

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

02 OCTOBER 2020

DAY 275



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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 02 OCTOBER 2020

CHAIRPERSON: Good morning Mr Notshe, good morning everybody.

ADV NOTSHE SC: Good morning Chairperson.

CHAIRPERSON: Are we ready?

ADV NOTSHE SC: Chairperson we are ready to start. This is a hearing end of the BOSASA stream and this hearing today is as a result of Mr Cedrick Frolick. He applied after he heard the evidence of Mr Agrizzi and after
10 he had been served with 3.3 notices.

He applied for permission to file an affidavit and testify. He has now filed – he filed an affidavit and today he is testifying in respect of those. He filed two affidavits and then in August he filed a third affidavit which deals with only specific witnesses.

Chair as the application and the affidavits are in a bundle – the BOSASA bundle and it is BOSASA Bundle 3. And then the affidavit, the application and the accompanying affidavits the – we marked them as Exhibit
20 T17 but then the separate affidavits they have sub-17 number to T17.1, .2, .3 as we go along.

CHAIRPERSON: You said too many things Mr Notshe.

ADV NOTSHE SC: Yes. Okay let me start with the first one. The first one is today the file before you...

CHAIRPERSON: There is – there is BOSASA Bundle 03.

ADV NOTSHE SC: Yes.

CHAIRPERSON: That has got Mr Frolick's affidavit according to what you – has been written on the spine it is proposed that what is inside the file would be exhibits – Exhibit what T17.

ADV NOTSHE SC: Yes.

CHAIRPERSON: Which file do you want me to have here? Is it this one I have or is it another one?

ADV NOTSHE SC: It is that file only.

10 **CHAIRPERSON:** Ja let us...

ADV NOTSHE SC: And then in...

CHAIRPERSON: Let us deal with that one for now. It is BOSASA Bundle 3.

ADV NOTSHE SC: Yes.

CHAIRPERSON: Ja.

ADV NOTSHE SC: Can the witness then be sworn in?

CHAIRPERSON: Yes let us – let us – let Counsel for Mr Frolick place himself on record first. You can do it from where you are.

20 **ADV VAN ZYL SC:** May I remain seated?

CHAIRPERSON: Yes, yes.

ADV VAN ZYL SC: Chairperson name is Francois Van Zyl SC for – member of the Cape Bar. I represent Mr Frolick in these proceedings on instructions from Danie Gouws Incorporated. My instructing attorney is not here for cost

saving purposes.

CHAIRPERSON: Yes.

ADV VAN ZYL SC: We are prepared to give evidence.

CHAIRPERSON: Yes.

ADV VAN ZYL SC: He has previously applied.

CHAIRPERSON: Yes.

ADV VAN ZYL SC: To give evidence. You gave him permission to give evidence.

CHAIRPERSON: yes.

10 **ADV VAN ZYL SC:** And that is why we are here today.

CHAIRPERSON: Yes no thank you.

ADV VAN ZYL SC: May this – there is one correction I have to make.

CHAIRPERSON: Yes.

ADV VAN ZYL SC: I wonder if I should not make it now?

CHAIRPERSON: Okay make it now so we get it out of the way.

ADV VAN ZYL SC: If you can go in Exhibit T17 to page 34 paragraph 12.

20 **CHAIRPERSON:** Page 34?

ADV VAN ZYL SC: 34.

CHAIRPERSON: Okay you using the black numbers ha?

ADV VAN ZYL SC: I am using the black numbers left top.

CHAIRPERSON: Okay. Yes.

ADV VAN ZYL SC: Paragraph 12. The last sentence

third line – first last line reads:

“Travel arrangements were managed by EPRU office. I only subsequently learned in a discussion with Cheeky Watson during Mr Agrizzi’s evidence that Blake’s Travel was the travel service provider to the EPRU”

That should read to BOSASA not the EPRU – to BOSASA.

CHAIRPERSON: Oh okay, okay. Okay I think what we will
10 be necessary is later on for Mr Frolick to just do two lines
– one line supplementary affidavit to correct that.

ADV VAN ZYL SC: Yes.

CHAIRPERSON: Ja okay.

ADV VAN ZYL SC: And may I also draw your attention to
the fact that we have yesterday been sent a whole bundle
of cell phone records. I only received it when I arrived in
Johannesburg and we only had very little time last –
yesterday evening – yesterday afternoon late to look at it.
It was virtually impossible because it is a spreadsheet and
20 the computer only shows half the page. It was very
difficult but Mr Frolick [00:05:19] did it and he is prepared
to answer questions as best he can.

CHAIRPERSON: Yes.

ADV VAN ZYL SC: If he has a problem he will tell you.

CHAIRPERSON: He will say so.

ADV VAN ZYL SC: And then we will have to take it from there.

CHAIRPERSON: Okay alright. Thank you.

ADV VAN ZYL SC: Thank you Sir.

CHAIRPERSON: Yes Mr Notshe. So I then please administer the oath or affirmation?

REGISTRAR: Please state your full names for the record.

MR FROLICK: Cedrick Thomas Frolick.

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

MR FROLICK: 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.

MR FROLICK: I fully affirm.

CHAIRPERSON: Thank you very much you may be seated Mr Frolick.

ADV NOTSHE SC: Now Mr Frolick I am sure before we
20 started I took you – I show you the record and then let me put it on record that we – we are using when we refer numbers – page numbers we are using the black numbers. You see it is called BOSASA – 3 and then – then there will be a number. That is the page number we are referring to. You understand?

MR FROLICK: I understand Chair.

ADV NOTSHE SC: Now Mr Frolick...

CHAIRPERSON: If you agree nodding will not be enough because the recording will not capture that so you need to say yes so that it is recorded.

MR FROLICK: My apologies Deputy Chief Justice.

CHAIRPERSON: Yes okay.

MR FROLICK: I agree.

ADV NOTSHE SC: Now Mr Frolick can I take you to page
10 8 that is the black page 8 and there you see an affidavit. It
is a document called affidavit and it says:

“I, the undersigned, Cedric Thomas Frolick”

Do you see that?

MR FROLICK: You mean page 8 now?

ADV NOTSHE SC: Page 8.

CHAIRPERSON: Did you say page 8?

ADV NOTSHE SC: Page 8 yes.

CHAIRPERSON: Oh.

MR FROLICK: Okay I have got the page.

20 **ADV NOTSHE SC**: Are you on the page?

MR FROLICK: Yes.

ADV NOTSHE SC: You see the document named affidavit
then Cedric Thomas Frolick, you see that?

MR FROLICK: I see that.

ADV NOTSHE SC: Then go to page 12.

CHAIRPERSON: Mr Notshe I am sorry I am interrupting you. Do take note that that affidavit is just a condonation affidavit only.

ADV NOTSHE SC: Yes no I am just putting this – I am just putting it on the record.

CHAIRPERSON: Well why do we need a condonation affidavit?

ADV NOTSHE SC: Well the document is...

CHAIRPERSON: We have passed that stage is it not?

10 **ADV NOTSHE SC:** Yes I am not going to lead on it but just putting it on record as ...

CHAIRPERSON: I thought you would go to his substantive affidavit. The one where he tells his story.

ADV NOTSHE SC: No that is fine. Then in passing Mr Frolick can you go to page 31. There is an affidavit and then go to – can you go to page 42?

MR FROLICK: I am on page 42.

ADV NOTSHE SC: Yes there is – there is a signature above the name C T Frolick, is that your signature?

20 **MR FROLICK:** That is correct.

ADV NOTSHE SC: You confirm that this is your affidavit?

MR FROLICK: Correct.

ADV NOTSHE SC: Chair can this affidavit of Mr Frolick then from page 31 – Mr Frolick just a minute. Yes I am just looking at the exhibit number. As Exhibit 17.4. Yes.

T17.4. No Chair I am sorry I beg your pardon. It is...

CHAIRPERSON: Where is 17.1?

ADV NOTSHE SC: No I beg your pardon it is 17.3.

CHAIRPERSON: Oh where will be 17.1?

ADV NOTSHE SC: 17.1 is the index to the application. 17.4 is the affidavit which is the application affidavit. Then 17.3.

CHAIRPERSON: Is 17.1 meant to the condonation affidavit?

10 **ADV NOTSHE SC:** Yes.

CHAIRPERSON: Okay let us...

ADV NOTSHE SC: Condonation application. 17.2 is the supporting affidavit.

CHAIRPERSON: Well let us – let us do – let us do it even though we do not really need it. If that is – that is already what is in the index. But otherwise the condonation thing is something of the past. We do not need it anymore. Okay so we start at page 8?

20 **ADV NOTSHE SC:** Let us go back – Mr Frolick can you go back to page 8 where –

MR FROLICK: I am on page 8.

ADV NOTSHE SC: And then if you turn to page – hold on page 8 and turn to page 12, is that your signature on page 12?

MR FROLICK: That is correct.

ADV NOTSHE SC: Do you confirm that this is your affidavit?

MR FROLICK: I do confirm.

ADV NOTSHE SC: Yes. Chair can this be admitted as 17.2?

CHAIRPERSON: Is there a T before 17?

ADV NOTSHE SC: T17.2.

CHAIRPERSON: T17.2

ADV NOTSHE SC: Yes.

10 **CHAIRPERSON:** And where is Point 1 – 17.1?

ADV NOTSHE SC: 17.1 is the Notice of Motion.

CHAIRPERSON: Ja let us – let us do that because now when they prepare the records there will be a problem when they can see 17.2 but they do not know where 17.1 is. So we may...

ADV NOTSHE SC: 17.1 starts Chair at 04. Page 04.

CHAIRPERSON: Ja but we do not need to do the index to. I think we should start at 6 where the Notice of Motion starts, is it not?

20 **ADV NOTSHE SC:** Well the index forms part of the ...

CHAIRPERSON: Why do they do that?

ADV NOTSHE SC: I do not know Chair.

CHAIRPERSON: I am not feeling you know happy about the fact that I am now going to admit as an exhibit a condonation affidavit when condonation is not an issue.

You know when that has been dealt with sometime back. But I was thinking not to mess up the index maybe we may as well do that but actually the condonation affidavit is irrelevant.

ADV NOTSHE SC: But do you not need it for purposes of record to say he applied for condonation?

CHAIRPERSON: No that is been sorted out. Ja that has been sorted out. We do not need it for this. I condoned it ended there. You see.

10 **ADV NOTSHE SC:** It is fine.

CHAIRPERSON: So at this stage we should be looking simply at the substantive issues.

ADV NOTSHE SC: That is fine.

CHAIRPERSON: Maybe let us just say – let us say it is okay Exhibit T17.1 is the Notice of Motion. Is that right?

ADV NOTSHE SC: That is fine.

CHAIRPERSON: Ja let us just – so that the index – the pagination is not messed up. Then the affidavit starting at page 8 will be Exhibit T17.2, is that right?

20 **ADV NOTSHE SC:** Yes.

CHAIRPERSON: Okay. That is together with its annexures.

ADV NOTSHE SC: Yes.

CHAIRPERSON: And then when is the – which one would be 17.3?

ADV NOTSHE SC: 17.3 starts on page 33 – 31 I beg your pardon.

CHAIRPERSON: Mr Frolick's affidavit that starts at page 31 will be admitted and marked as Exhibit T17.3.

ADV NOTSHE SC: Yes.

CHAIRPERSON: Okay. What else?

ADV NOTSHE SC: And then Mr Frolick can we then take you to page 54.

CHAIRPERSON: Yes.

10 **ADV NOTSHE SC:** There is an affidavit there Mr Frolick and the signature of that is on page

CHAIRPERSON: 65.

ADV NOTSHE SC: Signature is on page 65.

CHAIRPERSON: Has he confirmed?

ADV NOTSHE SC: You confirm that Mr Frolick?

MR FROLICK: I am still trying to get to page 64 or 65 my apologies.

20 **ADV NOTSHE SC:** Chair the – apparently the mask is not – is stopping the sound. He is messing – it is interfering with the sound.

CHAIRPERSON: It is not stopping or it is?

ADV NOTSHE SC: It is interfering with the sound of the witness.

CHAIRPERSON: Oh. So the transcribers the –

ADV NOTSHE SC: Yes the – received a note.

CHAIRPERSON: They cannot hear okay.

ADV NOTSHE SC: Yes they cannot hear.

CHAIRPERSON: Mr Frolick what is – what is your attitude to removing it while you are giving evidence?

MR FROLICK: Chairperson I do not have any problem with it however in one of the correspondence that we communicated to this commission I indicated that I tested positive for Covid-19.

CHAIRPERSON: Yes.

10 **MR FROLICK:** And that I have recovered from that but I am still sitting with the after effects.

CHAIRPERSON: Yes.

MR FROLICK: Of the impact that it had on my system. So with your permission I am prepared to remove the mask.

CHAIRPERSON: Yes. No I mean from my side and I am sure from the side of everybody one would not mind if you put it on as long as we can hear you and those who are recording are able to hear you. But if we cannot hear you or those who are recording cannot hear you then we cannot
20 proceed because there needs to be a record.

So – but I – I mean I remember I know what you are talking about. I know what you are talking about. I am wondering whether – whether if you raise your voice more whether that might assist.

Okay let us try with him raising his voice more and

then we will see whether we can hear in the first place.

ADV NOTSHE SC: Okay.

CHAIRPERSON: And then whether they can hear.

MR FROLICK: Chairperson I am prepared to remove the mask if you want to.

CHAIRPERSON: Well I – I do not want you to feel uncomfortable but I am – that is why I was just saying if – the bottom line is that we must hear you. I know that sometimes I do not know whether certain masks enable
10 people to be heard even if they have them on but others you cannot hear them. Okay no that is alright then. Okay. Thank you.

ADV NOTSHE SC: Then Mr Frolick we were on – I asked you to confirm on page 65 whether that signature is yours?

MR FROLICK: That is correct.

ADV NOTSHE SC: And then you confirmed that this affidavit is your affidavit?

MR FROLICK: That is correct.

ADV NOTSHE SC: And then Chair can this then be marked
20 T17.4?

CHAIRPERSON: Mr Frolick's affidavit that starts at page 54 is admitted and will be marked as Exhibit T17.4.

ADV NOTSHE SC: Yes.

CHAIRPERSON: Huh-uh.

ADV NOTSHE SC: Then Chair there was an affidavit which

was filed by Mr Gibson Njenje Lizo - Gibson Njenje. That affidavit has never been part of the record but I am of the view that this is the opportune time that we place it on record.

CHAIRPERSON: Hm.

ADV NOTSHE SC: Because it deals with the – this witness. The affidavit is on page 79.

CHAIRPERSON: Yes.

ADV NOTSHE SC: Can that be marked as Exhibit T17.6?

10 T17.6.

CHAIRPERSON: Exhibit T17.?

ADV NOTSHE SC: Point 6.

CHAIRPERSON: 6.

ADV NOTSHE SC: Yes point 6 yes.

CHAIRPERSON: Okay. Yes.

ADV NOTSHE SC: Chair then on page 68 – 68 there – telephone records that my learned friend referred to.

CHAIRPERSON: Yes.

ADV NOTSHE SC: Can those be admitted as T17.5?

20 **CHAIRPERSON:** Exhibit T17.5. Yes.

ADV NOTSHE SC: Yes. Chair that is the housekeeping exercise. Can we then proceed?

CHAIRPERSON: Okay.

ADV NOTSHE SC: Mr Frolick.

ADV VAN ZYL SC: Chair I am sorry to interrupt but

[00:20:35] housekeeping.

CHAIRPERSON: Yes.

ADV VAN ZYL SC: There is also a further affidavit.

CHAIRPERSON: Yes.

ADV NOTSHE SC: Yes.

ADV VAN ZYL SC: By Mr Frolick.

CHAIRPERSON: Yes.

ADV VAN ZYL SC: That was filed dealing with the affidavit of Mr Brian Blake of Blake's Travels.

10 **CHAIRPERSON:** Yes.

ADV VAN ZYL SC: And with this affidavit of Mr Njenje.

CHAIRPERSON: Yes.

ADV VAN ZYL SC: And attached to that affidavit is also an affidavit by Daniel John Watson or Cheeky Watson.

CHAIRPERSON: Yes, yes.

ADV VAN ZYL SC: I think it is important.

CHAIRPERSON: Yes.

ADV VAN ZYL SC: That that also be placed before the commission.

20 **CHAIRPERSON:** Ja. Where are those two – are they here?

ADV NOTSHE SC: They – we tried to print them.

CHAIRPERSON: Ja.

ADV NOTSHE SC: In the local printer but we find that we – it is too voluminous.

CHAIRPERSON: Oh.

ADV NOTSHE SC: It is – but it is being brought up.

CHAIRPERSON: Okay. Okay. Okay that is alright so...

ADV NOTSHE SC: And I must also put on record that they were kind enough to give me a copy of the affidavit – not the – not the annexures but the affidavit of Mr Frolick.

CHAIRPERSON: ja.

ADV NOTSHE SC: Yes.

CHAIRPERSON: Okay so you will raise the...

10 **ADV NOTSHE SC:** When we get there.

CHAIRPERSON: Later on ja okay alright.

ADV NOTSHE SC: Now Mr Frolick is it correct that you through your legal representatives you applied or Leave to File affidavits to the commission?

MR FROLICK: That is correct Sir.

ADV NOTSHE SC: And that was your application to file an affidavit you thought to respond to the evidence of Mr Agrizzi?

MR FROLICK: That is correct.

20 **ADV NOTSHE SC:** And his affidavits?

MR FROLICK: Correct.

ADV NOTSHE SC: Now you have filed the affidavit that we have referred to...

CHAIRPERSON: Mr – I am sorry Mr Notshe it might be good for the purposes of those who are listening or

watching to first give a brief background to Mr Frolick's evidence because it starts with Mr Agrizzi giving certain evidence relating to him. So that people can follow as you put questions to him. The gist of what Mr Agrizzi said in implicating him.

ADV NOTSHE SC: Chair the evidence of Mr Agrizzi was to the effect that he was introduced to Mr Frolick by Mr Cheeky Watson the brother of Mr – the late Gavin Watson and subsequent to that they met and Mr Agrizzi – I am
10 sorry Mr Agrizzi says then Mr Frolick visited the BOSASA complex and accompanied with a Parliamentarian.

CHAIRPERSON: No I am sorry Mr Notshe. I think the – I think the story starts with Mr Agrizzi saying BOSASA had certain challenges.

There was negative publicity about them and their contracts with the Department of Correctional Services and they had sought to – they had been trying to have meetings with Mr Smith who was Chairperson of the Correctional Services Portfolio Committee in Parliament at the time and
20 Mr Smith was not positive towards them – had a negative attitude towards them.

They were not getting an appointment with him and then at a certain stage I think he says Mr Cheeky Watson or Mr Gavin Watson told you that – told him about Mr Frolick and then bla, bla, bla.

ADV NOTSHE SC: Mr Cheeky Watson.

CHAIRPERSON: Ja so I think that is how it starts then you can continue.

ADV NOTSHE SC: Yes. And then they visited.

CHAIRPERSON: Ja.

ADV NOTSHE SC: Ja a visit was arranged for Mr Frolick together with the Parliamentarian Mr Komphela – Butana Komphela to the BOSASA business park it was called Mogale Business Park. There was a meeting held where he
10 was introduced and then he says there – and then – then they discussed the issue of Mr – they discussed the issue of meeting Mr Vincent Smith and then at some stage Mr Gavin Watson excused himself and he went to his vault and he came with a bag, security bag and later on he gave it to Mr Frolick.

And thereafter there was – the meeting was arranged – there are details that Mr Frolick came back to say Mr Vincent Smith did not receive the letter but the upshot of that was that a meeting was arranged for Mr
20 Agrizzi together with Mr Njenje to see Mr Vincent Smith in Cape Town in Parliament. They went and visited him.

He says it was a short visit and thereafter Mr Frolick took them and they had lunch with him and then they flew back. And then he says at some stage he was asked by Mr Gavin Watson to take some money to Port

Elizabeth to the house of Mr Valance Watson wherein they waited there and Mr Frolick arrived.

There was a discussion about local politics and then he also talked to Mr Frolick and thereafter as they were leaving Mr Valance Watson gave the parcel of money to Mr – to Mr Frolick. And thereafter there was also the – because BOSASA was having a problem in Parliament and they also wanted to meet Mr Masutha and – who was then at that stage the Minister of Justice and Correctional
10 Services.

Then an opportunity they saw was that there was going to be a political rally in Port Elizabeth where Mr Masutha was going to attend. Then they arranged that Mr Masutha must be accommodated at one of the houses owned by Valance Watson and that happened but Mr Watson could not meet Mr Masutha.

And then another issue was the – BOSASA had a problem with the Department of Correctional Services because they had tendered and their view was that they
20 were the lowest tendered but despite that they did not win the tender. So they sought to – they sought to challenge that tender.

And you will – and Mr Agrizzi says he was at home sick and papers had been drafted and all of a sudden Mr Gavin Watson came to his house together with their

lawyers and he told him that the matter no longer going ahead. They have been advised by politicians not to proceed with the matter. They were told that will be suicide.

Then Mr Agrizzi insisted that Mr Frolick should be called so that he Agrizzi can confirm what Mr Gavin Watson was saying to him about Mr Frolick. So the call was placed on Mr Frolick – to Mr Frolick and the phone was put on a speaker phone and then Mr Frolick instructed them that
10 they should not proceed with the matter and the matter was not proceeded with.

And he said – Agrizzi says he was very upset as a result he chased the team away from his home. That is the sum total of the evidence of Mr Agrizzi and...

CHAIRPERSON: Yes I think – I think the gist of it is that Mr Agrizzi said Mr Frolick facilitated their access to Mr Vincent Smith after Mr Vincent Smith had not been agreeing to see them and he said Mr Frolick facilitated that after he had been given some money by BOSASA.

20 **ADV NOTSHE SC:** Yes.

CHAIRPERSON: Ja okay alright. So I just wanted to make sure that ...

ADV NOTSHE SC: Yes.

CHAIRPERSON: Because some of his evidence was led some time back.

ADV NOTSHE SC: Yes.

CHAIRPERSON: To – why – who would be listening they can see where it fits in.

ADV NOTSHE SC: Where it is going.

CHAIRPERSON: Ja.

ADV NOTSHE SC: And then the – how the – then the evidence you – Chair you must have heard – seen that there are a number of affidavits that had been put together. What has happened is the – Mr Frolick filed his affidavit
10 and – and applying to lead evidence. And then he dealt with the affidavit of Mr Agrizzi and Mr Agrizzi answered to that and then Mr Frolick replied to that. And then the latest is and it is now reply to the affidavit of Mr Njenje and Mr Johan Blake, the affidavit which is outstanding which we will come to.

CHAIRPERSON: Ja. Okay.

ADV NOTSHE SC: Mr Frolick, you have heard when I was summarising the gist of the issues today. And although you have filed the affidavit... you filed an affidavit. It has been
20 heard and it reads smoothly and it is understandable if, for instance, you give a summary of your version of the events. Can you do that? But you are free to always look in the affidavit to check, if you want to check some issues in your affidavit.

MR FROLICK: Yes.

ADV NOTSHE SC: Can you start with the issue of, when did you meet Mr Agrizzi for the first time?

CHAIRPERSON: Hang on one second. Maybe let us start... Mr Frolick, you are a member of parliament, is that right?

MR FROLICK: That is correct, Chairperson.

CHAIRPERSON: When did you become a member of parliament for the first time?

MR FROLICK: 1999, Chairperson.

CHAIRPERSON: 1999. And you are a resident in the
10 Eastern Cape?

MR FROLICK: That is correct.

CHAIRPERSON: Yes. So that means you have been a member of parliament close... over 20-years?

MR FROLICK: That is correct.

CHAIRPERSON: Over 20-years. When did you meet Mr Agrizzi or Mr Gavin Watson for the first time?

MR FROLICK: Chairperson, I met Mr Gavin Watson through the acquaintance of Mr Cheeky Watson.

CHAIRPERSON: Yes.

20 **MR FROLICK:** He is the brother of Mr Gavin Watson.

CHAIRPERSON: Yes.

MR FROLICK: And we have been involved in the non-racial sport movement ...[intervenes]

CHAIRPERSON: Yes.

MR FROLICK: ...in the Eastern Cape. I initially met

Cheeky and after that I met the brothers ...[intervenes]

CHAIRPERSON: Yes.

MR FROLICK: ...including Mr Gavin Watson.

CHAIRPERSON: Yes.

MR FROLICK: The first time I met Mr Agrizzi was when he visited the parliament with Mr Njenje.

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

ADV NOTSHE SC: Yes. And ...[intervenes]

10 **MR VAN ZYL**: Chair, if I may interrupt? Perhaps to get the chronology correct. If the witness can just tell you from when he had this relationship with Mr Gavin Watson and the other Watsons.

CHAIRPERSON: Mr Frolick, if you are happy to do so, you can just tell your story as you wish to tell it and at a certain stage, Mr Notshe can then ask you questions. But if you want to just deal with one, two, three points and then let Mr Notshe lead you, that is fine. But if you want to just tell the story, starting from your relationships with the Watsons and

20 so on, it is fine.

MR FROLICK: Thank you, Chairperson. I prefer to do that.

CHAIRPERSON: No, that is fine.

MR FROLICK: To tell the story, to give the background.

CHAIRPERSON: Yes.

MR FROLICK: I think that is context is important.

CHAIRPERSON: Yes.

MR FROLICK: Chairperson, my relationship with Mr Daniel Watson, also known as Cheeky Watson, started in the late 1980's when I was still a student at university and became involved in non-racial sports and politics and we became personal friends.

And subsequently to that, being elected to member of parliament, I served on the Sport and Recreation Committee in the National Assembly.

10 And from 2004, I was part of the team that worked with other local rugby administrators in the Eastern Cape to support the rejuvenation of rugby in the Eastern Cape Region as a whole.

This initiative was strongly supported by the late Minister of Sport and Recreation, the late Reverend Arnold Stofile, as well as the then Chairperson of the Portfolio Committee, Mr Butana Komphela .

20 In 2006/2007, Mr Cheeky Watson was elected as President of Eastern Province Rugby and immediately I was roped in as an advisor to Eastern Province Rugby and that is where I was introduced to the other brothers who were involved in sport and all of them were also involved in the African National Congress.

A very strong emphasis was placed on building and rebuilding the rugby situation in the Eastern Cape, especially

in light of the decision that was taken by the government to build a new multi-billion rand sports stadium in Nelson Mandela Metro.

The late Reverend Arnold Stofile informed me that, together with others, that they had to fight to get the stadium there.

And one of the reasons that was raised, dealt with this phase, sustainability post the World Cup and thus, it was important for us and I...

10 My constituency is in Nelson Mandela Metro in Port Elizabeth, that we put a team together, working with the rugby administrators on the one hand but also working with the sport administrators at times to ensure that we get professional rugby and professional soccer to the stadium. And that was my involvement with that.

Added to this strategy was also to encourage the hosting of other major sport and other events at the stadium and subsequent to the work that was done by the group collectively, we succeeded in hosting major international
20 football and rugby matches including the International Rugby Board Sevens for three years at the stadium.

And we also secured two professional teams to use the stadium as their basis. That is both the Southern Kings and Chippa United.

During this period, I was a member of the ANC and the

ANC whip on the Portfolio Committee on Sport and Recreation and worked very closely with all stakeholders.

Although I initially only acted as an advisor to EP Rugby Union, I formally joined them on the board in 2012 and also served as a director on the board of the company, the Professional Arm of the Union.

And it is a well-known fact that Eastern Province struggled financially and thus there were no demands made or any expectation for payment of services. We did
10 voluntarily with the understanding that logistical and travel support would be provided when needed.

These travel arrangements were managed by the Eastern Province Rugby office and I only learnt subsequently in the discussion with Mr Watson, after Mr Agrizzi's evidence, that the travel agency that was used by Eastern Province Rugby Union at the time, is also or was also the service provider to BOSASA.

That is the background to my involvement with the situation. I want to get to the visit, if I may, Chairperson?

20 **CHAIRPERSON:** [No audible reply]

MR FROLICK: The visit to BOSASA Chairperson was initiated after there was discussions between Mr Cheeky Watson on the one hand and Mr Butana Komphela.

Because Mr Watson mentioned that there was some youth facility where they are trying to get sport activities,

soccer going at this youth facility on the BOSASA premises.

And that they would like the parliamentarian to see it because at that stage, nobody was really aware as to what the exact operations were. Everybody thought BOSASA was just dealing with one thing but in fact it was a group of companies.

The purpose of the visit was to the youth centre that catered for these juvenile offenders and also to establish to what extent sport played in the process of rehabilitation of
10 these youngsters.

The arrangements were made by Mr Watson. I was requested by Mr Komphela to accompany to him, which I have done on numerous occasions before to other events and other meetings.

Because as you may be aware that Mr Komphela has a physical disability and requires assistance and he was comfortable with me travelling with him. And as such, over the years we have established a very close friendship both as comrades and also as friends.

20 The visit to Johannesburg to BOSASA, Mr Watson specifically requested me since I was going to be in Johannesburg to meet with a potential sponsor for Eastern Province Rugby Union in Johannesburg.

We got to the BOSASA offices. We went straight into the office. I assume it was the office of Mr Watson. And Mr

Komphela was not happy with the programme that was arranged for the visit because it was said it will be quite a lengthy visit and it will require a bit of time for us to spend there.

And since both of us had other commitments, we were not prepared for such a long visit and the specific reason why this visit was undertaken was in fact to go to the youth centre but those arrangements were not part of the plan.

During that visit, we had a discussion with Mr Watson
10 because I know Mr Gavin Watson. I have known him through his family. I have regularly gone to their houses. Politically they have been supporting us all the years. So we had discussion about other things.

And Mr Watson started complaining terrible about the bad treatment that he was getting from parliament specifically.

He claimed that he was writing on behalf of his company numerous letters to the Portfolio Committee and Correctional Services and he does not even get a reply or a response to
20 the letters.

He then also indicated that there is a narrative out that is in the media where the Portfolio Committee is giving an opportunity for certain information to be put in front of them without hearing the other side of the story.

We then discussed it and we said that the best way we

should approach it was to approach Mr Smit directly and I undertook to do it after the discussion with Mr Komphela because also at the social level, I am friends with Mr Smit and we were also together as colleagues in parliament.

What happened during the interaction was when we were sitting there, I said but it is important if you want to go and visit the chairperson of a committee or parliamentary committee to write a letter and ask for an opportunity to do so.

10 And Mr Watson reiterated and said but there is no response. I then said: Okay write again to them and then I will talk to Mr Smit when I get to Cape Town which I did and then... I am summarising this part Chairperson. If you wish me to go into details I will be able to do so.

I had a discussion with Mr Smit and he said: Man, you know, there are big problems surrounding this company. And I said but it is important just to hear the other side. You can meet them privately if you want to or you can take it to your committee.

20 In fact, all... it is better to take it to the committee, I reiterated also because all our meetings are open to the public. Mr Smit then said he has not received anything from Mr Watson to request a meeting.

ADV NOTSHE SC: Sorry, Mr Frolick. Now I do not want us to leave the visit. The visit at the BOSASA complex.

MR FROLICK: Okay.

ADV NOTSHE SC: Ja, let us deal with that.

CHAIRPERSON: Hang on. I think what... unless I misunderstood. I think what Mr Frolick wanted to do and I think his counsel wanted him to do, is to tell his story as he sees it to cover what he wants to cover.

ADV NOTSHE SC: No, that is fine. I do understand that.

CHAIRPERSON: And then... otherwise, you can go from the beginning.

10 **ADV NOTSHE SC:** Okay. No, that is fine.

CHAIRPERSON: Ja, ja.

ADV NOTSHE SC: Then that is fine.

CHAIRPERSON: Ja, let him cover what he wants to cover.

MR FROLICK: Then I am happy.

CHAIRPERSON: Then after that, you can start from the beginning.

ADV NOTSHE SC: No. Then I am happy, Chair.

CHAIRPERSON: Ja.

20 **MR FROLICK:** No, thank you Chairperson. That was also my understanding. So I will proceed ...[intervenes]

CHAIRPERSON: Yes, proceed. Ja.

MR FROLICK: ...with the arrangements that was made then for the visit to parliament.

CHAIRPERSON: Ja.

MR FROLICK: Mr Watson then called me to say that they

have sent the documents some time ago already and there was no reply.

So I spoke to Mr Smit and he said: Well, if they are in Cape Town on a certain day, then they can come and he will hear what they have to say and that is what happened.

We did not expect Mr Agrizzi to visit. That was not part of the discussion that... as far as Mr Watson was concerned.

CHAIRPERSON: I am sorry. You did not expect?

MR FROLICK: Mr Agrizzi.

10 **CHAIRPERSON**: Oh, you expected Mr Watson.

MR FROLICK: Mr Watson.

CHAIRPERSON: Okay.

MR FROLICK: He said he will come with the chairperson of the board, Mr Njenje to meet.

CHAIRPERSON: Yes, okay.

MR FROLICK: So we did not expect that. So on a specific day, the meeting was arranged and I can clearly recall that I received a call from Mr Watson where he said he is not coming anymore but there are two people from his company
20 and they are lost somewhere in parliament.

I found them in the passage and took them to my office and then I went to inform Mr Smit that they were there. Mr Smit then said he does not really have time because he had another meeting to attend but he will quickly give them an ear and that is what he did.

He came in the office. He extends and introduced one another. At that specific point, my secretary came to call me out of my office because there was a sitting of parliament in the afternoon.

At the time, I was also the programming work and it had something to do with the speakers' list for that afternoon that we quickly needed to be resolved because it was about lunchtime.

I then stepped out into the office just across from me to
10 sort out the problem and on my return, they were no longer there. They had left.

So I walked down the passage and towards the exit and I found Mr Njenje and Mr Agrizzi there, standing there and I asked: So what happened? Did you have time to discuss? And they said: No, it did not go well. They... Mr Smit was in a hurry and he left.

I then, because it was lunchtime and we were standing
virtually next to the old assembly restaurant. I said to them:
Well, I am going to have lunch here. You, gentlemen, are
20 welcome to join me and we had lunch.

And during the lunch conversation, Deputy Chief Justice, we discussed a number of other issues related to parliament. There was no tour that took place because we do not act as tour guides in parliament. There is a specific unit that deals with that.

But we walked past the old assembly where the original apartheid government sat and that is basically what I said. This is where they used to sit.

We then had lunch and they reflected on the food that they were eating and the fact that they must rush back to Johannesburg and that was it.

Insofar as Mr Agrizzi allege that there was reference to me as the Chair of Chairs during the visit that I referred to at BOSASA is not correct because I was only elected. And with
10 your permission Chairperson, it is a term that is being used Chair of Chairs.

It is actually a house chairperson responsible for committees and other things. So that is not correct. I was only elected on the 18th of November 2010 by the National Assembly as the House Chairperson, commonly referred to as a Chair of Chairs.

I also deny that I received money from Mr Gavin Watson or any other person during that visit to BOSASA as alleged Mr Agrizzi.

20 I wish to point that it out that I was in the company of Mr Komphela for the duration of this visit and I just see it as an attempt by Mr Agrizzi to create an opportunity for me to be alone with Mr Gavin Watson because that did not take place. It is untrue and artificial.

I have dealt with the meeting with Mr Smit and how it

played out. I want Chairperson also to refer to a very specific reference that was made by Mr Agrizzi in terms of an invoice from Blake's Travel.

And I can confirm that that was for accommodation when I attended a rugby test match between the Springboks and the All Blacks at the FNB Stadium in Johannesburg on the 22nd of August in my capacity as an advisor and representative of Eastern Province Rugby Union.

These arrangements were made by the office of Mr
10 Cheeky Watson in his capacity as the president and I was under the impression that that costs was born by Eastern Province Rugby Union and no one else.

I want to get to the point on advise on litigation because I think it is a very important point. I did not have a telephonic discussion with Mr Agrizzi as he originally stated in his first appearance in this Commission.

I think Advocate Notshe referred to it that I received a call on a Wednesday morning just after quarter past nine from Mr Watson.

20 And he was complaining, like he previously did about the bad treatment and this and that and he saw it as a whole attempt to undermine him and the companies that he has and all this and that and that they want to litigate against the Department of Justice and Correctional Services.

He told me that he was on speaker phone and that his

attorney was there as well as two of his directors. And he was referring litigating the department for not awarding tenders to them and destroying the company in the process.

I indicated to him very clearly, and this can be attested to other people who were part of that conference call, that it was up to them ultimately to decide whether to continue or not but they should consider the impact the litigation could have on their future business relationships especially with government departments.

10 Before terminating this short discussion, I reiterated it and I told them that if they do feel they have a case, they should do what they think is in the best interest but that is just my view. Free advice.

Contrary to what Mr Agrizzi stated, I did not issue an instruction on the course of action to undertake or for them to stop litigation.

Chairperson, if I may? I want to continue now with another point ...[intervenes]

CHAIRPERSON: Ja.

20 **MR FROLICK:** ...that emanated in the evidence that was given to this Commission by Mr Agrizzi on his first appearance and it deals with the accommodation of Minister Masutha.

Shortly after the 2014 General Election, I was deployed by the African National Congress in the Eastern Cape as the

convenor of the Basil February Detachment that conducts sectoral work amongst minority communities in the province.

A number of other members of parliament, members of the legislator and councillors were at the time members of the detachment.

And as the convenor I regularly interacted with the Provincial Secretary's office on the work that we are doing as well as the relevant executive council members that at municipal, provincial or national government level to
10 intervene where we see blockages in service delivery and resolve these issues.

My responsibilities also include, because I am still the convenor of that detachment Chairperson, the organising of sectoral activities, networking events and securing the relevant members of the executives to attend these events.

In the run-up of the 2016 Local Government Elections, the detachment did extensive work in the Nelson Mandela Bay Metropolitan area because of our assessment that we are in trouble in that metro.

20 Issues raised by the community and sectors related to issues such as the recognition of the Khoi San, allocation of fishing rights, gangsterism, challenges related to the Criminal Justice System, the non-payment of maintenance that is received by courts to the beneficiaries and so forth.

The detachment then decided it would be important to

get the relevant minister or deputy minister to come and to address these issues.

Because we were in the final stages for the preparing for the Local Government Election Rally, the launch of the ANC election manifesto for the local government that was held in Port Elizabeth subsequently.

I conveyed the views of the detachment to the regional office and requested that they secure the relevant deployments but found it was difficult to secure the
10 necessary confirmations from the relevant ministers and deputy ministers.

I informed the detachment that we have difficulties and some of them said: But you are with these comrades for years in parliament. Can you not approach some of them and ask them. If they are coming to the rally on the Saturday, can they not arrive earlier so that they can interact with the community on some of these issues?

I subsequently had a discussion and one of the colleagues I approached is Deputy Minister Bapela who
20 confirmed that he would be in Port Elizabeth and that he is available for such a networking event on the Friday evening.

He indicated to me that even though he is confirming, he is having difficulties or his office is having difficulties in securing accommodation in Port Elizabeth and he said the hotels were full.

I then asked one of my colleagues to check and they confirmed with hotels and B&B's were full because of the number of people that was going to attend the launch or the manifesto.

I asked him whether he knew of any other members of the executives who would be in PE before the launch of the manifesto and he indicated that he knows that Minister Masutha, the then Minister Masutha, could be in Port Elizabeth before the launch but that he was also struggling
10 in securing accommodation.

And he confirmed what my colleague from the detachment said, hotels, Bed and Breakfast's were full. We showed around and some of our local contact agreed to make accommodation available that will be suitable to the members of the executive who will be attending.

I contacted Minister Masutha, who confirmed his early arrival in Port Elizabeth and his availability to attend some of these activities.

He requested me to contact his office, which I did, to
20 make the necessary arrangements. In contacting his office, his office informed me of the difficulties they had.

I informed them that there is local accommodation. It is private accommodation that would be available but we need the member of the executives to attend some of our activities as well.

The office then requested accommodation for three evenings, from the Thursday to the Sunday for Minister Masutha and his staff.

Arrangements were then made of the minister and his support staff which ultimately included four people to stay in a house made available for this purpose by the wife of Valence Watson.

As it turned out Chairperson, the minister only arrived in Port Elizabeth on the Saturday morning of the launch of the
10 manifesto and he did not attend any activities.

Upon realising that the accommodation was not going to be used because we could see no one is turning up, an attempt was made to get the keys from the house from the minister's driver who arrived in Port Elizabeth earlier to allocate the accommodation to someone else.

Unfortunately, the driver had to leave to Bloemfontein to collect the minister there because there were no flights available to Port Elizabeth and he took the keys with him.

The accommodation for the minister could thus not be
20 reallocated to anyone else. It must be emphasised that the arrangements was not only for the then Minister Masutha but also to a number of other comrades who required accommodation.

For instance, I had to secure accommodation for the support staff of Deputy Minister Bapela who also could not

get accommodation on the Friday and Saturday evenings.

Mr Masutha thus only made use of the accommodation on the Saturday night. On the Sunday morning, I phoned Minister Masutha to make arrangements for the keys to be collected.

He asked me to express gratitude and appreciation for the utilisation of the house to the owner. I told him that the owner would come and fetch the keys and he could thank the owner himself.

10 Contrary to the affidavit of Mr Agrizzi, the house used by the minister is in a residential area literally a few minutes away from Nelson Mandela Bay Stadium and not in a private estate.

On the allegation that I received money from BOSASA, Gavin Watson and Valence Watson. Chairperson, I wish to state that I did not receive money from BOSASA, Mr Gavin Watson or Valence Watson, let alone monthly payments as alleged by Mr Agrizzi in his supplementary affidavit.

20 During 2014 before the General Election, I received amounts totalling about R 25 000,00 from Mr Valence Watson as a contribution towards the ANC Election Funds.

At the time, I served on the Finance and Fundraising Committee of the ANC in the region and I am still a member of that fund raising committee and these monies were properly handled and handed over to the Regional Secretary

of the ANC and it was also confirmed by the Regional Treasurer.

I do not recall a meeting that Mr Agrizzi is referring to the house of Mr Valence Watson in Port Elizabeth as alleged or for that matter, anywhere else in Port Elizabeth and I deny his evidence that I received money from Mr Valence Watson as testified by him.

I respectfully point out that Mr Agrizzi did not indicate how I would have received these monthly payments from him
10 but for the one payment he alleges that he took to Port Elizabeth and gave to Mr Valence Watson which Mr Valence Watson then allegedly gave to me.

Surely, if there was such monthly payments, there should have been a certain process or procedure to record it. Furthermore, one would expect Mr Agrizzi to recall for what periods such months the amounts were made.

One would also expect that some entry would have been made somewhere for the monthly payments to me. Mr Agrizzi's failure to give any detail on the alleged irregular
20 payments speaks volumes and unfortunately, it also makes it difficult for me Chairperson to respond comprehensively to it.

I have to add that, during the course of 2013/2014, I received a desktop computer for my constituency office that was arranged by Mr Cheeky Watson for learners and students to assist them in their studies.

And I also received Chairperson, two shirts, two pairs of shoes and a belt from Mr Cheeky Watson some time on my birthday and I subsequently declared that in parliament in the members register.

I also want to add Chairperson. At the time these allegations were made, I specifically went to the Registrar of Members Interest to go and see what I have declared because over time, therefore, a long, you forget if you have declared something or not declared something.

10 And at that stage, they were busy and that office was... there was a temporary or acting registrar that was there and they had difficulty retrieving the documents because they had a new system that they were busy implementing.

I then explained to the acting Registrar, Advocate Venara what the situation was and he indicated to me that: You know, some of these things that you are mentioning that your constituency office and this and that, it is not things that you received.

20 But I said to him: No, I still want to make sure that it is declared and that it is there, right? And I submitted again the annexure that was included into the Registrar of Members Interest.

That, Chairperson, is my first affidavit in response to the allegations that were made by Mr Agrizzi and I thank you for your time.

CHAIRPERSON: Thank you. We are at tea-break time. So I think we will take the tea-break and then when we come back Mr Notshe can start with questioning. Is that alright?

ADV NOTSHE SC: [No audible reply]

CHAIRPERSON: Okay let us adjourn now. We will resume at half-past eleven. We adjourn.

ADV NOTSHE SC: Thank you, Chair.

INQUIRY ADJOURNS

INQUIRY RESUMES

10 **CHAIRPERSON:** Okay, Mr Notshe?

ADV NOTSHE SC: Chair, I have now – we have now printed the latest affidavit of Mr Frolick. I am not certain whether we should just deal with it and then see he wants to comment on it and then have it as evidence and then I can then clarify certain issues with him.

CHAIRPERSON: I think you should proceed with questioning and when you come to it – I mean, obviously he knows his affidavit.

ADV NOTSHE SC: Sure, alright.

20 **CHAIRPERSON:** You will just continue and question him.

ADV NOTSHE SC: No, that is fine.

CHAIRPERSON: Ja.

ADV NOTSHE SC: Now, Mr Frolick, I understand - you say you were elected as a Member of Parliament in 1999, am I right?

MR FROLICK: That is correct.

ADV NOTSHE SC: Ja. And then if I understand you were orientated about the rules of parliament and the different functions, the committees and all that.

MR FROLICK: That is correct.

ADV NOTSHE SC: And then you were also orientated on the functions of the portfolio committees.

MR FROLICK: Correct.

ADV NOTSHE SC: And, if I understand correctly, the
10 portfolio committees are – they have an oversight on their portfolios, meaning there is even oversight on the functions of the executive, am I right?

MR FROLICK: Correct.

ADV NOTSHE SC: And they interact with the executive, am I right?

MR FROLICK: That is correct.

ADV NOTSHE SC: And they are not there to advise members of the public about their issues with the executive.

20 **MR FROLICK:** I do not agree with you.

ADV NOTSHE SC: What do you say?

MR FROLICK: The role of the Portfolio Committee as an extension of the National Assembly in terms of the powers also that these committees have, they have the authority to call anyone not only the executive. They

exercise oversight over the executive but they can call anyone and, if necessary, summon anyone to come and appear in front of it and, as such, their programmes are in their hands and they execute it in terms of those rules.

ADV NOTSHE SC: Yes. And but the main thing is to ensure that the executive acts in terms of the constitution and their interaction – its interaction with the public is in respect of that role, am I right?

MR FROLICK: Well, their responsibility is to exercise
10 oversight over the executive.

ADV NOTSHE SC: Yes.

MR FROLICK: And to keep executive members accountable, that is one of their responsibilities.

ADV NOTSHE SC: Now let us deal with the visit at the BOSASA Park.

MR FROLICK: Right.

ADV NOTSHE SC: Now in your affidavit you say – you used these words, you do not recall whether – you say as far - I am on page 35 of the record, BOSASA 3, on
20 paragraph 17, the last sentence, you say:

“As far as I recall, Mr Agrizzi was not present during this discussion.”

MR FROLICK: That is correct.

ADV NOTSHE SC: Ja. Now when you say as far as I recall, you mean he could have been there but you forgot

or you say he was not there?

MR FROLICK: I can recall, sir, that in terms of the affidavit as I submit it, that I up to today cannot recall. The first time that I met Mr Agrizzi, was when he arrived in parliament. He was not part of the deliberations that day.

ADV NOTSHE SC: Please let us – the word recall, cannot recall is pregnant in the sense that when you say I cannot recall, you mean I cannot remember and you mean it is something that could have happened, am I right?

10 **MR FROLICK:** Well ...[intervenes]

ADV NOTSHE SC: Is that what you mean here?

MR FROLICK: No, what I am specifically saying, sir ...[intervenes]

CHAIRPERSON: Please face this side, Mr Frolick.

MR FROLICK: Oh, my apologies, Chairperson.

CHAIRPERSON: Ja.

MR FROLICK: My apologies.

CHAIRPERSON: Okay.

20 **MR FROLICK:** Now, I can – the context in which I used recall is that Mr Agrizzi was not present during that meeting or discussion. Three people were there, was Mr Gavin Watson, myself and Mr Komphela.

CHAIRPERSON: I understand it is to simply say - to say that as far as your memory is concerned you do not remember him being present in that discussion. That

suggests to me that you are saying maybe somebody can tell me things that might make me remember that he was present, maybe there is something that I cannot remember but as far as I can recall, I do not remember him being present in the discussion. I understand you to be saying that.

MR FROLICK: Chairperson, if I may?

CHAIRPERSON: Yes.

MR FROLICK: That is exactly the context because we
10 must keep in mind that the incidents referred to here happened in 2010.

CHAIRPERSON: Yes, yes, yes.

MR FROLICK: And I no longer got a fresh mind and memory that I used to have.

CHAIRPERSON: Ja, it is a long time.

MR FROLICK: So it is in that context.

CHAIRPERSON: Ja, okay. So that is how I understand it, Mr Notshe.

ADV NOTSHE SC: No, I understand.

20 **CHAIRPERSON:** If somebody else comes and say I definitely was there then it would be subject to questioning to see whether that was so.

ADV NOTSHE SC: So when Mr Agrizzi says he was there, you are saying well, that is his recollection, am I right?

MR FROLICK: That is his recollection, sir.

ADV NOTSHE SC: So you cannot dispute that he was there, that is his recollection.

MR FROLICK: I wish restate as the Chief Justice – Deputy Chief Justice, my apologies, I must get used to swinging around.

CHAIRPERSON: I think a lot of witnesses like looking at the evidence leader not at me.

ADV NOTSHE SC: No, Chair, it is fine, I know I look pretty.

10 **MR FROLICK:** Beauty is in the eye of beholder, Chief Justice, if prettiness. I fully agree with him. No, I wish to restate as you correctly summarised it, Chief Justice. If Mr Agrizzi comes and he can provide proof that he was part of that discussion then I can possibly refresh my memory or – and given the specific circumstances and then I will be able to deal with it.

MR FROLICK: Now can you just tell the Commission this, do you confirm that Mr Komphela had to be driven around in a golf cart?

20 **MR FROLICK:** On the visit that I am referring to?

ADV NOTSHE SC: Yes.

MR FROLICK: Mr Komphela was not driven in any golf cart. He did not go anywhere out of that office that day.

ADV NOTSHE SC: Did he come from the car to the office?

MR FROLICK: Yes.

ADV NOTSHE SC: How did he walk from the car to the office?

MR FROLICK: He used his crutches.

ADV NOTSHE SC: I see. And now I see here that there is a confirmatory affidavit of Mr Komphela but the affidavit is attached to your second affidavit. Are you saying he is confirming your first affidavit as well?

MR FROLICK: The confirmatory affidavit of Mr Komphela
10 confirms my first affidavit that I submitted.

ADV NOTSHE SC: As well. Because I will tell you why I am saying that because he confirms an affidavit not affidavits but you say he is confirming both.

MR FROLICK: Well, what I know is, is that the affidavit that Mr Komphela is referring to is the first affidavit that I just went through with you now, Adv Notshe. That is ...[intervenes]

ADV NOTSHE SC: Mr Komphela's affidavit?

MR FROLICK: That he is referring to that affidavit, my
20 first one as it appears on page 8, I think, or – let me just get the paging right. Actually started on page 31.

ADV NOTSHE SC: Look ...[intervenes]

ADV VAN ZYL SC: Chairperson, if I may interrupt?

CHAIRPERSON: Yes.

ADV VAN ZYL SC: In his affidavit signed on 3 September,

which is a few days after the affidavit of Mr Komphela, at record page 57, paragraph 4.8, he says:

“I attach hereto marked A a confirmatory affidavit by Mr Butana Moses Komphela deposed to him on 29 August 2019...”

And that is the one in question.

“...in which he confirms *inter alia* what I have stated in my previous affidavit in regard to the visit on which I accompanied him.”

10 That is the context.

CHAIRPERSON: Okay, okay. Thank you.

ADV NOTSHE SC: The affidavit of Mr Komphela is on page 67. Now this affidavit is attached to your replying affidavit, if I may so speak, and he says:

“I have read the affidavit of Cedrick Thomas Frolick and confirm the contents thereof insofar as it relates to me.”

So is he referring to this affidavit or to both?

CHAIRPERSON: Well, that affidavit of Mr Komphela was
20 attested to on the 29 August 2019.

ADV NOTSHE SC: Yes.

CHAIRPERSON: As at that time – okay, I see that in his affidavit he refers to – he says:

“...the affidavit of Cedrick Thomas Frolick”

As at the 29 August 2019 how many affidavits had you put

in to the – sent to the Commission, Mr Frolick? Only one or...?

MR FROLICK: No, in total I think it is – with the condoning of it, it is about four different ...[intervenes]

CHAIRPERSON: Oh, four.

MR FROLICK: Four different affidavits.

CHAIRPERSON: Oh.

ADV VAN ZYL SC: Chairperson, if I may come in here?

At that stage on the 29 August there were only the two
10 affidavits, the condonation application affidavit, which does not refer really to Mr Komphela, and then the affidavit of the 29 April 2019 which refers to Mr Komphela. That is the first affidavit that he refers to in his affidavit on the 3 September a few days later.

CHAIRPERSON: Yes, okay. Mr Notshe?

ADV NOTSHE SC: Now when you discussed this issue with Mr Komphela, Mr Komphela must have seen the affidavit of Mr Agrizzi, am I right?

MR FROLICK: I do not know if Mr Komphela had a look
20 at the affidavit of Mr – I do not think so. What I know is, is that Mr Komphela was following the proceedings of the Commission and then I indicated to him that I am submitting an affidavit to respond to the allegations and he agreed with me that that is the correct sequence of events as it unfolded.

ADV NOTSHE SC: Did he deny that Mr Agrizzi was at – that Mr Agrizzi was at the BOSASA Centre?

MR FROLICK: In terms of his affidavit he agrees to what I say that as far as his recollection is concerned, Mr Agrizzi was not part of the discussions that took place that I referred to in my affidavit that I just went through.

ADV NOTSHE SC: So also he does not deny it but he says he cannot recall.

MR FROLICK: That is – what he is saying is, as far as his
10 recollection is concerned, unless proven differently, of course, I cannot speak on his behalf, but he concurred with my response in the affidavit as it is there, Chairperson.

ADV NOTSHE SC: Now, Mr Agrizzi says at some state Mr Komphela stood up and took a telephone call and Mr Agrizzi had to hold a door for him. Does Mr Komphela deny that?

MR FROLICK: Sir, what I can say as far as that is concerned, Chairperson, is that as far as my recollection goes is that Mr Komphela did not even leave the meeting
20 room because it was such a short engagement that we have.

ADV NOTSHE SC: So you are saying a door was not held for Mr Komphela to take a telephone call? Is that what you are saying?

MR FROLICK: What I am saying is, is that as far as my

recollection goes, Chairperson, is that Mr Komphela did not leave the room or office that we were sitting in.

ADV NOTSHE SC: Did he stand up? Did he at any stage stand up?

MR FROLICK: As far as I can recall, Mr Komphela did not stand up. Mr Komphela was seated.

ADV NOTSHE SC: And did he take a call?

MR FROLICK: As far as I can recall, best of my recollection, Chairperson, he did not take a call.

10 **ADV NOTSHE SC:** Did you ask him about this?

MR FROLICK: I asked him specifically that either he himself or me leave that venue that day and he said that he cannot recall that we ever left. We came in together and we left together.

ADV NOTSHE SC: And did you ask him whether a door was held for him by Mr Agrizzi?

MR FROLICK: Since he said that he cannot recall leaving the office the issue of the door never arose, Chairperson, of doors being held for Mr Komphela.

20 **ADV NOTSHE SC:** Did he say also he could not recall you talking to Gavin Watson aside?

MR FROLICK: Mr Komphela is clear that my version that I am giving is also the recollection that he have of the meeting that took place, Chairperson.

ADV NOTSHE SC: Does his recollection to the effect that

he did not see you talking to Mr Gavin aside?

MR FROLICK: Mr Komphela, in terms of his recollection, confirms what I say in my affidavit, Chairperson, that I had no side discussions with Mr Gavin Watson. There was no need to have side discussions with anyone.

ADV NOTSHE SC: Now again, all of this, saying it is a recollection and it is not a denial of that this happened, is as far as you can recall.

MR FROLICK: As far as ...[intervenes]

10 **ADV NOTSHE SC:** It could have happened but you cannot remember now.

MR FROLICK: As far as I recall, Chairperson, if Mr Agrizzi comes and he gives concrete evidence of what has happened, so that we can look at it then we can interrogate that evidence that is there but my recollection is as it stated in my affidavit.

ADV NOTSHE SC: But the evidence he has given, Mr Frolick, is he says he can recall – he recalls this and you are saying you are not denying them but you say you
20 cannot recall.

MR FROLICK: No, I cannot speak for Mr Agrizzi, Chairperson. I do not know what he recalls and can recall and cannot recall so unfortunately I cannot comment on the recalling ability of Mr Agrizzi.

CHAIRPERSON: I think what Mr Notshe is trying to do is

to say here is a situation where you cannot recall but Mr Agrizzi says he recalls what happened and giving you a chance to say what you might wish to say given that Mr Agrizzi seems to be clear that that is what happened.

MR FROLICK: No, I dispute what Mr Agrizzi's version of events is, Chairperson.

CHAIRPERSON: Yes, okay.

ADV NOTSHE SC: So are you moving now from not recalling to disputing?

10 **MR FROLICK:** I can confirm, Chairperson, that as far leaving the office room and as far as Mr Komphela, a door being held for him, those things definitely did not take place. My recollection is, is that both of us remained inside in that office until we left.

ADV NOTSHE SC: Now moving from not recalling to disputing does also comply to Mr Komphela? He is now saying he now disputes, do you know?

MR FROLICK: Mr Komphela's affidavit ...[intervenes]

20 **CHAIRPERSON:** Just before you respond. Mr Notshe, I am not sure that it is fair to ask him more details about what Mr Komphela's version is in circumstances where I think you want him to say what may or may not be in – what may or may not be confirmed by Mr Komphela's confirmatory affidavit because Mr Komphela's confirmatory affidavit simply seeks to confirm only that which in his

affidavit relates to him or Mr Komphela. So as long as – I think what you can ask him and you can tell me if you want to submit differently, I think what you can ask him, you can ask him his version and when Mr Komphela comes you can confront him with what he was confirming. What do you say?

ADV NOTSHE SC: Chair, there is this, Mr Frolick did not confine himself in his answers today to his – to the confirmatory affidavit and his affidavit, he goes on and
10 tells you what Mr Komphela told him, so I think he is – then he is able to tell you what Mr Komphela told him. If ...[intervenes]

CHAIRPERSON: Did he not say that in response to your question about what Mr Komphela – whether Mr Komphela confirms his version because if he was responding to that, that might be different.

ADV NOTSHE SC: Chair, if – what I asked him was this. I said that when he spoke to Mr Komphela about this incident, does he confirm a, b, c, d? One, he does not say
20 I did not speak to him about it, he spoke to him about it and he does not say to you Mr Komphela did not give me an answer. He gives you an answer. I will be fair to the witness ...[intervenes]

CHAIRPERSON: No, you may be right. I mean, if he is able to say well, I know what Mr Komphela's version is on

this point, this is what it is, that is fine, you know?

ADV NOTSHE SC: Yes.

CHAIRPERSON: I was just concerned that Mr Komphela's confirmatory affidavit does not seek to confirm everything that is in Mr Frolick's affidavit, it purports to confirm only those parts that relate to Mr Komphela. So that has got to be borne in mind. But, of course, if Mr Frolick deals with other matters that do not relate to – that are not confirmed by the confirmatory affidavit on the basis that he has had a
10 discussion with Mr Komphela about those matters, he knows what his version, that may be different. So ...[intervenes]

ADV NOTSHE SC: Yes. Chair, that is – I was careful.

CHAIRPERSON: Ja, so maybe ...[intervenes]

ADV NOTSHE SC: I was careful ...[intervenes]

CHAIRPERSON: You can go ahead but bear in mind this discussion.

ADV NOTSHE SC: Yes. No, I was – I am careful about it.

CHAIRPERSON: Yes.

20 **ADV NOTSHE SC:** The only thing, I cannot be able to – to be answered to ask him about what he has not been told by Mr Komphela.

CHAIRPERSON: Yes, ja, ja. Okay.

ADV NOTSHE SC: So, if I understand, Mr Frolick, is you are saying when you discussed with Mr Komphela he said

to you he cannot recall whether one, Agrizzi was there. Is that correct?

MR FROLICK: Well, Chairperson, my version of events is that Mr Agrizzi was not part of that meeting. That was confirmed by Mr Komphela as well. My version is, is that I never left that boardroom or office with Mr Watson for a side meeting or anything. As far as my recollection goes, Mr Komphela remained in that office and that is what Mr Komphela in his affidavit is exactly saying.

10 **ADV NOTSHE SC:** And can we, just before I go further, is this – are you saying this meeting at the BOSASA offices was – you were merely accompanying Mr Komphela as your friend, am I right.

MR FROLICK: That is correct, Chairperson, I was requested by Mr Komphela to accompany him and that is the reason why I went there.

ADV NOTSHE SC: And you were not going to the – you were not going to the offices of [indistinct – microphone off]

20 **CHAIRPERSON:** Thank you. Okay, just ask that question again, Mr...?

ADV NOTSHE SC: Sir, the visit at the BOSASA business park, he was merely accompanying Mr Komphela, am I right?

MR FROLICK: Mr Komphela requested me to accompany

him, I was – Mr Cheeky Watson indicated that Mr Komphela wanted to visit the facility and asked me am I going to accompany Mr Komphela, which I did, and that is how we ended up at the offices.

ADV NOTSHE SC: And you – at that stage you were a member of the Portfolio Committee of Sports?

MR FROLICK: That is correct.

ADV NOTSHE SC: And you were not a member of the Portfolio Committee for Correctional Services.

10 **MR FROLICK:** That is correct.

ADV NOTSHE SC: Now when Mr Cheeky – when Mr Gavin Watson asked you about matters regarding the Portfolio Committee of Correctional Services, why did you entertain him on that?

MR FROLICK: Chairperson, it is not as if I did not know Mr Gavin Watson, I know him for a – I knew him for quite some time before that and the nature of politicians are that then they sit in a discussion and different matters come up and you interact with that because we are not only
20 politicians or member of parliaments serving on specific committees but you do have interest broadly in what is taking place. So if a member of the public or anyone comes to you to complain about the lack of social services then you cannot tell that person I am the member of a Sport and Recreation committee, that is – I cannot

comment on that, it has got nothing to do with me, and that is - was the nature of the discussion.

ADV NOTSHE SC: I see. Now did at any stage Mr Gavin Watson leave the place where you were seated or you cannot recall?

MR FROLICK: Chairperson, as far as my recollection goes, Mr Watson was there inside the discussion that we were having. That is the best that I can recall and, as I said, it was a short engagement and as far as my
10 recollection goes, he did not leave that room.

ADV NOTSHE SC: And he did not – did you see his vault?

MR FROLICK: No, Chairperson, I did not see a vault.

ADV NOTSHE SC: And you will not dispute that there is a vault nearby where you were seated?

MR FROLICK: I was not taken around the offices, Chairperson, to show me the layout of the office and where this and that are. We arrived and we went specifically into the one office.

ADV NOTSHE SC: Now Mr Agrizzi recalls Mr Watson
20 excusing himself and going to his vault. What do you say about that?

MR FROLICK: Chairperson, I cannot recall, beyond my recollection for Mr Watson. I have just indicated as far as my recollection is, he was part of the discussion and he did not leave the meeting.

ADV NOTSHE SC: Now the travel costs, you say you will not dispute that they were paid by BOSASA but you are saying you do know that they are paid by BOSASA.

MR FROLICK: Chairperson, as far as those travel costs are concerned, the original arrangements was made by, as I indicated earlier, by Mr Cheeky Watson, and I had a second task and that was to go meet with a potential sponsor as well. So I was under the impression that that was the arrangements that was made by Mr Watson and
10 that is as far as I can recall those arrangements that were made.

I also wish to indicate, Chairperson, that when Mr Agrizzi made these different comments and things, I once again approached Mr Watson and I said to him but this – what do you say this stands, he struggled because he was no longer involved with Eastern Province Rugby at the time, he struggled to recollect and what to say and this, that and the other and that is why I also stated in my last declaration that I made to the National Assembly that since
20 Mr Watson could not remember that there could have been a possibility, could have been a possibility that BOSASA paid the costs.

ADV NOTSHE SC: And you in the latest affidavit you filed, you filed also confirmatory affidavit of Cheeky Watson.

MR FROLICK: Which is the latest affidavit you are referring to, Advocate?

ADV NOTSHE SC: The one you filed in August.

MR FROLICK: August?

ADV NOTSHE SC: You remember the one which was not in the bundle, the one you have just added now?

MR FROLICK: Oh, the one that was not part of your records?

ADV NOTSHE SC: Yes.

10 **MR FROLICK:** Is it now in the bundle?

ADV NOTSHE SC: It is now in the bundle.

MR FROLICK: Yes.

ADV NOTSHE SC: Is if you look at page 121.

MR FROLICK: Oh yes. Okay, I am with you, Advocate.

ADV NOTSHE SC: Yes. And did you ask him, when you asked for this affidavit, to deal with this issue that has come up that the payments were made by Blake Travel and not by EP Rugby?

20 **MR FROLICK:** Chairperson, the nature of these arrangements between Blake Travel, I did not get involved in the operational issues. You will be told that there is travelling arrangements that has been made and will be going there and in executing those tasks, you are under the impression that it was arrangements that was done by the office of Mr Watson and Eastern Province Rugby Union.

It only arose later, only arose later when here was a specific payment of from the office of EP that they came and they said there is an amount that they must payment because that was the agreement between me and the Eastern Province Rugby that if there a personal costs involved, for instance, if I struggle to secure a flight or whatever, then I will say to them make arrangements for me and give me the invoice then I will pay for it and in such instances I would go and on more than one occasion I
10 paid the money to Eastern Province Rugby. I did not formal check of its small amounts in cash.

ADV NOTSHE SC: Ja, I understand. The affidavit of Mr Watson I see was commissioned in August 2020. Why? This was after it has come out that the travel costs were paid by Blake Travel and BOSASA, am I right?

MR FROLICK: Well, what was presented to me and what I was made aware of – and that did not appear in the original evidence that was given by Mr Agrizzi here in front of the Commission, is that there were supplementary
20 affidavits forwarded amongst other from Blake Travel where they stipulate things. So I said to Mr Watson, Cheeky, can you remember these things that were there? And he said no, man, those were things that through my office we have arranged and then he also said but in certain cases you came and you paid, right. At that stage I

realised that the Blake's Travel that they were referring to here in the Commission, and it was confirmed also by Mr Watson then, is the same Blake's Travel that is being used by BOSASA.

ADV NOTSHE SC: So also you confirm that then that Mr Cheeky Watson does not deny that your costs were paid by BOSASA?

MR FROLICK: Mr Cheeky Watson Chairperson when I took him through the list of things and he said no all of
10 these things were things that were arranged for your travelling in terms of the arrangements for Eastern Province Rugby or in other instances I would ask them to make a booking, they would come back with the invoice and somebody in the office will call you and say that you must either pay Eastern Province Rugby now, pay them or you must make out a cheque to the travel agent.

ADV NOTSHE SC: Did he explain to you why your expenses were to be paid by BOSASA?

MR FROLICK: No, Chairperson.

20 **ADV NOTSHE SC:** Did you ask him why?

MR FROLICK: I asked him but how could it happen that the BOSASA issue and the work of Eastern Province Rugby got mixed with one another and he indicated to me to say that the Blake's Travel Agency very often took a lot of time before they would send invoices through to Eastern

Province Rugby and that is what they dealt with in the administration. I was not told by Mr Watson that BOSASA is making this payment or making that payment.

ADV NOTSHE SC: No, I understand at the time he did not tell you but now that you came to know that this payment was made by BOSASA. Did he tell you why was the payment made by BOSASA?

MR FROLICK: No, Chairperson.

ADV NOTSHE SC: He did not explain it to you?

10 **MR FROLICK:** No.

ADV NOTSHE SC: Right, now before we leave the issue of the boardroom at the BOSASA business centre are you now saying that Mr Komphela was with you all the time and if you had been given money he would have seen it?

MR FROLICK: That is correct sir.

ADV NOTSHE SC: And unless he cannot recall it.

MR FROLICK: Chairperson if I was handed anything since Mr Komphela was with me then Mr Komphela would have been aware of that, he would have seen it.

20 **ADV NOTSHE SC:** And unless he was busy with – on a phone call and he was at the door.

MR FROLICK: I already indicated to you sir as far as my recollection go that Mr Komphela did not leave the meeting venue and did not have a phone call as far as I can recollect.

ADV NOTSHE SC: Sorry perhaps - I do not want us to be at cross purposes. The evidence of Mr Agrizzi is as I understand it is that Mr Komphela did not leave the complex of the office but he stood at the door to take this call.

MR FROLICK: No, I cannot recall that happening Chairperson, I cannot recall that.

ADV NOTSHE SC: And I am sure if Mr Komphela or maybe if Mr Agrizzi held the door of Mr Komphela, Mr
10 Komphela cannot miss seeing Mr Agrizzi right in front of him.

MR FROLICK: Chairperson I have indicated earlier Mr Agrizzi was never there, he was not there in our discussions he was not part of the discussions taking place. So from where would he appear all of a sudden to come and hold a door. I do not know from where he was making his observations, I cannot speculate.

ADV NOTSHE SC: Now Mr Agrizzi before I get to that – you know Mr Valance Watson?

20 **MR FROLICK:** I do know Mr Valance Watson, yes.

ADV NOTSHE SC: And have you been to his place?

MR FROLICK: I have been to his place a number of times, Chairperson.

ADV NOTSHE SC: And there was a visit that Mr Agrizzi mentioned that he visited Mr Valance's place and then he

met you there. Do you remember that?

MR FROLICK: I cannot recall that Chairperson, I really cannot remember and that is why I also stated it in my affidavit.

ADV NOTSHE SC: Now tell me...[intervene]

CHAIRPERSON: I am sorry Mr Notshe before you move away from the visit to BOSASA I remember that between your affidavit Mr Frolick and the affidavit of Mr Agrizzi there seems to be a tension between his affidavit and
10 yours in terms of what the purpose of the visit was, you say one thing and I think he is say something else. I was trying to look here Mr Notshe can you remember what that is about, there are two diffident objectives.

ADV NOTSHE SC: Mr Agrizzi's evidence was that they wanted to show Mr Frolick and his company what the BOSASA was actually doing.

CHAIRPERSON: Yes, there was something about the youth centre or some centre because in one of his affidavits Mr Agrizzi challenges the purpose of the visit as
20 stated by Mr Frolick on the basis I think Mr Frolick mentioned something like they wanted to see his sports facilities for young people and Mr Agrizzi say in effect that could never have been the purpose because the area where the centre is, is tarred.

ADV NOTSHE SC: There cannot be, yes.

CHAIRPERSON: There would not have been any facilities, I think that is what I would like you to get Mr Frolick to deal with.

ADV NOTSHE SC: One listen - Mr Frolick just turn to page 23.

CHAIRPERSON: What page?

ADV NOTSHE SC: Page 2-3, Chairperson.

CHAIRPERSON: 2-3?

ADV NOTSHE SC: Yes.

10 **ADV VAN ZYL SC:** Chairperson if I may interrupt.

CHAIRPERSON: Yes.

ADV VAN ZYL SC: I think what you are referring to is at page 55.

CHAIRPERSON: 55?

ADV VAN ZYL SC: Paragraph 4.2 and 4.3.

CHAIRPERSON: Okay, thank you.

ADV NOTSHE SC: But can we start at 23 before we get to 55 Chair.

20 **CHAIRPERSON:** Mr Notshe you said we must start where?

ADV NOTSHE SC: At page 23.

CHAIRPERSON: 22?

ADV NOTSHE SC: 23.

CHAIRPERSON: Okay. So it is necessary to look at what the purpose of the visit was.

ADV NOTSHE SC: Yes.

CHAIRPERSON: As testified to by Mr Frolick and look at what the purpose, what Mr Agrizzi says the purpose was and to examine each one of them.

ADV NOTSHE SC: Yes, at 23, page 23 it is what Mr Agrizzi says was the purpose, paragraph 51.

CHAIRPERSON: Yes.

ADV NOTSHE SC: Then do you see that Mr Frolick?

CHAIRPERSON: It says:

10 “The purpose of the meeting that was being scheduled was to arrange a visit to showcase the business park to the two gentlemen so that they had an idea of the magnitude of the business in what it had to offer especially in terms of BEE development.”

That is what Agrizzi says...[intervene]

ADV NOTSHE SC: And then on page 44 paragraph 7 sorry before we get their Chair to 44 please turn to page 34 which is the affidavit now of Mr Frolick, on paragraph 13.

20 **CHAIRPERSON:** Paragraph 13?

ADV NOTSHE SC: Yes, on page 34.

CHAIRPERSON: Paragraph 7 at paragraph 13?

ADV NOTSHE SC: No, on page 34.

CHAIRPERSON: 34?

ADV NOTSHE SC: Yes, 3-4 Chairperson. Page 34

paragraph 13.

CHAIRPERSON: Okay, yes. Whose affidavit is this?

ADV NOTSHE SC: This is the affidavit of Mr Frolick.

CHAIRPERSON: Yes.

ADV NOTSHE SC: Where he says:

10 “The visit to BOSASA office was initiated and arranged between Mr Komphela in his capacity as the Chairperson of the portfolio committee on sports and recreation and Mr Cheeky Watson. The purpose of the visit was to visit the youth centre that catered for juvenile offenders and to establish to what extent sport played a role and was used in the process of rehabilitation.”

And then on page 44 of paragraph 7 Mr Agrizzi deals with that. He says:

“Save on noting the contents of this paragraph I wish to state that the real purpose, the real reason and purpose of the visit was to create more credibility for BOSASA with the relevant person.”

20 **CHAIRPERSON:** Yes, and then...[intervene]

ADV NOTSHE SC: Then on page 55.

CHAIRPERSON: Then page 55...[intervene]

ADV VAN ZYL SC: Mr Chairperson may I interrupt.

CHAIRPERSON: Yes, yes.

ADV VAN ZYL SC: If you look at page 44 where we

have just been refer to paragraph 7.1.

CHAIRPERSON: Ja.

ADV VAN ZYL SC: You should also read paragraph 8.1.

CHAIRPERSON: Yes 8.1:

10 “I do not dispute the close friendship as comrades
and friends between Mr Komphela and Mr Cedric
Frolick but I state further that the main purpose of
the visit was to resolve the position relating to Mr
Smith and the portfolio committee at the relevant
departments.”

I think you are correct Mr Van Zyl it is important, yes and
then of course 55 in 4.1 and that is Mr Frolick’s affidavit.

ADV NOTSHE SC: Yes.

CHAIRPERSON: 4.1:

20 “I have in paragraph 13 of my original affidavit
stated that the purpose of the visit to BOSASA’s
offices was to visit the youth centre that catered for
juvenile offenders and to establish to what extent
sport played a role and was used in the process of
rehabilitation of these youths, these youngsters.”

4.2, In reply thereto Mr Agrizzi in paragraph 7 of his
affidavit in his response states that:

“The real reason and purpose of the visit was to
create more credibility for BOSASA with the
relevant persons. I presume his reference to the

relevant person is a reference to Mr Komphela and I it is not clear why BOSASA would want to create more credibility with Mr Komphela and me as Mr Komphela was the Chairperson of the portfolio committee on sport and recreation whilst BOSASA was involved with the Department of Correctional Services and Justice. I also had nothing to do with those departments.”

Okay I just wanted here that maybe you deal with that –
10 the issue of the different purposes.

ADV VAN ZYL SC: Mr Chairperson it goes on in the next paragraphs.

CHAIRPERSON: Yes.

ADV VAN ZYL SC: To deal with the contradiction in Mr Agrizzi’s evidence as to the purpose.

CHAIRPERSON: Yes, let me just see...[intervene]

ADV VAN ZYL SC: 4.3.

CHAIRPERSON: In paragraph 8.1 he offers his affidavit in response:

20 “Mr Agrizzi contradicts what he stated in paragraph 7 with regards to the purpose of the visits. He stated therein that the main purpose of the visit was to resolve the position relating to Mr Smith and the portfolio committee and the relevant department. This is clearly not a reference to the portfolio

committee of sport and recreation.”

Ja, Mr Notshe can you just put questions to Mr Frolick to deal with those different purposes or different versions about purposes.

ADV NOTSHE SC: Right Mr Frolick are you – you say the confirmatory affidavit of Mr Komphela, are you saying it confirms that the visit was arranged and initiated between him and Mr Cheeky Watson?

MR FROLICK: That is correct.

10 **ADV NOTSHE SC:** So is that what his confirming?

MR FROLICK: That is correct.

ADV NOTSHE SC: And – now as we have read to you Mr Agrizzi says that the meeting was for something different. It was to present the scope of the work of the company, you read that?

MR FROLICK: I have read that sir.

ADV NOTSHE SC: Yes, and when you were there you also confirmed that there was an issue raised regarding the problem with the correctional services portfolio committee.

20 **MR FROLICK:** But that is what I state in my affidavit, yes.

ADV NOTSHE SC: And did you not ask as to why when the purpose of the visit was for the sports and recreation now you are asked about correctional services issue?

MR FROLICK: Chairperson as I stated earlier that when we deal with matters we are not restricted so that question

did not arise to ask but why are you now dealing with matters of this nature, it did not arise.

ADV NOTSHE SC: Now when you were there what was the issues of sports and recreation that were discussed at the meeting?

MR FROLICK: Mr Watson referred to the – they were apparently busy with the juvenile's section and the youngsters who are there in the youth centre to get them involved with activities not in rugby as Mr Agrizzi states in
10 his affidavit. It has nothing to do with rugby and what he said was that the difficulty they have with these recreational things is that it is expensive, it is not very well supported from people outside and there is no government support so he does it on his own as part of his social responsibility to the youth centre that is there.

He also stated that they were in the process of establishing a football/soccer team so that they can participate and he would wish that he can get support for that as well and it is part of his attempt to then give the
20 other side of what the company is really doing and it is not seen only with the matter only of correctional services.

ADV NOTSHE SC: Now as the person who had initiated this was Mr Komphela, am I right?

MR FROLICK: That is correct.

ADV NOTSHE SC: Now why did it then come to you that

you took over and start facilitating the meetings between the BOSASA and Mr Smith for correctional services?

MR FROLICK: Chairperson Mr – in the discussion Mr Komphela said that Mr Smith is a very stubborn person and since I know him better maybe I should discuss the issue with him as far as a possible a visit is concerned so that they can deal with their matters as far as the attempts that they have made in the past to make submissions to have a meeting that proved to be fruitless and it is from that point
10 of view that I approached Mr Smith and asked him if he would participate or want to be part of such a meeting.

And as I have earlier indicated he said there is a lot of problems there and this and that and I said that it is important also just to give them a hearing you do not need to agree with them on anything that is being done but since the matters are then ventilated if it is possible give them – just listen to what they have to say you do not need to work with them, you do not need to agree with them for that matter.

20 **ADV NOTSHE SC:** So you say that Mr Smith confirm that BOSASA there were problems with BOSASA and correctional services?

MR FROLICK: He said they were dealing with problems as far as the BOSASA and correctional services issues were concerned.

ADV NOTSHE SC: And when you became the – what they call it Chair of Chairs did you also see it in the minutes of the correctional services that there were problems that were being raised in that portfolio committee regarding BOSASA and correctional services?

MR FROLICK: Chairperson it was common knowledge at the time that when I became the Chairperson of committees that there were issues in correctional services because it was not only them who were dealing with the matter I know
10 at a time the steering committee on public accounts also had certain issues that they raised as far as the BOSASA correctional services matter is concerned.

CHAIRPERSON: You know one of the aspects about the purpose of the visit that strikes me is that from your affidavit I get the impression that you and Mr Komphela travelled all the way from Cape Town to Gauteng to the BOSASA offices to see, to deal with sports issues or to see there - I do not know youth centre or whatever you were coming about sports.

20 And according to your affidavit I think you wanted to see what facilities the sport facilities they had for the youngsters but having arrived at BOSASA I think on your version there are no facilities to be shown and you just tell me if I am misunderstanding what you have said in your affidavit. And I get the impression that Mr Komphela was

not to impressed that now there were no facilities to be shown but Mr Agrizzi says no but in effect as I understand him could never have been, the arrangement could never have been about us showing him any sport facilities because in that place you know that centre you know the whole place or the place around where the centre is, is tarred there would be no facilities. So that strikes me as strange as if how could you have come all the way and made such a trip if no proper homework had been made as
10 to what you could see and what you could not see.

That seems strange to me and yet when you look at Mr Agrizzi's version which starts from saying we have been wanting to influence the portfolio committee on correctional services, we have been wanting to meet with the Chairperson of the portfolio committee on correctional services Mr Smith he was ignoring us he did not want to meet us and they were getting negative publicity. We wanted to have somebody, he wanted the Chairperson to protect BOSASA interest in when my task come up in the
20 portfolio committee on correctional services.

So when we had this stalemate we had to find somebody else to help us access Mr Smith and then Mr Frolick was the person that we got. He came to BOSASA this was the purpose and then it transpired that during that visit if I recall correctly there definitely was a discussion

about the challenges that BOSASA said they were having in accessing the Chairperson of the portfolio committee. So that issue was discussed and it transpires that subsequently you spoke to Mr Smith and indeed there was ultimately a meeting and according to Mr Agrizzi, Mr Agrizzi's version indeed in due cause there was a change of attitude on the part of Mr Smith towards BOSASA. So there is that part so I just want you to comment on the starting with the question of how could you and Mr

10 Komphela come all the way to see a sports facilities if there were no sport facilities. Had there not been a discussion before because if one looks at what you say was discussed during that visit and when one looks at what Mr Agrizzi says was discussed there is a lot of conversions it seems to be dominated by BOSASA's concern about accessing the portfolio committee. You want to say something?

MR FROLICK: Yes, no thank you Chairperson, Chairperson as I stated the intention of that visit and that

20 is why we did not proceed with it, we did not proceed with the visit because they wanted to take us on something like a four-hour thing of the entire complex and whatever they are doing and we said but where is the issue then of the youth centre and they said they were not ready for that, right.

And it was not about as Mr Agrizzi stated rugby as I have stated Mr Watson spoke about soccer/football being there and other recreational activities that they are trying to introduce. So our purpose was specifically that and it is because of that reason that we did not proceed in going ahead with that visit because it had also the element in it that you cannot just then walk into an entire setup that is there for four hours and you do not come to the youth centre that the primary purpose of it was and that the youth centre they are not ready to scale down the visit at least just to include that that was the intention of our visit.

CHAIRPERSON: But can you understand my...[intervene]

MR FROLICK: I follow what you are saying Chairperson, I follow.

CHAIRPERSON: You come all the way and then the purpose of the visit is defeated in a way because what you are looking for is not there and I guess most people would be upset to say you why did you bring us here if you do not have A, B, C, D because that is what we are interested in.

20 Could it be that you and Mr Komphela might have had a different purpose of the visit? Your purpose of the visit might have been different from the purpose of the visit of BOSASA than Mr Watson and Mr Agrizzi maybe and maybe they were focussed on seeing how you could help them resolve their challenges with Mr Smith while you might

have gone there for something else.

MR FROLICK: Chairperson as I said that the reason why we visited was to focus on the youth centre that we were told about that is there operating so well they doing such excellent work. And maybe they I do not want to speculate on behalf of Mr Agrizzi and the late Mr Watson maybe they had also an intention to share with us the other difficulties that they may be experiencing as far as their company is concerned but that was not our intention.

10 **CHAIRPERSON:** Yes, okay Mr Notshe.

ADV NOTSHE SC: What is also interesting is that Mr Agrizzi recalls the conversation you had with them regarding access to Mr Smith. Do you agree with me?

MR FROLICK: I cannot agree with that Chairperson because if Mr Agrizzi was not part of what we were discussing inside the office how can Mr Agrizzi then have a recollection of that and how can I agree with that. I do not know what the discussions were between whoever were left there after we left, so I do not agree with that.

20 **ADV NOTSHE SC:** No sorry...[intervene]

MR FROLICK: Maybe I misunderstood you sir.

ADV NOTSHE SC: The question did not come out clearly. He states – he tells the Commission about what was discussed between you and Mr Gavin Watson regarding the difficulty to get access to Mr Smith, he testifies about that.

MR FROLICK: No, Chairperson I was not part of those discussions that took place so I cannot attest to that.

ADV NOTSHE SC: No, sorry Mr, perhaps you do not understand Mr Agrizzi says Mr Watson told you that he had a problem to get to talk to Mr Smith. Do you recall that in his affidavit?

MR FROLICK: Yes.

ADV NOTSHE SC: So I am saying he is testifying about what Mr Gavin Watson said to you at the meeting.

10 **MR FROLICK:** Chairperson as I said and I clearly indicated to this Commission what our intention purpose were for that and also then subsequently throughout to what we were discussing that he mentioned the difficulties that he had and I also said that Mr Agrizzi was not part of those discussions. So I do not know what discussions Mr Watson had subsequently with Mr Agrizzi.

CHAIRPERSON: I think what Mr Notshe seeks to check with you is whether Mr Agrizzi's information irrespective of whether he was present at that meeting or not whether his
20 information that Mr Watson raised this issue with you is correct namely the issue of their challenges to try and get hold of Mr – to have a meeting with Mr Smith.

MR FROLICK: Chairperson it can only be that Mr Watson had that discussion with Mr Agrizzi and shared with him what we were discussing amongst ourselves and that is

probably where Mr Agrizzi got his information from.

CHAIRPERSON: Yes, no but the question is, is it correct is it true that during that meeting Mr Watson raised the issue with you?

MR FROLICK: That is correct.

CHAIRPERSON: That is correct, ja.

MR FROLICK: That is correct, Chair.

ADV NOTSHE SC: And you saying that Mr Agrizzi could have known about that discussion because Mr Gavin
10 Watson shared it with him, am I right?

MR FROLICK: The only way that he could have known about the discussion I do not know where else he could have heard it from.

CHAIRPERSON: Ja.

ADV NOTSHE SC: Unless...[intervene]

MR FROLICK: Because we were not in discussion at any stage in – with Mr Agrizzi.

ADV NOTSHE SC: Unless he was in the meeting? It is either he heard it from someone or he was in the meeting?

20 **MR FROLICK:** He was not in the meeting Chairperson.

CHAIRPERSON: Hm.

MR FROLICK: He must have heard it from someone.

ADV NOTSHE SC: Tell me are you moving from saying – remember when you started your evidence you say well you cannot recall whether he was there or not. Now you are

saying that definitely he was not there.

MR FROLICK: Chairperson as I have stated earlier this is my recollection of events that occurred way back in 2010 right and I am saying that as far as my recollection or recall for the lack of a better word is Mr Agrizzi was not part of our discussions.

ADV NOTSHE SC: Now what ...

MR FROLICK: So he was not part of the meeting.

ADV NOTSHE SC: What jolted your memory to say that
10 definitely Mr Agrizzi was not there when you started by saying as far as your memory is concerned?

MR FROLICK: Chairperson.

CHAIRPERSON: Well I think he – it is true that he certainly was saying earlier a number of times it is – as far as he can recall Mr Agrizzi was not there. And then at a certain time just two minutes ago he said Mr Agrizzi was not there.

ADV NOTSHE SC: Yes.

CHAIRPERSON: And then you raised the – you asked a further question then he went back to saying as far as he
20 recalls. I take that to mean your – your actual position is that you cannot recall. Am I right?

MR FROLICK: Chairperson as far as my recollection goes.

CHAIRPERSON: Ja he was not there.

MR FROLICK: As far as I recall he was not there.

CHAIRPERSON: Ja.

ADV NOTSHE SC: And then you said he said unless there is some concrete evidence to support Mr Agrizzi's evidence, am I right that he was there?

MR FROLICK: That is correct Chairperson.

ADV NOTSHE SC: And what Mr Agrizzi has done is to tell the court – sorry – the commission about the conversation that occurred in that room and you confirm that conversation did occur.

MR FROLICK: But Chairperson as I have indicated that he
10 could have only heard it from someone else. He could have only heard it from someone else because if my recollection is that he was not there then he must have heard it from Mr Gavin Watson.

ADV NOTSHE SC: And you would agree with me that there are two scenarios – situations he could have heard it from someone else or he was there?

MR FROLICK: Can you just repeat the question?

ADV NOTSHE SC: You say you will agree with me there are two scenarios. It is either he heard from someone else or he
20 was there – he heard it himself.

MR FROLICK: Chairperson I – my scenario is that as far as my recollection goes Mr Agrizzi was not part of that discussion or in the meeting.

CHAIRPERSON: Yes I think...

MR FROLICK: The [00:02:43] scenario...

CHAIRPERSON: Ja.

MR FROLICK: Excuse me – my apologies.

CHAIRPERSON: I think – I think your – I think your answer would be in line with what Mr Notshe is saying because you say as far as you recall he was not there. But you are not saying you are hundred percent sure that he was not there because you say it has been a long time but as far as I recall he was not there. So I think your answer would be if my – if your version is correct that – if your recollection is correct
10 that he was not there then the only other way he could have got information is if somebody else told him. But if your recollection is wrong then he could also have got the information because he was there. But your recollection that he was not there.

MR FROLICK: That is correct Chairperson.

CHAIRPERSON: That would be your answer.

MR FROLICK: Ja.

CHAIRPERSON: Okay.

ADV NOTSHE SC: Thank you. Now we – excuse me – the –
20 you said you have visited on a number of occasions the house of Valance Watson, am I right?

MR FROLICK: That is correct.

ADV NOTSHE SC: And you have walked around his house, am I right?

MR FROLICK: Chairperson when I arrive at – even if it is

my friend's houses I do not walk around in their houses. I move from the reception door to the lounge area wherever you going to sit. So that is how I know the house of Mr Watson.

ADV NOTSHE SC: And did you notice that he has a gym which is not used there?

MR FROLICK: No Chairperson I am not aware of a gym.

CHAIRPERSON: Is that at Mr Valance Watson's house?

ADV NOTSHE SC: Valance's – yes. Now...

10 **CHAIRPERSON:** Oh well that is important because I think you said earlier on Mr Frolick you have been to Mr Valance Watson's house a number of times. You – you – and Mr Agrizzi said that on the day that he went to Mr Valance's house on the occasion when he took with him some money that was meant for you which he says he gave to Mr Watson – Mr Valance Watson and Mr Valance Watson gave it to you in his presence. He says that Mr Valance Watson showed him a gym in the – well I do not know whether in the house or in the premises that was not being used or had not been
20 used for some time. So I – are you saying despite the fact that you have been to that house many times you do not know whether there is such a gym or are you saying you know that there is no such gym?

MR FROLICK: I am not aware.

CHAIRPERSON: Or at least there was no such gym at the

time?

MR FROLICK: Chairperson as far as I know is that I have – it is quite a big house that Mr Valance Watson is staying in and unlike the courtesy that was extended to Mr Agrizzi to show him a gym I have never seen a gym there. I was not shown so I am not aware of any gyms in the premises.

CHAIRPERSON: Yes. So you do not know whether there is or there is not?

MR FROLICK: I do not know. I do not know.

10 **CHAIRPERSON:** Ja. Okay alright.

ADV NOTSHE SC: Now does he have – so you must have seen this – does he have a beautiful brown lounge suite in his house Mr Watson? You must have sat on it.

MR FROLICK: Chairperson as far as my recollection goes Mr Watson has a lounge suite. Now whether it is beautiful or not I do not know. I cannot say.

CHAIRPERSON: Ja.

20 **ADV NOTSHE SC:** Look in line with – in line with what you said earlier that the – when you wanted to take the glory from me about being pretty. When you said the – that beauty lies in the eyes of the beholder. Let us leave the beauty does he have a brown lounge suite?

MR FROLICK: As far as my recollection goes Chairperson of the house of Mr Watson and I have the area to where I is there is a lounge suite that is brown in colour. That is what I

know.

CHAIRPERSON: Yes.

MR FROLICK: There is a lounge suite.

CHAIRPERSON: With a brown colour.

MR FROLICK: With a brown colour yes.

CHAIRPERSON: Okay. Okay.

ADV NOTSHE SC: Does it have...

CHAIRPERSON: The suburb – the name of the suburb Mr Notshe do you want to cover that?

10 **ADV NOTSHE SC:** Yes, yes.

CHAIRPERSON: Because he should know the name of the suburb at least.

ADV NOTSHE SC: Yes. Maybe – the – the suburb is?

CHAIRPERSON: I think Mr Agrizzi gives the name of the suburb.

ADV NOTSHE SC: As Waverley.

CHAIRPERSON: Is that where Mr Valance Watson's house is?

20 **MR FROLICK:** Chairperson I beg your indulgence to say that the area that I know the house of Mr Valance Watson is in fact Milpark.

CHAIRPERSON: Yes.

MR FROLICK: In Port Elizabeth.

CHAIRPERSON: Not Waverley?

MR FROLICK: I do not know an area called Waverley in Port

Elizabeth.

CHAIRPERSON: Is that so. Okay.

MR FROLICK: There is no residential area called ...

CHAIRPERSON: And you are familiar with the – with the suburbs in that part of Port Elizabeth?

MR FROLICK: Well Chairperson as far as Mr Watson's house is concerned.

CHAIRPERSON: Ja.

MR FROLICK: That area there.

10 **CHAIRPERSON**: Yes.

MR FROLICK: That is I am saying...

CHAIRPERSON: So you would say certainly the area where Mr Valance Watson's house is not called – is it Waverley?

ADV NOTSHE SC: Waverley yes.

CHAIRPERSON: It is not called Waverley?

MR FROLICK: I know it as – I know the area the suburb that Mr Watson stays as Milpark.

CHAIRPERSON: Yes okay. Thank you.

20 **ADV NOTSHE SC**: Does he – does he have where this lounge – I do not want to say it is beautiful – you do not like the word. Does he have Persian carpets?

MR FROLICK: Chairperson I do not know what the Persian carpet what is meant. I know there is – there is carpets in his house whether it is Persian or not I know there is carpets in Mr Watson's house. Part of the house is carpeted.

ADV NOTSHE SC: Okay now let us deal with that – the visit of Mr Agrizzi and meeting you at Valance’s house. On page 41 of the record paragraph 33. Again you use your famous word, you say:

“I do not recall a meeting with Mr Agrizzi at the house of Valance Watson.”

You see that?

MR FROLICK: Yes.

ADV NOTSHE SC: So does this again mean it could have
10 happened but you cannot remember now?

MR FROLICK: Chairperson as I have stated I have been to that house of Mr Watson numerous times and I cannot recall being in a meeting with Mr Agrizzi in Mr Watson’s house. Once again taking into account that this happened – in fact I do not even know what the date of the meeting is. What year it is that Mr Agrizzi is referring – maybe you can assist me if you have that information? What date it is that this meeting took place and also the time that the meeting took place and that can possibly assist me. But just to say that there was a
20 meeting and this and that I cannot recall the version that Mr Agrizzi gave.

ADV NOTSHE SC: Now what is important here Mr Frolick is this. You do not deny – you do not say I never met Mr Agrizzi. Remember by the time you deposed to this affidavit you had now seen Mr Agrizzi am I right?

MR FROLICK: Yes.

ADV NOTSHE SC: You saw him in Parliament, am I right?

MR FROLICK: Yes.

ADV NOTSHE SC: You saw him on TV, am I right?

MR FROLICK: Yes.

ADV NOTSHE SC: Now by the time you deposed to this affidavit you know the face that was talking – that was saying it met you at Valance Watson’s house. You say you cannot recall whether you met that face there or not. Is that
10 your evidence?

MR FROLICK: That is my evidence Chairperson I cannot recall that. And as I have said if I could get more particulars and specifics Mr Agrizzi if he says it happened then he must have details of that visit as to when it happened. And that – that is my best recollection of what I have as far as that statement of his is concerned.

ADV NOTSHE SC: Now I see – I see that you are enthusiastic in checking people who are mentioned to have been involved with you. You checked with Mr Komphela.
20 You check with Mr Cheeky Watson. Did you check with Valance Watson about this?

MR FROLICK: I checked with Mr Watson.

ADV NOTSHE SC: What did he say?

MR FROLICK: Mr Watson also cannot recall such a meeting taking place. He said no. I asked him and he said no he

cannot remember that.

ADV NOTSHE SC: But he does not deny it?

MR FROLICK: His direct words was that he cannot remember such a meeting taking place Chairperson.

ADV NOTSHE SC: So you are saying he did not deny it? He just says he cannot recall.

MR FROLICK: He simply said that he cannot remember such a meeting taking place. He said – he said to me when I asked him, he said there is people coming in and out of his
10 house who are working for his brother or whenever they in PE or whatever so he said he cannot recall this specific instance that is being referred to here.

ADV NOTSHE SC: Now the – Mr Agrizzi’s evidence is this that this was not just a social visit. He came with money to be given to you. Am I right? As far as his evidence is.

MR FROLICK: That is what he says yes.

ADV NOTSHE SC: Yes and Mr Watson says he cannot recall this – he does not deny it but he says he cannot recall this.

MR FROLICK: Chairperson...

20 **ADV NOTSHE SC:** That is strange.

MR FROLICK: Chairperson as far as I know and even when this money thing is concerned I have never received money from what Mr Agrizzi is referring to here from Mr Watson. Even where there is other people there or not I – I have not – I have not received that. Mr Watson simply said and I am

going to use his direct words if I may?

ADV NOTSHE SC: Ja.

MR FROLICK: He says Angelo is talking nonsense. That was his direct words. Because I asked him. This man says I got money from you in a meeting that he was in. And he said no. He said no.

ADV NOTSHE SC: He says no he cannot recall?

MR FROLICK: He says no.

ADV NOTSHE SC: No.

10 **MR FROLICK:** He simply says no he never ever passed money onto me in the way that is being referred to here by Mr Agrizzi. That did not – that did not happen right. As far as meetings and things are concerned he says he cannot even recall that taking place.

ADV NOTSHE SC: Tell me did you refuse to give to you a confirmatory affidavit as others did? Refuse – the others did give you did he refuse to give you?

MR FROLICK: I – I did not request any confirmatory affidavit from Mr Valance Watson Chairperson. Maybe if is
20 Mr Valance Watson is requested to make available an affidavit you can find out.

ADV NOTSHE SC: Why did you not ask him? You had asked others?

MR FROLICK: Mr Valance Watson when I discussed these matters with him as a family they are very upset with the fact

that firstly their brother Gavin Watson died under mysterious circumstances and they have a particular view. And I do not want to – I do not share easily into what they discuss as a family. I am not involved in those type of discussions but you can see whenever the situation is – if he gets angry he is very upset and he is agitated with the allegations that Mr Agrizzi is making.

ADV NOTSHE SC: And I suppose under those circumstances he would have easily given you a confirmatory
10 affidavit if you had asked for one.

MR FROLICK: I did not request any affidavit – confirmatory affidavit from his Chairperson. I asked him actually what is our view in terms of interacting with – because it is mentioned – it was – a lot of things are being said or whatever. And he simply said to me that he is still consulting with their legal advisors on the matter. And given that answer Advocate Notshe I did not pursue the matter any further. Because if he says they are consulting as a family on the matter with their attorneys then I cannot enter into the
20 space to say and give me then a confirmatory affidavit.

ADV NOTSHE SC: But you managed to get it from Cheeky Watson the brother and family as well?

MR FROLICK: Chairperson I do not want to go into the dynamics of that family which is quite a sensitive issue. Yes they are brothers but the levels of interaction is completely

different from one another. I do not want to – to go into that. They will be in a better position to explain that.

ADV NOTSHE SC: I understand. Because Mr Watson – Mr – Sorry Mr Agrizzi has seems to have a clear recollection of what happened. Turn to page 50. Paragraph – look at paragraph 24. 24.1 I want to read it for you:

10 “As I confirmed that I did meet with Mr Cedrick Frolick at Mr Valance Watson’s house and we joked about the beautiful brown lounge suite and Persian carpets and we stated that we would not be able to afford such items.”

Is – this is the evidence of someone – he does not say I just saw he says I interacted with Mr Frolick we spoke and we joked about things. And you say you cannot remember this?

MR FROLICK: I do not remember that Chairperson. That is the version of Mr Agrizzi for whatever reason he is mentioning it in that way I cannot remember that.

20 **ADV NOTSHE SC:** Now I see in your – I read in your affidavit – in your affidavit you say that it is strange that Mr Agrizzi says he gave the money to Mr Watson and then Mr Watson gave to you. And you ask him why did Mr Agrizzi not just say give the money to you. Am I right?

MR FROLICK: That is correct.

ADV NOTSHE SC: And am I correct to say that if Mr Agrizzi

was making up this story it would have been easy for him to say well I have got him the money and then I gave it to him. He would not create all this giving the money to someone to give it to you. Am I right?

MR FROLICK: That is also what I questioned Chairperson in terms of the version of events as Mr Agrizzi said. Logic tells me if that you coming there with this load of money that you give to somebody why would you give it to something – someone else and then that one gives it to someone else.

10 That is the – I simply in terms of what I state in my affidavit say that.

CHAIRPERSON: Hm.

MR FROLICK: It does not make sense.

CHAIRPERSON: The – the – the one possibility at least that I can think of is that if Mr Gavin Watson had given him the money on the basis that he should give it to Mr Valance Watson for Mr Valance Watson to pass it on to you maybe he would not want to give it directly to you to say I am giving it to the person that I was told I must give it to. But he must
20 give it to Mr Frolick. That is the only thing I can think of.

ADV NOTSHE SC: I have a – my view is quite different Chairperson.

CHAIRPERSON: No, no I just...

MR FROLICK: I understand what you saying.

CHAIRPERSON: I am just saying a possibility.

MR FROLICK: Yes.

CHAIRPERSON: You know it may be that somebody else will say well there is no need for the money to go via Valance Watson we are all here – here is the money. So that is possible as well.

ADV NOTSHE SC: And – and just whether I was putting – whether I was putting to you that would not Mr Agrizzi's story if you are creating be more simple. He says when I got there I gave the money to Mr Frolick rather than creating this long
10 route?

MR FROLICK: Well my view Chairperson is that I struggle to follow the – why Mr Agrizzi would come to this type of conclusion around money that was passed from one person to the other side. I do not know what his thinking is in terms of what he has put to the commission. Because I share a different – a completely different perspective in terms of the approach of this thing.

CHAIRPERSON: I think what Mr Notshe is suggesting to you is look if Mr Agrizzi was fabricating all of this and wanted to
20 falsely bring you in corruption would it not be an easier thing for him to say we met in Mr Valance Watson's house. Mr Frolick was there and I handed him the money and he took it from me. So in other words I can testify positively I gave it to him as opposed to saying I gave it to somebody else for that person to give it to him. So he is saying would that not

be as an easier thing for somebody who wants to frame you rather than talk about this version of giving it to somebody else?

MR FROLICK: No I follow what the Chairperson.

CHAIRPERSON: You follow what I am saying yes.

MR FROLICK: I follow what Advocate Notshe is bringing to the fore.

CHAIRPERSON: Yes.

MR FROLICK: But...

10 **CHAIRPERSON**: You say it did not happen?

MR FROLICK: It did not happen.

CHAIRPERSON: Ja.

ADV NOTSHE SC: And you know his evidence perhaps then it can tie in with what you had been asking for. His evidence says this within a week after you had been given money you managed to arrange a meeting with Mr Vincent Smith.

ADV VAN ZYL SC: Chairperson that is not as I recall the evidence. What he said was about ten days after the meeting at BOSASA's offices this incident happened in Port
20 Elizabeth, that is what he said. With respect.

CHAIRPERSON: Okay. I cannot recall Mr Notshe?

ADV NOTSHE SC: On page – on page 26. Paragraph – starting from paragraph 70. 70 he says: This is the evidence of Mr Agrizzi. He says:

“I gave the package of cash to Valance

Watson who later gave it to Cedrick Frolick as we left the house. Within a week of meeting Mr Gavin Watson Mr Gavin Watson – sorry. Within a week of the meeting Gavin Watson received a call from Cedrick Frolick. Gavin Watson told me that I was to accompany Gavin – Gibson Njenje on an introductory meeting with Vincent Smith.”

There it is.

10 **ADV VAN ZYL SC:** I stand corrected Mr Chairman.

CHAIRPERSON: No thank you.

MR FROLICK: So what is the question Advocate?

ADV NOTSHE SC: The question is – he says within a week after he met you you had then arranged a meeting to see that they see Mr Frolick – to Mr Vincent Smith.

MR FROLICK: No I do not agree. I do not agree with that Chairperson. I – my – if I must go back.

ADV NOTSHE SC: Yes.

20 **MR FROLICK:** To after the meeting that took place Chairperson at BOSASA is that we returned to Cape Town. I returned to Cape Town personally and it was in Cape Town because we had duties to fulfil there and it was during that period that I had interaction with Mr Smith. This thing of a meeting in Port Elizabeth at Mr Valance Watson’s house I do not know where it fits in or where it comes in and that is why

I say that maybe if – since Mr Agrizzi kept such meticulous record of the gym and furniture in the house and all of that then surely he must know the date that this meeting took place in Port Elizabeth.

ADV NOTSHE SC: Is it not so...sorry.

MR FROLICK: I...

ADV NOTSHE SC: No, no continue. I beg your pardon.

MR FROLICK: No, no. So I cannot – I do not understand where this meeting fits into after the engagement from ...

10 **CHAIRPERSON:** Ja because the date – no date is given or timeframe.

MR FROLICK: There is no date.

ADV NOTSHE SC: But are you not able when you try to jolt your memory to look at – think about when Mr Smith agreed. Because you said Mr Smith is a very busy person. Now at some stage he agreed to meet them. But then looking back a week before that and think where you were – the week before that.

20 **MR FROLICK:** It is long ago Chairperson but that – this type of incident that is referred to here it would have assisted me if the specifics were available.

CHAIRPERSON: Hm.

MR FROLICK: Because I know I was in Cape Town and it was within probably two weeks after being to the office there that Mr Agrizzi and – and that is the first time by the way

that I met him. Mr Njenje came to Cape Town and I cannot – I do not know where this fits in. And that is why I say give me more details but I can definitely say Sir that.

CHAIRPERSON: So – so I think that your evidence will not be to deny having facilitated a meeting between BOSASA and Mr Vincent Smith?

MR FROLICK: That is correct.

CHAIRPERSON: Which is what Mr Agrizzi also says. I think the difference between your version in relation to facilitating
10 the meeting and Mr Agrizzi's version is that Mr Agrizzi says the facilitation came about because they had started giving you money. Or – whereas you are saying yes I did facilitate but it was not because of any money that I had received. Am I right in putting it that way?

MR FROLICK: That is my submission Chairperson.

CHAIRPERSON: Yes.

MR FROLICK: And that is why with respect that is why I say this episode now of Port Elizabeth.

CHAIRPERSON: Yes.

20 **MR FROLICK:** And Waverley coming in.

CHAIRPERSON: Yes.

MR FROLICK: I really cannot remember that Sir.

ADV NOTSHE SC: Now – but your then your – your version responding to the Chairperson is this that – oh before I do that. We know at the time you were not in the Portfolio

Committee for Justice and Correctional Services?

MR FROLICK: Yes.

ADV NOTSHE SC: And you just came to be involved in this BOSASA Correctional Services because you accompanied Mr Butana Komphela to the BOSASA complex right. And then insofar as you were concerned you were just helping Mr Gavin Watson whom you had seen – whom you knew to meet Mr Smith, am I right?

MR FROLICK: Yes.

10 **ADV NOTSHE SC:** And thereafter you had no reason to be involved with BOSASA and their problems with the Portfolio Committee. It was not your committee?

MR FROLICK: No Chairperson I – as I said earlier I have never served on that committee. Never ever served on that committee and after that visit that took place and I think Mr Agrizzi also if I am not mistaken in his verbal evidence that he gave – when they reported back to Mr Watson that they were not happy with the outcome of the discussion. And after that I had no reason to be further interested in the
20 matter as it is – as that specific matter is. Not meaning that I seized my inter – friendship with Mr Watson and his brothers and all of that. The friendship still continued. And even up to today we are friends.

ADV NOTSHE SC: Now when did you again discuss the BOSASA issue with Mr Watson – Gavin Watson after the visit

to the Parliament?

MR FROLICK: Mr – after the visit to Parliament and Mr Gavin Watson was not part of it. He called me and he said to me you have heard that the meeting did not go well. These guys said they just left nothing happened. And that was the time when he called me to say that it did not work. They tried to engage but – have a discussion with the Chairperson of that committee but it did not work. That was basically almost I think if I can remember well almost on the
10 same day or the following day.

ADV NOTSHE SC: And that was it?

MR FROLICK: That was it.

ADV NOTSHE SC: And you never spoke to him about BOSASA?

MR FROLICK: No. You know what Chairperson I think and I want to make use of this opportunity of the type of person that the late Gavin Watson was. A very persistent person. Very persistent person probably that is why he got involved in business and things like that. But Mr Watson always had
20 a passion for what he was doing and he believed in what he was doing and the way that he was doing it. So that even on occasion when you discuss the broader politics of which he followed in the ANC and call you and he will come and he talk about this or that. Or when the – the sport situation in the Eastern Cape unravelled, did not work out he would

10 speak to me. He called me, speak to me and say, but you know what why you guys – because at one stage I left Eastern Province Rugby I resigned. I think it was 2014 I left the union. He said: But why do you not speak to Cheeky as well? So he can also leave this thing because that thing is never going to work.

But he would continuously say that he is getting a raw deal in terms of his business operations and he does not know why he is treated like that.

10 He is an ANC member and he is a supporter of the African National Congress. So he raised it afterwards. He will come continuously back to it.

But then, at the point, then you tell him: But listen here, I cannot assist you with that. I can give you an opinion or a view but more than that I cannot do because that is not my area of operation.

20 As a friend I can advise you but in terms of the dealings of what is happening there, I cannot share any information with you that I do not have because I do not serve in that capacity.

And even having being the chairperson of the committees, Chief Justice. We do not get involved. The rules of parliament says the committees, they follow their own programmes. They do whatever they do. They report on those matters.

And Advocate Notshe referred earlier to minutes. He referred to minutes of meetings. I do not read minutes of committee meetings. That is something...

Because if you read minutes of a meeting that you were not part of, what are you trying to achieve? So I do not read it. I oversee and work with 38, at least, chairpersons who are dealing with various things.

And the forum where they discuss minutes and where they deal with their issues is in the portfolio committees. So
10 I would simply, when Mr Watson would, whether it is about elections that he is talking, internal issues in the ANC and whatever he wants to bring up.

The issue of his bad treatment that he is getting. Then I would say: Well, that is something you must deal with. That is something... and if there are legal issues involved, pursue the legal routes.

CHAIRPERSON: H'm. I see we are at two minutes past one. I propose, if everyone agrees, that we continue because I suspect that we should be able to be done by two
20 o'clock.

ADV NOTSHE SC: We should be Chair.

CHAIRPERSON: And then we adjourn for the day.

ADV NOTSHE SC: Yes, Chair.

CHAIRPERSON: Would that suit everybody?

ADV NOTSHE SC: Yes, Chair besides Mr Frolick. He had

made a special request that we will try and finish him early.

CHAIRPERSON: Yes.

ADV NOTSHE SC: He needs to go back.

CHAIRPERSON: Yes.

ADV NOTSHE SC: And... no, that suits me very well.

CHAIRPERSON: Ja, Mr Van Zyl also indicates, he is happy with that. Okay let us continue then.

MR FROLICK: Chairperson, with respect. Is it possible just to ...[intervenes]

10 **CHAIRPERSON:** Oh, to have a ...[intervenes]

MR FROLICK: ...to answer a call from nature.

CHAIRPERSON: Ja. [laughing] Okay let us take, what ten minutes' break?

MR FROLICK: Even shorter, Chairperson.

CHAIRPERSON: Ja.

MR FROLICK: It is up to you.

CHAIRPERSON: Okay let us say ten minutes.

MR FROLICK: Okay.

CHAIRPERSON: We adjourn.

20 **INQUIRY ADJOURNS**

INQUIRY RESUMES

CHAIRPERSON: Okay, let us continue.

ADV NOTSHE SC: Thank you, Chair. Mr Frolick, so you confirm that the meeting at Cape Town with Mr Smith was done with his consent, he agreed to meet these people.

MR FROLICK: Mr Smith agreed, he said when they are there he should – he will be able to join them.

ADV NOTSHE SC: I will tell you why I am asking that is because in his – when he gave an affidavit to this Commission he says he was sort of – he met them, they were unannounced and he did not appreciate that.

MR FROLICK: Well...

ADV NOTSHE SC: He says they came to see him unannounced and he did not appropriate that visit.

10 **MR FROLICK:** Well, Chairperson, I can recall that after mentioning it to Mr Smith he said no, it is fine, he will meet with them and he never came back to me to say that he felt ambushed or unannounced or whatever in terms of the engagement that took place there.

CHAIRPERSON: But was in the discussion that you had with him, when he agreed, was a date also agreed or was it just agreed in principle to meet them but without agreeing to particular date as yet?

20 **MR FROLICK:** Well, what I indicated to him, Chairperson, was that they would be in Cape Town as they have said and it was Mr Watson, would be in Cape Town during the course of that weekend. He said no, it is fine.

CHAIRPERSON: Oh.

MR FROLICK: I will meet whether – so it was not a specific thing that was set down.

CHAIRPERSON: Yes.

MR FROLICK: As going to meet, they were in Cape Town, they said – because Mr Watson was not there, Mr Agrizzi and Mr Njenje came. So I was also surprised when the two of them came and not the one that actually asked for the meeting. So they said they would be in Cape Town and then I said, after having spoken to Mr Smith he said no, it is fine, he will meet them. So there was no – not a specific agenda or date set down for this to take place. They said
10 during the course of the week they will be there.

CHAIRPERSON: Unless maybe he was expecting Mr Gavin Watson whom he has said he knew quite well and then maybe he was surprised when he saw other people, that maybe that might also be ...[intervenes]

MR FROLICK: It is possible, yes.

CHAIRPERSON: ...that caused him to be upset.

MR FROLICK: Ja.

CHAIRPERSON: I do not know, I know that he said that he – he had known Mr Watson from I think either late '80's
20 or early '90's he knew Mr Gavin Watson quite well, so – Mr Notshe, you might have a better recollection of exactly...

ADV NOTSHE SC: Yes, no, he did say he had known Mr Watson for some time before the incident. Now after the visit, after they told you that the meeting was not successful, did you ask Mr Smith what happened?

MR FROLICK: Chairperson, I did not engage with Mr Smith again on the matter because I did not want to come across to put him in a situation where he was not comfortable or upset with that meeting that took place, however short it may be, so I did not discuss the matter again with him, I just left it there.

ADV NOTSHE SC: And I am sure as a parliamentarian, seasoned parliamentarian, you know that the Portfolio Committees have this oversight role over the executive, I
10 am sure you realise that you do not want to be seen to be favouring any individual against the executive or to be seen as part of an individual or a company, am I right?

MR FROLICK: Yes, I have said earlier, Chairperson, that the Portfolio Committees - that is one of their responsibilities, Advocate, in terms of overseeing the executive but given the broad powers that the rules of parliament give them they can basically do whatever they decide.

ADV NOTSHE SC: But members of the Portfolio
20 Committee would not be seen to be – did not want to be seen batting for one company or one individual.

MR FROLICK: No, of course, it is not helpful to do that and that is why in terms also of the rules that are there it is very, very clear in terms of what their roles and functions are. We generally – generally, when the

committees engage with any entity whether it is the governments or entities or individual persons you would expect them that they must always be cognisant of that.

ADV NOTSHE SC: And now when you were phoned by Mr Watson about this litigation they intended against Department of Correctional Services, why did you not say to him you cannot entertain this because it is not one of your roles?

MR FROLICK: Chairperson, I responded to Mr Watson as
10 a friend who needed advice because he has always been complaining about this thing, he is losing business, they are taking things from – they are dropping standards, he will complain about a lot of different things so I simply said that listen here, if you guys feel you have a case, proceed but it is your decision that you should take. It is your decision that you should take and you must decide what you must do, I cannot tell you whether to go this way or that way.

ADV NOTSHE SC: Why did you not just say to him look, it
20 is not my business to advise you onto whether you should litigate or not?

MR FROLICK: Chairperson, as I said in my affidavit, I responded to say that it is your decision, I cannot – and I did not give them any instruction to drop litigation in terms of anything that they were busy with because I did not

even know what the extent of the matter is because I was not privy to that type of information and I responded to him as a friend and said that you want to do business, look at what your strategy is in dealing with the matter, consider the options that are there but ultimately it is your decision, you can take that decision, sorry.

ADV NOTSHE SC: Did you say to them it would be unwise to litigate against government, government department?

MR FROLICK: What I said was that since the operations,
10 as Mr Watson always referred to, they do work for social development, they do this, they do that and what informed me to say that to them is I know in litigating government departments take very, very long and it usually has an impact in terms of your relations with the different government departments that are there and that is why I said it is your decision but just be aware.

CHAIRPERSON: Would it be correct to say you did give them advice but ultimately you said it is their decision.

MR FROLICK: That is correct, Chairperson.

20 **CHAIRPERSON:** Yes, okay. And the advice was against litigating but saying ultimately you must decide.

MR FROLICK: You must decide.

CHAIRPERSON: Okay.

ADV NOTSHE SC: Now did you ask Mr Watson why did he call you instead of calling his lawyers regarding litigation?

MR FROLICK: Chairperson, Mr Watson on previous occasions when he would call and he raised different things and say that he is going to take them to the cleaners and this and that, so he mentioned it a few times to me. Mentioned it a few times to me and I did not ask him why he is calling me. My understanding was that he called me because of the collegiality, friendship that is there between us and the fact that you could see that he was very, very frustrated with what was happening around
10 him and I did not pose that question to him why are you calling me?

ADV NOTSHE SC: Now tell me, did you and Gavin Watson call each other now and again?

MR FROLICK: Chairperson, there is four of those brothers and the one who would call me, apart from Cheeky and Valance, would regularly contact me about different things what is there. Just as an example, Chairperson, as I have indicated earlier, Mr Watson was very concerned in 2016 as we were heading towards the local government
20 elections and I want to contextualise this.

ADV NOTSHE SC: No, I understand.

MR FROLICK: Is that at that stage the operational centre from where the ANC Local Government elections campaigns was running from, was in fact based at the BOSASA campus or whatever they call it, right? And then

he would call me because we use a system, the cloud system, where from across the country the different branches and election structures can upload information in terms of what they were doing for the day or for the week.

So he would stand there and he would call me and he would say that I do not see anything happening in Port Elizabeth, especially in – there is a certain area in Port Elizabeth we call the Northern areas that is vital in terms of the swing as to which party is going to get the majority
10 and he would say that but there is no information coming through and I would tell him, no, no, we are sending the information through, it is coming through. He says but I am standing here, there is no information here, there is absolutely nothing here.

Or, as we went – he had keen interest in what was happening in our movement and structures as we went to the 2017 conference of the ANC at NASREC. He would always call to find out what is happening with – you guys, you do not even have proper branches, when are you going
20 to do this, what are the balance of forces, which way do you think it is going to go? So we would engage on those things.

ADV NOTSHE SC: By the slates.

MR FROLICK: Excuse me?

ADV NOTSHE SC: And the slates.

MR FROLICK: Not the slates, we did not discuss the slate but he had keen interest as to – Chairperson, I will ignore that comment.

CHAIRPERSON: Yes.

MR FROLICK: So we would call – excuse me.

ADV NOTSHE SC: Ja, no, do not worry.

MR FROLICK: So he would call me and he would raise these issues continuously and say that but, you know what, I have heard in terms of the balance of power and the ANC,
10 it is shifting this way, or it is shifting that way. And even when, as the conference was unfolding, he would call and say what is happening now? Is it true what they are reading on social media and things that is taking place? So he had keen interest as far as that is concerned.

Also, as went to the general election after the 2017 conference – and remember, we had the change in the head of state as well in February that year, so he would call, we would discuss those type of things, what is happening and – he also had very firm views around
20 certain issues when I can recall there was a committee that was looking into the issue of land expropriation without compensation and he had a certain view as to what it can or cannot do to the economy of the country and he would call and he would give his view like this and you cannot do this or why do you not try this and that and that? So he

really had interest in those type of things even as we moved towards the 2019 general election that was taking place.

So he would call – sometimes he would get me, other times he would not get me or I would return the call to him and that was the nature of our relationship. If he, for instance, with the – there is one incident I can also remember with the Soccer World Cup that was taking place and he had a particular view about South Africa trying to
10 put in a bid again and I said no, but it does not work like that, it is a little bit more complicated like that because he believed that the infrastructure that was there is not being utilised optimally in terms of the economy.

ADV NOTSHE SC: And is it correct that you would also call him?

MR FROLICK: Yes.

ADV NOTSHE SC: But is it correct that you were not part of BOSASA, he never drew you into his business, you were not part of his business.

20 **MR FROLICK:** I was never part of BOSASA, Chairperson, we would engage each other at that level and even if he then attempted to raise issues about the company I would say that no, wait, just hang on with that a bit, that is a particular issue that you guys must deal with internally so that you can look into the matter as to what is the best

possible outcomes that you can achieve.

ADV NOTSHE SC: Look, if you – can you just turn to page 68? Are you there?

MR FROLICK: 68?

ADV NOTSHE SC: Yes.

MR FROLICK: Trying to get there but – yes.

ADV NOTSHE SC: This is EXHIBIT T17.5. The record of a number of calls recorded between you and Mr Watson. I am sure you saw a number of them from him to you and
10 some from you to him, am I right?

MR FROLICK: Yes.

ADV NOTSHE SC: Now what I have also noticed was also during that time in 2017 on the 6th – on page 70.

MR FROLICK: Yes.

ADV NOTSHE SC: You were called by Mrs Nomvula Mokonyane on the 6th. Do you see that?

MR FROLICK: Yes.

ADV NOTSHE SC: The 6 March 2017.

MR FROLICK: The print is a bit small.

20 **ADV NOTSHE SC:** If you – to help you ...[intervenes]

MR FROLICK: Yes, yes, I have seen it. Yes, I have seen it.

ADV NOTSHE SC: And then do you remember that call?

MR FROLICK: The 6/03?

ADV NOTSHE SC: Of March, ja.

MR FROLICK: 2017. Yes. No, I do not remember having a discussion with Ms Nomvula Mokonyane. There was a particular matter I know when she subsequently – she referred it to me when she was in parliament that she was experiencing with the committee on Water and Sanitation that she was the head of department and you know sometimes part of my work also include facilitating, Chairperson, discussions between the Chairperson of a committee and a Minister if there are differences of opinion
10 on how to proceed with the matter but I can also say that you have referred to a number of calls to and fro, we did not have sufficient time last night to go through this. However, a number of them says no, there is call duration zero, zero, so ...[intervenes]

ADV VAN ZYL SC: Mr Chairperson, may I interrupt the witness, I am sorry but the cell records, they have a problem with their own, you will see in the second column record type and we do not know what all these things mean but if you go to the very last column on these two calls
20 where Ms Mokonyane is indicated, the duration is nought so it seems not to have been a call at all.

CHAIRPERSON: Ja.

ADV VAN ZYL SC: Sorry, I interrupted.

CHAIRPERSON: Yes, no, no, that is fine. Continue, Mr Notshe.

ADV NOTSHE SC: So you say you cannot recall these calls?

MR FROLICK: I cannot recall getting a call from Ms Mokonyane. As I have said, I recall a discussion more or less at that stage in 2017 around the committee matter that she was not happy with.

ADV NOTSHE SC: Because the following day, the 7th, you called her.

MR FROLICK: Yes, I returned a call and she was on
10 voicemail.

ADV NOTSHE SC: I see. And then I see down the line on the 7th she called you and I am not certain – can you remember whether you spoke to her then? Do you recall?

MR FROLICK: On the 7th?

ADV NOTSHE SC: As you go down – the easiest way is to track it through the calling number.

MR FROLICK: Ja, ja, I am trying to do that but it would have been easy if I had a ruler here to...

ADV NOTSHE SC: Let me give you the – I you do not
20 mind, I will help you with a piece of paper.

MR FROLICK: Thank you.

ADV NOTSHE SC: Do you see that number?

MR FROLICK: Chairperson, I see there is a number there.

CHAIRPERSON: Yes.

MR FROLICK: 083 and then it goes on and it ends with
...[intervenes]

CHAIRPERSON: On page 70?

MR FROLICK: On 70, Chairperson.

CHAIRPERSON: Yes.

MR FROLICK: Towards the right, towards the end where
it is written Nomvula Mokonyane.

CHAIRPERSON: Yes, yes.

MR FROLICK: And there is a cell number that is in there,
10 26 and it ends with 44. Can you see that Advocate?

ADV NOTSHE SC: Yes, yes, sir.

MR FROLICK: And it is reflected as my number. It is my
number but it is a telephone that is used by one of my
children who is very active in the ANC in the Western
Cape.

ADV NOTSHE SC: Okay.

MR FROLICK: Where Comrade Nomvula is one of the
deployees, he is part of the – or was part of the University
...[intervenes] .

20 **ADV NOTSHE SC:** Oh, okay.

MR FROLICK: ...thing and it – I am just saying that it
could be discussion related to that [inaudible – speaking
simultaneously]

ADV NOTSHE SC: No, I understand. No, I understand,
ja.

MR FROLICK: I cannot dwell further into that.

ADV NOTSHE SC: No, I understand. Now just go to page 72. It seems as if you received a call from Jonas Joe Gumede on the 11 December 2017.

MR FROLICK: Yes, I see that.

ADV NOTSHE SC: You know who Gumede is?

MR FROLICK: Jonas Joe Gumede is an old comrade who is working with or for or used to work at BOSASA. Now let me contextualise that for you. That was at the time as we
10 were going towards the conference of the African National Congress in NASREC and there were certain services that were provided and Mr Gumede was also at that conference or he was coordinating some work towards that conference there but even there you can see that there was no discussion that could take place because a call duration in terms of the second is 1, 2, 3, 4, 7 and 9. So I remember seeing him, not as a delegate at the conference but he was one of the service providers who were there.

ADV NOTSHE SC: Okay, so he must have called you
20 about that.

MR FROLICK: Well, I do not know why, I subsequently, even though I saw him, he just greeted and things and that was it.

ADV NOTSHE SC: Now also if you go – can you go to page 74?

CHAIRPERSON: What is the page number?

ADV NOTSHE SC: Page 74.

CHAIRPERSON: 74?

ADV NOTSHE SC: Yes. In the middle of the page I see there is call – okay, from Papa Leshabane. Do you see that?

MR FROLICK: Yes.

ADV NOTSHE SC: Do you know who he is?

MR FROLICK: Yes, Papa is a person that also works or
10 used to work in one of the subsidiary companies at
BOSASA.

ADV NOTSHE SC: BOSASA, yes.

MR FROLICK: Yes and similarly, Papa Leshabane used to
– I used to see him sometimes when he comes to
parliament in Cape Town or on whatever business he is
coming to do there and we would greet but that is – I
cannot say it is a friend, it is more an acquaintance but in
terms of the content of the discussions that was taking
place there. I cannot really recall what it was about.

20 **ADV NOTSHE SC:** But he is also linked to BOSASA.

MR FROLICK: Yes, no, he used to work there.

ADV NOTSHE SC: And so was Mphaphuti(?)Dlamini.

MR FROLICK: Who is that?

ADV NOTSHE SC: Look on the ...[intervenes]

MR FROLICK: I do not know Mphaphuti Dlamini.

ADV NOTSHE SC: Mphaphuti Dlamini.

MR FROLICK: I know Papa for a long time because – and the first time I actually met Papa Leshabane was when he attended a funeral service of the Watson family in Port Elizabeth when the mother passed away.

ADV NOTSHE SC: Because there is a record that you received a call from Papa Leshabane and then there is a slash and Mphaphuti Dlamini. The call was about 356 seconds. You do not recall that?

10 **MR FROLICK:** Chair, but I – no, I really – no, I am not saying that there was no call but the thing is I cannot really remember what the discussion was or the reason was for that call.

ADV NOTSHE SC: No, I understand that.

MR FROLICK: I know Papa was also very passionate in attending these events and things that was happening, so I cannot recall that.

ADV VAN ZYL SC: Mr Chairperson, if I may again interrupt here.

20 **CHAIRPERSON:** Yes.

ADV VAN ZYL SC: If you look at this specific call of 356 minutes ...[intervenes]

MR FROLICK: Seconds.

ADV VAN ZYL SC: You will see that it differs from the others. As the record typed it is indicated as a CF and

then it shows call forwarding. You see call forward in the third last column, that is where Mr Frolick's name appears for the first time and then party number three, there is a 267 number. How all this hangs together we do not know, I need to point that out.

MR FROLICK: Chairperson, if I may?

CHAIRPERSON: Yes.

MR FROLICK: I also indicated that we received this information late yesterday afternoon.

10 **CHAIRPERSON:** Yes, ja.

MR FROLICK: And initially we difficulties in terms of the spreadsheet and the way it was printed so we had to go to quite some length to get some idea as to what is everything in here.

CHAIRPERSON: Yes. No, that is fine.

ADV NOTSHE SC: But what is clear – what, Mr Frolick, comes out clear is that these people that are reflected in this printout are people you know.

MR FROLICK: I know Mr Leshabane, yes.

20 **ADV NOTSHE SC:** And you know Joe Gumede.

MR FROLICK: I know Joe Gumede.

ADV NOTSHE SC: And you also know that these people used to work for BOSASA.

MR FROLICK: That is correct.

ADV NOTSHE SC: Yes. And if you go down there is also

Sisinisio Opela(?). Do you know him?

MR FROLICK: I have met Sisinisio once. I have met once when he was – or possibly on more than one occasion, if my memory serves me correct, when he was in Port Elizabeth and the place where I met him was when I went to a discussion with Mr Valance Watson and he was apparently in Port Elizabeth and he came in there. So that is from that time that I know him and [inaudible – speaking simultaneously]

10 **ADV NOTSHE SC:** How did he get your number?

MR FROLICK: Excuse me?

ADV NOTSHE SC: How did he get your number, do you know?

MR FROLICK: No, I do not know. You must keep in mind, Chairperson, that that number, that 0 – the 267, the 267 number is displayed on the website of parliament, business cards, everywhere. That number is everywhere, so I cannot say with certainty he got the number from this one or that one.

20 **ADV NOTSHE SC:** Ja. Okay, I see here that Sisinisio called you on one day on a number of occasions and he spent some time with you, like some seconds with you on the phone. Do you know why he called you a number of times?

MR FROLICK: No, I cannot recall, sir. As I said, we did

no really have even time to go into the depth of the document that was sent out yesterday afternoon.

ADV NOTSHE SC: Chairman, can you just bear with me one second? I think that is all I wanted to clarify from the witness, yes.

CHAIRPERSON: Is the impression I have, Mr Frolick, looking at these telephone records or cell phone records, is the impression I have that Mr Gavin Watson frequently wanted to talk to you, whether he succeeded sometimes or
10 did not succeed most of the times, is that impression correct?

MR FROLICK: That is correct, Chairperson.

CHAIRPERSON: Yes.

MR FROLICK: As I have said earlier, if I may?

CHAIRPERSON: Yes.

MR FROLICK: That he is the type of individual that basically was a person who – irrepressible, if you can call it that way, that you must continuously slow down and say no, no, no, wait. Or it is something that really is not within
20 my scope of doing it.

CHAIRPERSON: Ja.

MR FROLICK: But we had that type of relationship and that is how I know those brothers, that is how I know them. They are good friends of mine and that is the way they engage.

CHAIRPERSON: Yes, actually I see that there used to be quite frequent – reasonably frequent calls also between yourself and Mr Smith.

MR FROLICK: May I respond, Chairperson?

CHAIRPERSON: Yes, I am just having a look and want to ...[intervenes]

MR FROLICK: Yes, no, I understand.

CHAIRPERSON: And check whether my impression is correct.

10 **MR FROLICK:** Absolutely correct, Chairperson.

CHAIRPERSON: Yes.

MR FROLICK: You must remember that Mr Smith was after the 24th in elections involved with the constitutional review committee and Mr Smith did two important tasks up to 2019.

The one was the inquiry that he headed into the SABC and the second one was all these public hearings that took place across the country to get the views of South Africans on the – also the amendment of the
20 constitution to make the expropriation of land without compensation possible.

So as with Mr Smith and other Chairpersons who are busy with important processes, they will call for procedural advice or they will call and they will say the logistics are not in place or the hotels that members are

staying in is of an – not of a good quality that we expect or the transport, this has happened, or there is a problem with the staff allocation or the oversight visits or the venues were not booked on time. So they would call continuously and they call any time of the day or night, Chairperson.

CHAIRPERSON: Yes.

MR FROLICK: And the nature of my work is, is that I must entertain them.

10 **CHAIRPERSON:** Yes, okay, so it seems to me that the picture that emerges, and you can comment from your evidence and that of Mr Watson, no Mr Agrizzi, is you are not in a position to deny or dispute his evidence that at a certain time before – at a certain time before they got to know you, that is now Mr Agrizzi and – I don't know whether Mr Gavin Watson also did not know you until this happened, whether you only knew his brothers.

But it seems that you do not deny or dispute his version that one as BOSASA they had certain challenges
20 with regard to negative publicity in the media connected with their relationship with the Department of Correctional Services mainly and the challenges being that they wanted the portfolio committee on correctional services to handle matters that could arise that relate to BOSASA and correctional services to handle them in a manner, in a

certain manner because he says that they did not want to have a situation where the portfolio committee maybe could take a view which would result in them not being even in a contract anymore.

I think that is why what he is saying so it looks like they wanted to make sure that when BOSASA issues arose in the portfolio committee they wanted to know that the portfolio committee would handle those matters in a manner that would not result in them losing business with
10 the correctional services or not been granted any further contracts and for that reason they wanted to talk to the Chairperson of that committee. You do not know anything about that or at least you do not dispute it as I understand the position, is that correct?

MR FROLICK: No, Chairperson what I do know is and you stated it correctly is that they definitely said that they had a problem.

CHAIRPERSON: They shared that with you.

MR FROLICK: They have a problem however if I may?

20 **CHAIRPERSON:** Yes.

MR FROLICK: Portfolio committees have no powers to award and to withdraw contracts.

CHAIRPERSON: Yes.

MR FROLICK: That is between the relevant department and the entities that are involved or the companies that are

involved. Portfolio committees do not get involved in allocating of the contracts, withdrawing of the contracts they can report and then secondly any matter that is raised in front of a portfolio committee cannot simply be swept under the carpet also they have a role and responsibility to play with it. And that is why the standing committee especially when it comes to financial matters are concerned on public accounts are of such importance. It happens now and then Chairperson that certain issues fall
10 off the radius screen or there is certain things because portfolio committees they also in the law making business, they conduct all these different types of things that they do and in parliament we do not have that type of capacity where you can probe each and every contract that is awarded by the department for whatever reason, we do not have that capacity. So committees rely a lot on what is presented to them right and to follow up then on the issues and then ably supported by the office of the Auditor General then. The Auditor General will then flag and the
20 committees will then zoom in specifically. Also keep in mind Chairperson that the Auditor General does not audit all the books it takes a sample of what is there in the different government departments but it is impossible to hide a matter that is in front of a portfolio committee because the portfolios committees are all multi-party

committees and in the case of SCOPA it is a committee that is led by as per our tradition and practice in parliament by a member of the opposition and that is the task and responsibility that they do.

And it does happen at times when there are issues that are arising that the two committees will work together they will confer on a specific matter and that is how they go about doing their work.

CHAIRPERSON: But the portfolio committees might not
10 have power to grant contracts, award contracts, award jobs that is the function of government departments but what they certainly can do would you not agree is to put pressure on a government department that seems to be doing something they regard as wrong to say stop it. Now let me tell you what I am thinking a portfolio committee could do I mean one of the things I raised I think already last year in relation to the BOSASA issues was for many years I was reading in the media in the newspaper that all kinds of allegations of corruption against BOSASA and my
20 question was how did it come about that BOSASA continued to be awarded contracts after contracts by government entities when there were these stories all over you see.

Now if a portfolio committee, if the correctional services portfolio committee was aware that there were all

kinds of allegations of corruption against BOSASA and they got to know that the Department of Correctional Services kept on giving them contracts or extending them certainly the portfolio committee would be capable of taking a strong position on the issue and say to the DG or the Minister this must stop have you investigated this, where is the outcome of the investigation. It looks like nothing is being done about this company when all these allegations are continuing. So I think there is some pressure they could put which could result in the department saying look until maybe these issues are properly investigated let us stop giving this company contracts. Would you not agree?

MR FROLICK: No, I agree with that Chairperson.

CHAIRPERSON: Yes.

MR FROLICK: It is suffice to say that and maybe at another time in the Commission again because we are busy with another – I do not want to go into details with it you should be aware of it and when we come back that is a matter that we will go into great deal.

20 **CHAIRPERSON:** I am very happy I was going to provoke you into that one but if you say you will be coming, I am happy.

MR FROLICK: No, Chairperson I think it is important.

CHAIRPERSON: Yes.

MR FROLICK: To get that view not from an organisational

perspective but...[intervene]

CHAIRPERSON: Yes, from parliament.

MR FROLICK: But from parliament institution and the different political parties that are part of these type of processes.

CHAIRPERSON: Yes.

MR FROLICK: I always remind people and when students also visit the institution I said this place that you walking in is not an administrative building this is a vicious political
10 terrain that you are moving in. Now without pre-empting Deputy Chief Justice committees report and they make very, very important recommendations. In terms of the separation of powers between the legislature and the executive it then becomes the responsibility of the executive to follow up and to deal with the recommendations that was made by portfolio committees.

In the submission that we are looking at and that we will explore again is that that is the question that we posing. If a committee reports then on all these things why
20 did it not change, why was there no change in behaviour or if a certain company or entity has been accused of wrongdoing for years and whatever they continue doing business with the State or you find that you have what you call the – for a lack of a better word I do not want to call it recycling. The movement of certain core personal where

fingers are pointed at in a specific department and then they disappear for a while and then they just surface in another department again. But that is the type of thing that we are looking at Deputy Chief Justice and we will make that submission.

CHAIRPERSON: I am very happy that you are working on that because it seems to me that parliamentary oversight is extremely important and a lot of things that may have gone wrong in our country may well have been stopped in their
10 tracks if parliamentary oversight had been performed the way we would like. I am saying the way we would like because at this stage of course I do not know whether whatever evidence will be brought forward will reveal that parliament did not perform its oversight properly for whatever reasons maybe part of the reasons being lack of capacity, lack of certain skills or whatever I do not know. But some of the things one says you know one keeps up to date with what is happening in parliament one has never seen parliament do A, B, C, D you know.

20 But parliament might be able to say we tried all of these things but they just – they were not effective maybe the mechanisms we have of oversight are not effective, are not adequate. Or maybe they are adequate but somewhere somehow there is no will to push, push things through so I am looking forward to the time when I will there will be that

kind of interaction.

But to go back to this point that you have said yes they have told you that there is this problem then you – this is BOSASA with regard to having access to the Chairperson or to the committee and then they spoke to you when you had that visit with Mr Komphela you discussed and the result was that you talk to Mr Vincent Smith and ultimately they met. And then the picture at least that emerges from Mr Agrizzi's evidence now I cannot
10 remember well when you compare it with Mr Smith's evidence. The picture seem to indicate that indeed there was a change of attitude on the part of Mr Smith towards BOSASA. So it seems to me that a substantial part of what Agrizzi says is something that you may not be disputing but you are simply saying whatever facilitation you may have done to ensure that there was a meeting between BOSASA and Mr Smith was not because you had been given any money whereas Mr Agrizzi says we gave him money that is why we got this results. Is my
20 understanding...[intervene]

MR FROLICK: That is correct Chairperson.

CHAIRPERSON: It is correct, yes.

MR FROLICK: That is correct.

CHAIRPERSON: Okay, alright. Anything arising?

ADV NOTSHE SC: No not from me Chair.

CHAIRPERSON: Okay alright.

ADV NOTSHE SC: The only thing but...[intervene]

CHAIRPERSON: Mr Van Zyl would you like to re-examine or are you fine?

ADV VAN ZYL SC: Yes, Chair.

CHAIRPERSON: Okay alright.

ADV NOTSHE SC: Chair before he re-examines then I think you are going to ask him about much as arising from your questions. Can I just hand – let this be part of the
10 record the affidavit the one which we were put in after tea.

CHAIRPERSON: Yes.

ADV NOTSHE SC: Can I just lead that evidence.

CHAIRPERSON: Yes, do that.

ADV NOTSHE SC: Mr Frolick can you go to page 81.

CHAIRPERSON: What page?

ADV NOTSHE SC: Page 81 and then that is an affidavit which ends on page 90. Do you confirm that that is your affidavit with annexures?

MR FROLICK: That is correct.

20 **ADV NOTSHE SC:** And Chair can that affidavit be admitted as Exhibit T176.

CHAIRPERSON: Exhibit T?

ADV NOTSHE SC: T176.

CHAIRPERSON: T17 point?

ADV NOTSHE SC: Point 6.

CHAIRPERSON: 6?

ADV NOTSHE SC: Yes.

CHAIRPERSON: Mr Frolick's affidavit that starts at page 81 is admitted and will be marked as Exhibit T17.6.

ADV NOTSHE SC: Thank you Chair.

CHAIRPERSON: Ja.

ADV NOTSHE SC: I have no further questions.

CHAIRPERSON: Yes, Mr Van Zyl?

ADV VAN ZYL SC: Thank you Mr Chairperson.

10 **CHAIRPERSON:** If you will not be long you could re-examine him from there if you would be short if you will be a little longer...[intervene]

ADV VAN ZYL SC: If I may I am quite happy to do it from here.

CHAIRPERSON: Okay, alright.

ADV VAN ZYL SC: A question about the youth centre. When you and Mr Komphela arrived at the BOSASA campus can we call it I am not sure that I understood correctly are you saying that there was no youth centre or that they
20 were not ready with it to receive you or what is the position?

MR FROLICK: No, there is a youth centre but the way they packaged the visit included a number of other things and Mr Komphela was not comfortable about that. So the centre is there and as I stated earlier the intention was to

go and to see the youth centre but the way that the program was organised included basically the entire place where they do their operations there.

ADV VAN ZYL SC: Well the question arises why did you not say well forget about all the other places we are just going to see the youth centre or was that not on the agenda at all.

MR FROLICK: No they said that there would be a – they would require some type of transport or something
10 because it involves extensive walking around the place and keeping in mind that Mr Komphela has a disability and he was very agitated actually, he was very, very agitated when he saw that no this thing is now a lot bigger that was agreed to and also he had to catch his flight back to Bloemfontein and the time allocation that was set aside for all of this to happen now was simply too much.

ADV VAN ZYL SC: Then you grew up in Port Elizabeth?

MR FROLICK: That is correct.

ADV VAN ZYL SC: Are you familiar with all the
20 suburbs?

MR FROLICK: When I grew up Chairperson I did not grow up in all those suburbs, I grew up in the townships.

ADV VAN ZYL SC: But can you tell us whether there is a suburb like Waverley?

MR FROLICK: There is a suburb called Mill Park.

ADV VAN ZYL SC: No, can you tell us whether there is a suburb called Waverley?

MR FROLICK: No, I do not know a suburb called Waverley.

CHAIRPERSON: But you do not know if there is or would it be situation where you are definite that there is no such suburb or you would limit yourself to saying I have never heard of it.

MR FROLICK: No, I have never heard of a place called a
10 suburb called Waverley in Port Elizabeth.

CHAIRPERSON: Okay, alright.

ADV VAN ZYL SC: And then on Mr Agrizzi's evidence as to the meeting you were asked extensive questions on whether you left that office in which you were. But to place it in context Agrizzi said you left the office you were called out by Watson basically so that he could give you money and he gave you the money. What do you say about that?

MR FROLICK: No, I did not receive money upon any visit of mine to – on that visit to BOSASA.

20 **ADV VAN ZYL SC:** Thank you Mr Chairperson, I have no further questions.

CHAIRPERSON: Actually you Mr Van Zyl your re-examination has reminded me of something that I wanted to ask. There is a – you know some weeks ago Mr Frolick, Mr Vincent Smith was here giving evidence and one of the

– part of the bundle of documents that were before me included of the bundle included messages, I think either SMS text messages or WhatsApp messages between – exchange between Mr Agrizzi and Mr Watson.

And they were talking between themselves about certain matters relating to BOSASA and they were mentioning Mr Vincent Smith's name but in the process your name was also mentioned. Now I just want to see where that is because I wanted to ask you about it. Mr
10 Notshe do you know where that is because I know it is here I saw it last night? I think I...[intervene]

ADV NOTSHE SC: Chair no I have been unable to find that.

CHAIRPERSON: No I think I am going to find it I have already seen one. I think I am going to find it; you just have to be patient with me Mr Frolick. You see in those messages Mr Watson and Mr Agrizzi are talking about things that relate to the Department of Correctional Services and mentioning people who were employed by
20 correctional services and they mentioned if I recall correctly contracts as well and then your name gets mentioned in that context

ADV NOTSHE SC: Chair you can look at page I think it is 359.

CHAIRPERSON: What page?

ADV NOTSHE SC: 359.

CHAIRPERSON: Oh I have got it. It is page 463 of BOSASA Bundle 02 and can you make it available to Mr Frolick if he has not got it.

MR FROLICK: Just give me the page again Chair.

CHAIRPERSON: It is written BOSASA Bundle 02.

MR FROLICK: And the page Chairperson?

CHAIRPERSON: And the page is 463. The message is begin a little earlier they begin at 460. So maybe we start
10 at 460 and then we can, have you got 460, not yet?

MR FROLICK: I have got it Chair.

CHAIRPERSON: Yes, you see 460 I think that is Mr Gavin Watson sending to Mr Agrizzi if I am not mistaken 27 August 2016. He says:

20 “No further payments we need to have a meeting with them before we get to involved and embroiled in the fight with the EFF this is going to be ugly. Nomvula is being sucked in as one of the funders it could backfire on us, Joe has also confirmed this, God bless.”

I may be mistaken about who is sending it to who but I think from last time Mr Notshe said it was exchanges between Mr Agrizzi and Mr Gavin Watson. Then the following page 461 the message at the top says:

“Vincent Smith just got hold of me he says let us

wait until Tuesday because his having a meeting tomorrow with ZM and Smallberger, God bless.”

Now I think there was, there is a Smallberger that was at the Department of Correctional Services I do not know whether that is the same person they are talking about but the message below that says:

10 “I think I would have told him - from Mr Agrizzi - he called me as well what he said was to continue the prepped meetings drafting documents we will convene on Tuesday at 14h00 then review our approach and adjust the three pronged approach but he did not say we should halt it.”

Then there is:

“I tried to call you on WhatsApp.”

Then there this is:

“I agree it is a three pronged approach.”

Then page 462 it seems to be Mr Gavin Watson to Mr Agrizzi it is about Vincent Smith. He says:

20 “Vincent Smith just got hold of me he says let us wait until Tuesday because he is having a meeting tomorrow with ZM and Smallberger, God bless.”

Oh that is the same message, then at 463 that is where your name, well at least Cedric is mentioned that might not be you so but they just said Cedric it might be another Cedric. It says:

“I agree it is a three pronged approach Vincent’s approach and Cedric’s approach when I said wait it is for the meeting for Tuesday to give us more information how to approach this thing, this is why he is having a meeting with Smallberger to give us more information on what is taking place in DCS.”

And then the other one says:

“Okay understood but by 8:30 I need to confirm drafting papers otherwise we miss the deadline. I will send you an explanatory.”

It does not say Cedric Frolick but I do not know whether you might have had any conversations with them which you might associate with what they are talking about here?

MR FROLICK: No Chairperson I do not.

CHAIRPERSON: You do not.

MR FROLICK: And especially when it comes to officials of any different departments and things I do not get involved with that type of detail so I really do not know what they are referring to.

CHAIRPERSON: Okay no that is fine. Thank you.

MR FROLICK: Chairperson I see you want to close this session.

CHAIRPERSON: Yes, yes.

MR FROLICK: If I may just make a remark please I think it is important for the work of this Commission.

CHAIRPERSON: Yes.

MR FROLICK: Because the Commission was initially faced with a number of challenges as far as the leaking of information is concerned of witnesses that was still going to appear. I thank you for the opportunity to have come to give my version of what has transpired and so forth and I wish to indicate that on all the – not all the other dates there was a date in April if you can recall that I was supposed to come but then we went into lockdown. Then
10 there was a date in July again...[intervene]

CHAIRPERSON: Yes.

MR FROLICK: But then I was part of the Covid situation that was that was there but I did receive a message the first time that I was going to appear here.

CHAIRPERSON: Yes, yes.

MR FROLICK: And I am not going to name any names
Chairperson from a journalist and it was a text message that the journalist sent to me it is about the working of the Commission trying to imply and say you know what you are
20 going to be charged for corruption who is your attorney that is going to represent you. Why are you going now to the Commission to cross-question certain witnesses and do all these type of things and you already - a warning statement was taken and all of that, and I referred it to my lawyer that is there but I think it is very important

Chairperson for you as the Chairperson of this Commission to be aware of the attempts to drive the narrative from the outside which I really think is undermining the work of this Commission and it will make it very, very difficult for the Commission to proceed in terms of its mandate and what they and when they need to report. I do not want to go into historical issues that are there but I just thought I wanted to put it on record that that is what has occurred.

CHAIRPERSON: No thank you for that Mr Frolick. The
10 leaks of information whether happening within the Commission or information being leaked from other sources continues to be something that causes us great concern. I had an occasion a few days ago to talk about it, it continues. There was a time when we thought it had stopped you know. I think a number of media houses are abiding by the law but there are some that seem to have taken the view that they will look for and publish whatever they like irrespective of what the regulations say. But to the extent of course that whoever it is that sent you a
20 message or called you may have implied that the Commission had made any findings about you or against you arising from whatever evidence it has had obviously that is just not true.

It is not true but also to the extent that they may have

wanted to deter you or discourage you from coming to give your evidence and making yourself available that was totally unacceptable. I think that you have done the right thing by coming to the Commission and saying I am here I will tell my side of the story and I am available to be questioned on my side of the story. It is important for the Commission it raised two important matters, I am a public representative I will support the Commission and I think it is important that people should come and give evidence.

10 So I think that those of you who have come forward and there are many who have come forward without being forced to come forward I think they are doing the right thing and the Commission will be enriched by their participation by the evidence they give irrespective of what the outcome may be, the process is very important. So thank you very much for coming and for sharing what you have shared with the Commission. Thank you very much and thank you to your counsel for the cooperation that he has given to the Commission and your whole legal team,
20 thank you Mr Van Zyl.

 Alright we are going to adjourn – next week the Commission this is just for the public we will hear evidence relating to Eskom it will continue to hear evidence relating to the suspension of executives at Eskom. We might have a hearing on Monday we might not have it, we might

resume on Tuesday I am not sure but that is what the Commission will be hearing next week but for today we adjourn for the day. We adjourn.

ADV NOTSHE SC: Thank you Chair.

REGISTRAR: All rise.

INQUIRY ADJOURNS TO 5 OCTOBER 2020