10 position?

**MR MEKGWE:** I was the Household Manager at the residence between 2012 and 2015.

**CHAIRPERSON:** Oh, that is at Mahlamba Ndlopfu?

**MR MEKGWE:** Yes, Chair.

**ADV RASIVHETSHELE:** Yes. What are the duties of a Household Manager at Mahlamba Ndlopfu?

**MR MEKGWE:** The responsibilities are:

- 20
- To upkeep the household, the residence. To liaise between Presidency and Public Works for maintenance.
  - To also manage the staff based at the residence. To be the contact point between Human Resources within Presidency and the houses.
  - To make logistical arrangements for the household and the guests.

- To record the lost and found items in the residences.
- To develop and manage the leave cycle for the staff.
- To have checklist for maintenance that is supposed to be carried out at the residences.

**CHAIRPERSON:** Actually, you set out your responsibilities as Household Manager at the official residence in paragraph 2 of your affidavit.

**MR MEKGWE:** Yes, Chair.

**CHAIRPERSON:** It is a long list, paragraphs 2.1 up to 2.28.

10 It is a very long list. It is a lot of responsibilities. Is that so?

**MR MEKGWE:** [No audible reply]

**CHAIRPERSON:** It is a lot of responsibilities that are attached to your position?

**MR MEKGWE:** Yes, Chair.

**CHAIRPERSON:** Yes. Okay. So do you say you started in this position in 2012?

**MR MEKGWE:** Yes, August 2012.

20 **CHAIRPERSON:** Yes. So in 2013, throughout that year, you were holding this position?

**MR MEKGWE:** Yes, Chair.

**CHAIRPERSON:** Does this position give your, enable you to have good knowledge of the official residency, Mahlamba Ndlopfu so you know each quite well?

**MR MEKGWE:** Yes, Chairperson.

**CHAIRPERSON:** The various rooms and so on?

**MR MEKGWE:** Yes, Chairperson.

**CHAIRPERSON:** Yes. Counsel, take it from there.

**MR MEKGWE:** Thank you, Chair. Mr Mekgwe, Mr Sundaram described also in his book and in his affidavit the description of one of the meeting rooms. Chair, with your leave, if I could read a description from Mr Sundaram's book?

**CHAIRPERSON:** Ja, just say where it is in the book and if  
10 you can, where it is in his affidavit.

**ADV RASIVHETSHELE:** Certainly, Chair.

**CHAIRPERSON:** And then you can read it and then let Mr Mekgwe whether... because he, Mr Sundaram describes what he says he saw when he attends the meetings at the official residence of the president in 2013.

**MR MEKGWE:** Yes, Chair.

**CHAIRPERSON:** So Mr Mekgwe can say whether, what Mr Sundaram, the description that Mr Sundaram gives in regard to certain rooms is true, is correct.

20 **ADV RASIVHETSHELE:** Yes, Chair.

**CHAIRPERSON:** You may go ahead.

**ADV RASIVHETSHELE:** Thank you, Chair. In this book  
Chair ...[intervenes]

**CHAIRPERSON:** But I think... I am sorry. So that you assist Mr Mekgwe, you might not need to read a long portion



before he confirms. You may have to take it manageable pieces.

**ADV RASIVHETSHELE:** Yes, Chair.

**CHAIRPERSON:** Ja, okay.

**ADV RASIVHETSHELE:** So just to identify where it can be found, Chair? In the book, it is page 98 and page 131. In his affidavit, Exhibit CC1B, it can be found on page 10 of Mr Sundaram's affidavit. Mister ...[intervenes]

**CHAIRPERSON:** When you refer to his affidavit, let he... he  
10 had signed to... he had deposed to two affidavits.

**ADV RASIVHETSHELE:** Yes, Chair.

**CHAIRPERSON:** And one was a supplementary affidavit.

**ADV RASIVHETSHELE:** Yes, Chair. So he had testified on these affidavits on the 3<sup>rd</sup> and 4<sup>th</sup> of June and he had deposed to them on the 29<sup>th</sup> of April 2019.

Mr Mekgwe, Mr Sundaram describes the first meeting on page 98 of his book, which is also been conveyed in his affidavit, that:

20 "That the room had shelves with a neat collection of leather bound books. There was a television set mounted on the wall at the far end. A coffee table in the middle with couches around it and ornate chairs in each in corner."

Can you verify Mr Sundaram's description of the meeting as it is also indicated in your affidavit?

**CHAIRPERSON:** Well, before Mr Mekgwe does that. Does Mr Sundaram indicate where that room is to be found as you enter the residence so that Mr Mekgwe knows?

**ADV RASIVHETSHELE:** Oh, indeed so Chair. That can be found on page 97.

**CHAIRPERSON:** Ja. Tell Mr Mekgwe how the... what room Mr Sundaram talks about, if there is a description of whether it is the first room to the left as you enter or it is the first room to your right, if there is such a description.

10 **ADV RASIVHETSHELE:** Yes, Chair. Mr Sundaram describes it on page 97. He states that:

‘We were ushered into a well-appointed room to the extreme right of the entrance.’

And then...[intervenes]

**CHAIRPERSON:** Are you able to identify such a room?

**MR MEKGWE:** Yes, Chair.

**CHAIRPERSON:** H'm?

**ADV RASIVHETSHELE:** And can you verify the description of Mr Sundaram's description of that particular room which I  
20 just stated now?

**MR MEKGWE:** Yes, Chair.

**CHAIRPERSON:** Yes.

**ADV RASIVHETSHELE:** So can you describe in relevance to your affidavit, where Mr Sundaram had mentioned the room had the leather bound books and the television

mounted and ornate chairs and so forth? Could you also just describe the room to the Chair?

**CHAIRPERSON:** Is that what he describes on page 18? I am looking at the black numbers on the top left under paragraph 6.

**ADV RASIVHETSHELE:** Yes, Chair. That is the... on... that is from paragraph 5 on page 18 of his affidavit Chair.

**CHAIRPERSON:** Is that... does that relate to that room?

**ADV RASIVHETSHELE:** Yes, Chair.

10 **CHAIRPERSON:** Okay. Mr Mekgwe, you know which room we are talking about?

**MR MEKGWE:** Yes, Chair.

**CHAIRPERSON:** Okay. Just talk... if you need to refresh your memory by looking at the... at your affidavit, you may do so.

**MR MEKGWE:** Thank you. There is this room at the residence with a neat collection of leather-bound books. In the centre, there is a coffee table. There are two couches adjacent with a table... with a coffee table at the centre.

20 There is wingback chairs, about four of them around the coffee table with a TV, right at the far end of the room but not mounted to a wall but in a cabinet.

**CHAIRPERSON:** H'm. H'm.

**MR MEKGWE:** Yes.

**CHAIRPERSON:** Okay.

**ADV RASIVHETSHELE:** So Mr Mekgwe, the only difference is that Mr Sundaram had stated that the TV was mounted on the wall but in your evidence, you are stating that the TV was... is actually in a cabinet?

**MR MEKGWE:** Correct, Chair.

**CHAIRPERSON:** When you prepared the affidavit or when it was prepared for you, were you been given the opportunity to look at Mr Sundaram's book and see how he describes the various rooms before you confirmed or not?

10 **MR MEKGWE:** Correct, Chair.

**CHAIRPERSON:** You did?

**MR MEKGWE:** We did get a chance to look at this.

**CHAIRPERSON:** Yes.

**MR MEKGWE:** Yes.

**CHAIRPERSON:** Okay alright. So in regard to this particular room, the... you confirm that what Mr Sundaram said in describing the room and the furniture is correct, except that when it comes to the TV set? He said it was mounted on the wall but that is not true. It was not mounted  
20 on the wall.

**MR MEKGWE:** Yes ...[intervenes]

**CHAIRPERSON:** If there is something else that you picked up that he said which is not true, you must just tell me.

**MR MEKGWE:** This was 2013 ...[intervenes]

**CHAIRPERSON:** 2013, ja.

**MR MEKGWE:** ...according to the book. So as he explained it, it's... the only thing that I will say it is... the TV is not mounted to the wall. It was in a cabinet. And I also had a chance to check the room now.

**CHAIRPERSON:** Yes.

**MR MEKGWE:** And it is not... it is completely not the same.

**CHAIRPERSON:** Yes. So some changes have happened since 2013?

**MR MEKGWE:** Yes, Chair.

10 **CHAIRPERSON:** But as in 2013, Mr Sundaram's description is correct except for the TV?

**MR MEKGWE:** Correct, Chair.

**CHAIRPERSON:** Okay alright. Continue.

**ADV RASIVHETSHELE:** Thank you, Chair. Then Mr Sundaram has also described a second meeting room at the residence. They moved to a second meeting room. Mr Sundaram has described this on page 130 of his book where he states that ...[intervenes]

20 **CHAIRPERSON:** Well, maybe... I said earlier on, maybe you could take it in pieces because he had said that he did read the descriptions in the book and he is able to respond. So you can read the whole description.

**ADV RASIVHETSHELE:** Thank you, Chair. He states that:

“We were moved to the next room. This was a much large living room with various seating arrangements

and a large TV set. We sat around the coffee table. The usher took out the chip-reader and the cables. There was not enough cable to connect the chip-reader to the last TV mounted on one of the walls.”

That is the description that were taken to another room, there were various seating arrangements in that room and it was a much larger size in the previous meeting room that they had initially went to.

Can you confirm or verify Mr Sundaram’s submissions?

10 You have also just highlighted that... in your affidavit the description of the furniture laid out in the large room from page 19, paragraph 10 of your affidavit.

**MR MEKGWE:** Chairperson, on the other meeting room. The other meeting room, it is two and a half times larger than the first room and it does have multiple seating arrangements with coffee tables at the centre, couches adjacent each other and wingback chairs around the tables and the TV at the far end. The difference from this room to the other room is the size. Hence it has multiple seating  
20 arrangements. Yes.

**ADV RASIVHETSHELE:** And... sorry, Chair.

**CHAIRPERSON:** Yes, continue.

**ADV RASIVHETSHELE:** And the only difference from Mr Sundaram’s description and what you have testified to in your... what you have submitted in your affidavit, is that the

TV, yet again, is not mounted on the wall but it is in the TV cabinet?

**MR MEKGWE:** In this specific room, it is not in a TV cabinet. It is on a wooden table.

**ADV RASIVHETSHELE:** With a plasma unit or not?

**MR MEKGWE:** Not necessarily a plasma unit. Just a table where... it is not mounted. I can confirm it is not mounted on the wall but it is not within a wall cabinet, it is just on a table.

10 **ADV RASIVHETSHELE:** Thank you, Mr Mekgwe. And then...[intervenes]

**CHAIRPERSON:** So in regard to this room too, your evidence is, except in regard to one aspect that is relating to the TV set, Mr Sundaram's description of this room is correct? Is that right? Or if there other differences, you must just tell me.

**MR MEKGWE:** The difference from this room ...[intervenes]

**CHAIRPERSON:** As in 2013, of course. Ja. we are more interested what was the position in 2013, if you are able to  
20 tell us.

**MR MEKGWE:** The difference would be the size.

**CHAIRPERSON:** Ja.

**MR MEKGWE:** And multiple seating.

**CHAIRPERSON:** Yes. What did Mr Sundaram say about multiple seating?

**ADV RASIVHETSHELE:** Also... sorry, Chair. Also, in his affidavit on page 26 of his supplementary affidavit, he had stated on paragraphs 28.9 a description to the second room, he states that:

“There is a much larger living room that had various seating arrangements and a large TV set”

**CHAIRPERSON:** Yes.

**ADV RASIVHETSHELE:** And they sat around a coffee table and he had stated that there is a large TV mounted on one of  
10 the walls of that room.

**CHAIRPERSON:** Yes.

**ADV RASIVHETSHELE:** So that was his description.

**CHAIRPERSON:** With regard to the seating arrangement, what did he say?

**ADV RASIVHETSHELE:** Chair, he does not necessarily identify what type of chairs. He just stated that were various seating arrangements in the room.

**CHAIRPERSON:** Yes. I am trying to establish differences between... I mean, I am trying to establish what you are able  
20 to confirm out of what he says and what you are not able to confirm. Or were you saying: No, no. That is not correct. So in regard to the TV. He said it is mounted also on the wall in regard to this room?

**ADV RASIVHETSHELE:** Yes, Chair.

**CHAIRPERSON:** Ja, and that is not true according to Mr



Mekgwe.

**MR MEKGWE**: Yes.

**CHAIRPERSON**: It was not mounted in 2013??

**MR MEKGWE**: Yes, Chair it was not mounted.

**CHAIRPERSON**: Yes. You also mentioned the seating, multiple... no. Multiple...[intervenes]

**MR MEKGWE**: Multiple seating arrangements.

**CHAIRPERSON**: Yes. Did he say anything about the seating arrangements that you do not agree with or you are  
10 not sure?

**MR MEKGWE**: [No audible reply]

**CHAIRPERSON**: Mr Mekgwe.

**MR MEKGWE**: No, nothing that I am not agreeing with, Chair.

**CHAIRPERSON**: So that is just the TV... the question of whether the TV was not mounted onto the wall or not? You say that is not true? Otherwise, the rest, there is nothing that you do not agree with?

**MR MEKGWE**: Correct, Chair.

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

**ADV RASIVHETSHELE**: Thank you, Chair. Mr Mekgwe, Mr Sundaram had also testified about security upon arrival to the official residence where these meetings took place. He mentions it in page 97 of his book, where he states:

“There was no frisking. We were not asked to pass through

metal detectors and we were not required to give our names and details to any of the security personnel. “We just walked in.”

He further states that:

“I could not see any x-ray machines at the venue. I could not figure out if this was special treatment for the Gupta delegation or if the security was generally of a low standard.”

You have highlighted this, Mr Mekgwe in paragraph 16,  
10 page 20 of your affidavit, could you just comment on this?

**MR MEKGWE:** There were no metal detectors or x-ray machines in the residence during the period in question, Chairperson.

**ADV RASIVHETSHELE:** So you would agree with Mr Sundaram’s submission, well his description of the security in general, the metal detectors and so forth. So you would agree with what I have just read.

**MR MEKGWE:** Correct.

**ADV RASIVHETSHELE:** Mr Mekgwe, also whilst in your  
20 tenure at the residence did you see some of the Gupta family members at the official residence?

**MR MEKGWE:** Correct, Chairperson.

**CHAIRPERSON:** As household manager, how much access do you have to people who visit the official residence? In other words, are you able to see – to say

most of the time who came, when and so on to the residence or is that – has your position not enabled you to have access to that information?

**MR MEKGWE:** Chairperson, at some instances I do have access to visitors to the residence or guests, yes.

**CHAIRPERSON:** Would that be a record in the official residence of the President? Would there have been a record in 2013 at least of everyone who came to the residence or would there be no such record?

10 **MR MEKGWE:** No, no record, Chairperson.

**CHAIRPERSON:** Yes, okay. Would you have been able in 2013 and in other years to know if certain people were regular visitors to the official residence of the President?

**MR MEKGWE:** No, Chairperson.

**CHAIRPERSON:** You would not know.

**MR MEKGWE:** No.

**CHAIRPERSON:** Would that mean – does that mean that you would not be in a position to say how regularly the Guptas visited the official residence of the President?

20 **MR MEKGWE:** I will not be in the position to say, Chair.

**CHAIRPERSON:** Yes. Would that be somebody within the official residence that you know would know that kind of information?

**MR MEKGWE:** To be honest, there is no record or lock-in of – it is treated merely as a residence and guests will

come and go.

**CHAIRPERSON:** Yes.

**MR MEKGWE:** And there would not have been any reason to have a record of ...[intervenes]

**CHAIRPERSON:** A record, ja.

**MR MEKGWE:** Yes.

**CHAIRPERSON:** Ja, but apart from the record, you know, if in your house your son or daughter has certain friends, if they frequent the house to visit their friend, your son or  
10 daughter, even though there is no record you might – you would get to know that oh, so and so comes here very regularly because he is friends with my daughter, he is friends with my son. So that is what I am looking for, whether there is somebody who might be able to say although no records were kept they know, for example, that the Gupta brothers used to visit regularly, maybe there would be no week that passes by without some Gupta brother coming to the residence or no month would pass without them coming, that kind of information.

20 **MR MEKGWE:** Chairperson, there would not be anyone that would have – because not all the time we are at work all the time, all of us.

**CHAIRPERSON:** Yes, yes.

**MR MEKGWE:** So I doubt there would be someone that would have been on duty every day of the month.

**CHAIRPERSON:** Yes, yes.

**MR MEKGWE:** Yes, Chairperson.

**CHAIRPERSON:** Well, it does not have to be every day of the month but if, for example, in a year you might find that on some of the occasions when you are on duty you are able to say oh, for example, Mr Ajay Gupta, or he comes almost once or twice every month, you know, he would come here, there is going to be no month when he did not come in and so on. That is what I am talking about.

10 **MR MEKGWE:** No, Chairperson.

**CHAIRPERSON:** You do not think anybody would know that.

**MR MEKGWE:** Not to the best of my knowledge.

**CHAIRPERSON:** Yes. Okay, except maybe security at the gate.

**MR MEKGWE:** I will say so, yes, Chairperson.

**CHAIRPERSON:** Ja. Okay, alright. Thank you.

**ADV RASIVHETSHELE:** Thank you, Chair. That concludes ...[intervenes]

20 **CHAIRPERSON:** Mr Mekgwe's evidence.

**ADV RASIVHETSHELE:** Mr Mekgwe's evidence.

**CHAIRPERSON:** Thank you very much, Mr Mekgwe, for taking time to come and assist the Commission.

**MR MEKGWE:** Thank you, Chair.

**CHAIRPERSON:** We appreciate it very much.

**MR MEKGWE:** Thank you, Chair.

**CHAIRPERSON:** You are now excused.

**MR MEKGWE:** Thank you, Chair.

**CHAIRPERSON:** Okay.

**ADV RASIVHETSHELE:** Chair, the next witness is Mr Human, he is the incumbent household manager at the official residence. Now he has in his affidavit laid down a very vivid description of the room in particular before it has been changed through the social distancing measures at  
10 the official residence, so his testimony will be based on the exact description of what exactly is in the room and what has changed since then.

**CHAIRPERSON:** Okay.

**ADV RASIVHETSHELE:** He will also testify in relation to the security measures that are in place at the official residence.

**CHAIRPERSON:** Okay.

**ADV RASIVHETSHELE:** Thank you.

**CHAIRPERSON:** Thank you, I think Mr Human is ready to  
20 take the oath or affirmation. Let us do that, so he can be seated.

**REGISTRAR:** Please state your full names for the record.

**MR JACQUES ANDRE HUMAN:** Jacques Andre Human.

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

**MR HUMAN:** No.

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

**MR HUMAN:** 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 your right hand and say so help me God.

**MR HUMAN:** So help me God.

10 **CHAIRPERSON:** Thank you, you may be seated Mr Human.

**MR HUMAN:** Thank you, Mr Chair.

**CHAIRPERSON:** Yes, counsel, proceed.

**ADV RASIVHETSHELE:** Thank you, Chair. Mr Human's affidavit is under – it just follows Mr Mekgwe's affidavit and labelled as EXHIBIT CC1i. Mr Human, if you could just turn to your folder and the numbering to follow would be the black on the top left-hand side of your page and that would start on page 24. Do you see that, Mr Human?

20 **MR HUMAN:** Yes, I do, Mr Chair.

**ADV RASIVHETSHELE:** And can you identify that document, Mr Human.

**MR HUMAN:** This is the affidavit that I have submitted, that is correct.

**ADV RASIVHETSHELE:** And if you turn over to page 30,

is that your signature, Mr Human?

**MR HUMAN:** That is correct, Mr Chair.

**ADV RASIVHETSHELE:** And you deposed to this affidavit on the 27 July 2020, is that correct?

**MR HUMAN:** Yes, Chair.

**ADV RASIVHETSHELE:** Also, just next to your signature on page ...[intervenes]

**CHAIRPERSON:** I am sorry, on the 2<sup>nd</sup>?

**ADV RASIVHETSHELE:** 27<sup>th</sup>.

10 **CHAIRPERSON:** That looks like 2<sup>nd</sup> to me on page 30.

**ADV RASIVHETSHELE:** Can you just confirm that date, Mr Human?

**CHAIRPERSON:** Oh, it is 27?

**MR HUMAN:** It is 27, Mr Chairperson, the police official ...[intervenes]

**CHAIRPERSON:** Oh, okay, well, it is – ja, okay, alright.

**ADV RASIVHETSHELE:** And just next to your signature, Mr Human, you had stated – you had written something down. Can you just read that out into the record?

20 **MR HUMAN:** Mr Chair, I stated in the affidavit that:

“Please be advised that I, Jacques Human, was not the household manager at the residence during the alleged visit.”

**CHAIRPERSON:** So that is during 2013?

**MR HUMAN:** That is correct, Chair.



**CHAIRPERSON:** Ja.

**ADV RASIVHETSHELE:** And, Mr Human, are you satisfied with the contents of your affidavit?

**MR HUMAN:** Yes, I am, Chair.

**ADV RASIVHETSHELE:** As being true and correct?

**MR HUMAN:** That is correct.

**CHAIRPERSON:** You confirm the contents to be true and correct to the best of your knowledge and belief, is that correct?

10 **MR HUMAN:** Yes, Chair.

**CHAIRPERSON:** Okay, alright. This affidavit will be admitted and marked as EXHIBIT CC1 is it I?

**ADV RASIVHETSHELE:** Yes, Chair, I.

**CHAIRPERSON:** CC1I.

**AFFIDAVIT OF JACQUES ANDRE HUMAN HANDED IN AS EXHIBIT CC1I**

**CHAIRPERSON:** Yes, continue.

20 **ADV RASIVHETSHELE:** Thank you, Chair. Mr Human, will you please just in a short summary tell us about your employment history to date, currently?

**MR HUMAN:** Chair, I was appointed at the office of the President in September 1995 as the assistant manager and chef at the official residence, Mahlamba Ndlopfu. I was working there until up to 1998, then I was transferred to another official residence. I want back to Mahlamba

Ndlopfu in the year 2000 up to 2009 and from there again to another – deployed to another official residence and then I started at Mahlamba Ndlopfu again till current from 2018.

**CHAIRPERSON:** Yes, okay, thank you.

**ADV RASIVHETSHELE:** And, Mr Human, can you just shortly describe your role and function as the household manager at the official residence?

**MR HUMAN:** Okay. Also, as Mr Mekgwe mentioned, it is  
10 all those responsibilities, it is the day-to-day management and running of the official residence. Also, I am managing the staff employed at the official residence. All the catering and housekeeping requirements, events management, maintenance, everything to do with the official residence I am responsible for.

**CHAIRPERSON:** Yes, okay.

**ADV RASIVHETSHELE:** Thank you, Mr Human. You have  
20 stated on page 25 of your affidavit – that would be the numbering on your top left hand corner, also in conjunction with your descriptions from paragraphs 15 onwards on page 28 of the meeting rooms, Mr Sundaram has submitted in his book and so forth, you were sitting in the room while I read out the description as alleged by Mr Sundaram. Could you just describe and also verify the – because you have actually, you know, detailed it specifically, the

furniture pieces and described the makeup of the room. Can you also just talk to the description of the room in detail?

**CHAIRPERSON:** Before he does that, I take it that the purpose of Mr Human's evidence must be show that when he returned to the official residence in 2018 to show whether he found the furniture or the descriptions that had been given by Mr Sundaram to accord with what he found in 2018 or not.

10 **ADV RASIVHETSHELE:** Yes, Chair.

**CHAIRPERSON:** Yes. And, Mr Human, did you get an opportunity to - before you deposed to this affidavit, did you get a chance to read either Mr Sundaram's book or his affidavits to see how he was describing the relevant rooms?

**MR HUMAN:** That is correct, Chair. When the officials came to visit the residence, they brought the book along and they read the specific paragraphs from the book to us while were we at that rooms, specific rooms as well.

20 **CHAIRPERSON:** Yes. Now counsel will take you through the various descriptions but are you able to say – are you able to say when you came back to Mahlamba Ndlopfu in 2018, are you able to say whether substantially at least the descriptions that Mr Sundaram gave in his book of the relevant rooms was substantially correct?

**MR HUMAN:** That is correct, Chair. There were minor differences.

**CHAIRPERSON:** Yes.

**MR HUMAN:** Changes made in the room but overall, the description according to the book is correct.

**CHAIRPERSON:** Correct.

**MR HUMAN:** It was still like that when I returned back to the residence in 2018.

**CHAIRPERSON:** Okay. Okay, alright.

10 **ADV RASIVHETSHELE:** Thank you, Chair. Would Chair indicate if I should reread Mr Sundaram's description because he has indicated that, you know, the book was read to him and he was present when Mr Mekgwe was giving his evidence as well.

**CHAIRPERSON:** I think what we can do, you can take him to – I mean, you referred him to page 28, is that right, of the black 28.

**ADV RASIVHETSHELE:** That would be 25 and 28.

20 **CHAIRPERSON:** Okay, I think – take him through each one just for the sake of completeness.

**ADV RASIVHETSHELE:** Indeed so, Chair.

**CHAIRPERSON:** Ja.

**ADV RASIVHETSHELE:** Mr Human, Mr Sundaram has said that upon their arrival they were ushered into a well-appointed room to the extreme right of the entrance and in

that room there was a shelf with a collection of leather bound books, there was a television set mounted at the wall the far end and a coffee table in the middle with couches around it and ornate chairs in each corner. Now you have described I think far more in detail the specific of the colour of the couches and so forth from paragraphs 5 on page 25 of your affidavit, can you talk to this and can you confirm the contents and the differences from Mr Sundaram's description?

10 **CHAIRPERSON:** And you can look at your affidavit to refresh your memory, okay?

**MR HUMAN:** Chair, the room, as it is described, is to the far left from the entrance.

**CHAIRPERSON:** Far right.

**MR HUMAN:** Far right from the entrance. It is a well-appointed room, it is used for smaller type of meetings between the principal and couple of guests. As you enter the room, on your right – sorry, on your left there is quite a large antique book cabinet and that is with the collection of  
20 the leather-bound books. That cabinet has been there since early 2000 when it was placed in that residence.

The TV has always been in a cabinet, it is has never been wall mounted and the cabinet has been there from the time when I started working in that residence and even when I returned to the residence. So that cabinet has

always been there with the TV inside it.

The layout of the furniture is two two-seater leather couches, brown leather couches, across – opposite of a central coffee table. There is two wing backed chairs closest to the entrance and then there is other ornate chairs, almost in front of the TV cabinet.

Apart from the other details in that room there is oil paintings on the walls, one large, two smaller ones, there is side tables with vases, there is a small fireplace in the  
10 corner that is not an actual fireplace anymore, but it used to be, and the difference from when I left the residence in 2009 to from when I came back was the curtains was changed, it was not the original curtains and also, some of the chairs, wing backed chairs, was changed.

But from the description in the book it is, apart from the television set, everything is according to the description.

**ADV RASIVHETSHELE:** Thank you, Mr Human. And then you describe that – that room, that you describe in  
20 particular, has since changed post social distancing measures. How has that room now changed?

**MR HUMAN:** Ja. Mr Chair, due to the social distancing and the requirements for the use of that room, we changed it into a conference facility area. So the seating arrangements, the couches, the wingback chairs, the

coffee table, all the loose furniture that was in the middle area of the room was removed to accommodate a conference table with big screen televisions for the distance conference facility.

**ADV RASIVHETSHELE:** Thank you, Mr Human. Mr Sundaram has also mentioned a second meeting room which you have also talked to in your affidavit. He in his book on page 131 had stated that the second meeting room is much larger living room that had various seating  
10 arrangements with a large TV set. Yet again he states that this TV set was mounted on the wall. Could you verify or confirm this?

You have also just in detail, as in the first room, described the larger room next door on page 29 of your affidavit. Can you talk to that?

**MR HUMAN:** The room that you are referring to is right adjacent to the former room that we discussed, it is what we call the formal lounge or drawing room. It is quite a large room with several seating arrangement, it is used for  
20 formal visits. The principal will meet other heads of state or important visitors that area.

It is a much larger space to accommodate more people. The room also, as I mentioned, have several seating arrangements. There is a television set in that room but yet again the television is not mounted on the

wall, it is on a loose standing table in the corner with the television placed on top of that table. It is light colour furniture that is in there, it is quite an airy room with lots of windows, curtains and wonderful artworks and so forth.

**ADV RASIVHETSHELE:** And Mr Sundaram has also stated, Mr Human, about the security measures taken at the official residence. I can see that you have indicated from paragraphs 13 from the inception of when you started in 2018 again.

10 I would just like to actually just check back to what Mr Sundaram had stated, that there was no frisking at the gates, they were not asked to pass through any metal detectors and they were not required to give any names and details to any of the security personnel.

Further, he could not see any x-ray machines at the venue and he could not figure out if it was special treatment with the Guptas. Was this just normalcy? You have talked to this on page 27 of your affidavit.

**MR HUMAN:** Mr Chair, there is no metal detectors at the  
20 front entrances of the residence. Guests, when they arrive, they will be entering through two security gates where they must be confirmed whether they are expected. So it is not specific that each person will be stopped at the second gate for Mahlamba Ndlopfu especially because if it is several cars or vehicles and if it is a convoy then they



will have confirmation whether they can come in or not to the residence but apart from that, security is responsible for the exit and entrances for all guests to the residence, the SAPS. Our sort is just there to confirm whether the guests can be allowed or not.

**ADV RASIVHETSHELE:** Mr Human, just to say, you know, for – let us just say if there are several cars coming into the residence, is it – are the identifications of the vehicles given beforehand, before the vehicles arrive and they are  
10 just waved in?

**MR HUMAN:** Mr Chair, if that information is available in advance it will be given to the SAPS for access otherwise the vehicles will not be allowed through the gate.

**ADV RASIVHETSHELE:** Chair, just the relevance of that is Mr Sundaram also in his book and his affidavit had stated that upon the arrival at the residence they were just waved in and his submission was that the description of the cars were given prior to their arrival to the residence and hence that question. Chair, that concludes the  
20 ...[intervenes]

**CHAIRPERSON:** Mr Human's affidavit.

**ADV RASIVHETSHELE:** The statement, the evidence of Mr Human.

**CHAIRPERSON:** Thank you very much, Mr Human, for coming to assist the Commission.

**MR HUMAN:** Thank you, Mr Chair.

**CHAIRPERSON:** We appreciate it very much, you are excused now.

**MR HUMAN:** Thank you, Chair.

**CHAIRPERSON:** Thank you.

**ADV RASIVHETSHELE:** Chair the next witness, I think the next and final witness is Ms Gillian Pillay. Ms Gillian Pillay is a former journalist at the SABC and her relevance in terms, her relevance and evidence is that the former  
10 President had disclosed his travelling arrangements to the Gupta delegation and Ms Pillay will indicate and confirm that in fact that the President did in fact travel to where he had said he was travelling to in the meeting because he was travelling to an event.

**CHAIRPERSON:** Yes, so again the evidence of this witness seeks to see whether at least some aspects of Mr Sundaram's evidence could be true. Mr Sundaram said that at one of the meetings he attended between the former President, Mr Zuma and the Gupta's the former President  
20 said he would be at Mpumalanga the following week and this witness will tell me whether she is aware that whether Mr Zuma was at Mpumalanga during that week. Ja, okay, please administer the oath or affirmation.

**REGISTRAR:** Please state your full name for the record?

**MS PILLAY:** My name is Gillian Pillay.

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

**MS PILLAY:** I do not have.

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

**MS PILLAY:** I do.

**REGISTRAR:** Do you swear that the evidence that you will give will be the truth, the whole truth and nothing else but the truth, if so, please raise your right hand and say so  
10 help me God.

**MS PILLAY:** So, help me God.

**GILLIAN PILLAY:** [duly sworn, states]

**CHAIRPERSON:** Thank you, you may be seated Ms Pillay. Yes counsel?

**ADV RASIVHETSHELE:** Thank you Chair. Ms Pillay could you just open up the presentation file in front of you, can you go to the last ...[intervenes]

**CHAIRPERSON:** You can switch on the mic as well, ja.

**ADV RASIVHETSHELE:** Can you please just go to the  
20 last folder marked J, and Ms Pillay if you turn over that page and the next page you will see the numbering that we're going to use is on the top left-hand corner in black, that would be – are you on page 33? Miss Pillay can you identify that document in front of you?

**MS PILLAY:** The document before me, Chair, is my

affidavit.

**CHAIRPERSON:** Yes.

**ADV RASIVHETSHELE:** And the following, if you just turn over the following page, is that your signature?

**MS PILLAY:** I confirm that is my signature on page SABC-010-34.

**ADV RASIVHETSHELE:** And you depose to – is that correct that you deposed to this affidavit on the 10<sup>th</sup> of August 2020?

10 **MS PILLAY:** That's correct Chair.

**ADV RASIVHETSHELE:** And Ms Pillay, you're satisfied that the contents of this affidavit is true and correct?

**MS PILLAY:** That's correct Chair.

**ADV RASIVHETSHELE:** Chair, with your leave may Ms Pillay's affidavit be admitted into evidence.

**CHAIRPERSON:** The affidavit of Ms Gillian Pillay will be admitted and marked Exhibit CC1J.

**ADV RASIVHETSHELE:** Thank you Chair, Chair sorry, did – I think I misheard Chair saying CC1A or J.

20 **CHAIRPERSON:** CC1J.

**ADV RASIVHETSHELE:** Yes, sorry, Chair, thank you Chair. Ms Pillay could you just shortly describe to us your employment as from the SABC to current?

**CHAIRPERSON:** Maybe let's do it this way.

**ADV RASIVHETSHELE:** Yes Chair.

**CHAIRPERSON:** Ms Pillay in 2013, where were you employed?

**MS PILLAY:** I was employed by the SABC, Chair.

**CHAIRPERSON:** Yes, how long had you been in SABC's employ at that time?

**MS PILLAY:** Up until the end of May this year, Chair, I was employed by the SABC for 17 years.

**CHAIRPERSON:** Okay, yes, in what position were you employed by the SABC?

10 **MS PILLAY:** At the time, over the period of 17 years, Chair, I was employed as a Senior General News Journalist in the Johannesburg Newsroom at the SABC in Auckland Park.

**CHAIRPERSON:** Yes, okay and you collected news for the SABC?

**MS PILLAY:** I did news, day to day, anything from crime, gender-based violence, issues around, you know, in those 17 years covering the national and local Government elections. Also reporting beyond the borders of the province of Gauteng, going to other provinces Chair to cover stories there but also foreign trips as well. a lot of general news around health issues, particularly human-interest stories, Chair that was my forte at the SABC.

20

**CHAIRPERSON:** Yes, would the news that you covered go on TV or radio or both?

**MS PILLAY:** In most instances, Chair, the news that I covered for the SABC as a General News Journalist would go onto the primetime news bulletins, that being SABC1, 2 and 3, it was translated into different languages and also in recent years it also went on to DSTV channel 404, our – the international channel that we are running on DSTV, Chair. Very few times radio would also utilise the stories that we would do as television journalists and they would use those stories for their, either radio bulletins or even  
10 digital news would also utilise our stories that we, as television journalists would cover and *vice versa*, Chair.

**CHAIRPERSON:** Would you cover areas such as the Mpumalanga Province in your work?

**MS PILLAY:** Chair, the SABC has a mandate to cover national days, that being women's day, heritage day all the national days that we observe as a country and journalists within the different offices around the country, within the newsrooms at the SABC would be given opportunity to go to different provinces where these main events are being  
20 commemorated, where key note – where a key note address is being given by the sit-in President at the time. So, every journalist would be given an opportunity to go and cover stories like that. Relating to the 2013 incident, Chair, that is when I was, you know, given the assignment to accompany a team from Johannesburg to Mpumalanga to

cover that women's day event at the Thulamahashe Stadium in Mpumalanga Chair.

**CHAIRPERSON:** You're talking about the date of the 9<sup>th</sup> of August 2013 which would have been women's day, is that right?

**MS PILLAY:** That's correct Chair.

**CHAIRPERSON:** You say you were in Bushbuckridge in Mpumalanga on that day?

**MS PILLAY:** That's correct Chair.

10 **CHAIRPERSON:** Okay what was happening – what event was there on that day?

**MS PILLAY:** The event on that day, Chair, was – we were commemorating, as a country we were commemorating women's day.

**CHAIRPERSON:** Yes.

**MS PILLAY:** The main event was happening was happening in the province of Mpumalanga at Bushbuckridge at Thulamahashe Stadium where the sitting President at the time, former President Jacob Zuma was  
20 delivering a key note address at that main event, Chair.

**CHAIRPERSON:** Yes, so you were there, you know he was at that stadium and he delivered the key note address?

**MS PILLAY:** I was given the assignment to be a roving reporter at that event where I would do short interviews,

pre the speech with women particularly in the stadium women in farming, women in business also what has not become a epidemic in the country, talking to women around gender-based violence issue, looking at the challenges women are facing and what they'd like to see come out of the President's speech. So that was the pre speech reactions and interviews we were doing in the stadium before former President, Jacob Zuma's address, Chair. We also did post speech reactions following the President's address, you know, getting a sense if the women who had attended that event, if what had come out of former President Jacob Zuma's speech was, you know, encouraging, if it addressed issues of empowerment and equity. If they felt that, you know, the speech had maybe fell short of their expectations as women at the cold face of the challenges that many of them face in provinces – rural provinces like Mpumalanga, Chair.

**CHAIRPERSON:** Counsel continue.

**ADV RASIVHETSHELE:** Thank you Chair. Just off Ms Pillay's testimony, Mr Sundaram had described how the former President, Mr Jacob Zuma had disclosed in a meeting. That can be found in Mr Sundaram's book Chair, on page 19.

**CHAIRPERSON:** Yes, just read it.

**ADV RASIVHETSHELE:** Where he – where it is quoted



what the former President had stated,

“I will be in Mpumalanga next week and I will meet people in the local communities and...[intervenes].

**CHAIRPERSON:** I think you should start a little earlier, read what Mr Sundaram says before he says what President Zuma said.

**ADV RASIVHETSHELE:** In the context of the book, Chair, he describes...[intervenes].

**CHAIRPERSON:** Well, maybe move to the affidavit.

10 **ADV RASIVHETSHELE:** Yes, Chair. Chair that can be found in CC1B of Mr Sundaram’s affidavit where Mr Sundaram had extracted contents from his book in the affidavit, it reads from – in the context where – paragraphs 25.11 it states,

“Despite Athol’s constant reminders that would only do what suits our vision, President Zuma’s directives on editorial policies puzzles me. I will be in Mpumalanga next week and I will meet people in the local communities and announce measures for  
20 their welfare but I’m sure ENCA will not cover that”.

**CHAIRPERSON:** I’m sorry, let me get to it, what paragraph of Mr Sundaram’s...[intervenes].

**ADV RASIVHETSHELE:** Paragraph 25.11 because prior to that they are talking about the publicity for the ANC and the channel.

**CHAIRPERSON:** Hang on one second. Where is Sundaram's original affidavits? Where does he start discussing...[intervenes]?

**ADV RASIVHETSHELE:** Chair, I think...[intervenes].

**CHAIRPERSON:** In the second meeting?

**ADV RASIVHETSHELE:** This is the second meeting, indeed so Chair. In the context it came from how other news stations, other media houses were not covering certain things and he had disclosed that he would be  
10 meeting – he would be going to Mpumalanga the following week and he had stated that ENCA, for instance, would have not covered that story. Then from then the Gupta delegation had suggested that they would send a reporter with the former President to report on this event in a positive light.

**CHAIRPERSON:** Okay, in paragraphs 20 of his affidavit deposed to on the 29<sup>th</sup> April 2019, in paragraphs 20 up to 25.10 Mr Sundaram discusses the second meeting between the former President Mr Jacob Zuma and the Guptas which  
20 he attended at the President's official residence and in different parts he says at paragraph 20,

“Second meeting happened in the month of July 2013, I do not remember the exact date but I do remember it was a Sunday, the meeting took place at President Zuma's official residence in Pretoria, in

the same room as the first meeting, and 23, he says, President Zuma came to the meeting armed with the presentation we had given him in the last meeting and with some questions about its content, paragraph 24 he says, this meeting too, was more of a shareholder review of the project”,

And then under paragraph 25 he, in various sub-paragraphs refers to excerpts from his book from pages 117 to 122 and 25.2, Mr Sundaram says – quoting what he  
10 says in his book,

“Athol told me before the meeting, reiterating a point, his brother and he had made many times before, like the previous one this meeting took place on a Sunday morning, Ashul Choula came in his car to pick us up from the Midrand office, he was mostly silent during the ride to President Zuma’s residence in Pretoria”,

And then in 25.5 he describes the security arrangement at the security gate of the President’s  
20 residence and in 25.6 the seating arrangement and then at 25.6 onwards he says,

“The seating arrangement was identical to that of the last meeting and then he quotes, Rajesh, today I will ask President Zuma to give us a broad overview on editorial policy and also some

suggestions on who we should hire as presenters. We will hear what he has to say but we will only do what we think suits our vision, Ajay Gupta told me, that is Sundaram speaking, then he says in paragraph 25.7, as long as it was just a formality and we were not bound by what he was saying, I was happy to play the game they were playing with the President, I nodded. The video log or the channel ID for ANM7 had been made by a graphics  
10 designer in India and had reached us just a few days before the meeting”.

Then in – and then he says in paragraph 25.11, that is Sundaram,

“Despite Athol’s constant reminders that we would only do what suits our vision, President Zuma’s directives on editorial policy puzzled me”,

And then he quotes, we’re now quoting President Zuma,

20 “I will be in Mpumalanga next week and I will meet people in the local communities and announce measures for their welfare but I’m sure ENCA will not cover that. Their reporter will seek out opposition supporters and do a negative story on how the locals hate me and feel I have done nothing for them. Zuma said, Sir we will have a reporter and

camera operator attached to you at all times”,

That’s the part that is relevant.

**ADV RASIVHETSHELE:** Yes, Chair.

**CHAIRPERSON:** Because it – what Mr Sundaram says is that, at that meeting, the second meeting, which he said happened at the end of July, President Zuma, according to Mr Sundaram announced that he was going to be in Mpumalanga the following week and then Ms Pillay says, on the 9<sup>th</sup> of August 2013, which is the year we are talking  
10 about, she was assigned to cover the women’s day function at Bushbuckridge in Mpumalanga and Ms Pillay you confirmed that, indeed, President Zuma was in that function and he gave the key note address.

**MS PILLAY:** I confirm Chair.

**CHAIRPERSON:** Yes, and did you write an article or send to SABC the coverage and was it shown on television?

**MS PILLAY:** Chair, with national days and the mandate that the public broadcaster has over a period of three hours of any particular national day, we do rolling coverage  
20 of the run-up to the speech post the speech and we do put a pre-packaged story together for all prime time bulletins which is a shorter version of – in this case the women’s day event which includes snippets which we call bytes of the President’s key note address speech, Chair.

**CHAIRPERSON:** Yes.

**MS PILLAY:** And in this particular case, it would be the same mould that the SABC would have followed. So, there would be interviews prior to the speech, post the speech as well as a condensed version of the day where the President would give his address for the prime-time bulletins of television bulletins of the SABC, Chair.

**CHAIRPERSON:** Okay, thank you.

**ADV RASIVHETSHELE:** Chair, if the Chair finds it prudent, our lead investigator, Dr Buya has actually  
10 retracted that video from the SABC and we do have it in our possession so if the Chair is interested in viewing the footage, we do have it at our disposal this morning.

**CHAIRPERSON:** Okay, no we won't view it now but what you can do is look at Mr Sundaram's affidavit or evidence and see whether he does indicate – he does say that in that second meeting, the President mentioned some of the things he would deal with at Mpumalanga and see whether those things were dealt with in his speech, so that's what you can check. I seem to remember that Sundaram says  
20 President Zuma said he would announce certain measures blah, blah, blah so that needs to be checked and if they are there then something needs to be placed on record, if they are not there something needs to be placed on record but that can be done some other time.

**ADV RASIVHETSHELE:** Indeed, so Chair, I have viewed

the video it's a roundabout a two-minute clip, it's just verifying that the former President was, indeed, at the event in Mpumalanga and there's a snippet of Ms Pillay covering the event itself. So, the contents of his speech as a whole, I have not seen but we could also just get that as well.

**CHAIRPERSON:** Ja, you can ask for the full speech as well, look at what Mr Sundaram says, President Zuma said at that meeting with the Guptas, if anything about some of  
10 the issues he would address and see whether they are in the speech or not.

**ADV RASIVHETSHELE:** We'll get to that, thank you Chair.

**CHAIRPERSON:** Okay, alright Ms Pillay thank you very much for coming to assist the Commission, we appreciate it very much, you are now excused.

**ADV RASIVHETSHELE:** Thank you Chair, that then concludes the witnesses for this morning. I've also just looked at my watch, and I completely forgot to indicate to  
20 Chair about the tea but...[intervenes].

**CHAIRPERSON:** No, that's fine. We are going to adjourn for the day, the Commission will sit tomorrow to hear the evidence of Mr Motseki, the HOD for the Department of Human Settlements in the Free State. We adjourn.

**INQUIRY ADJOURNS TO 28 AUGUST 2020**

