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COMMISSION OF INQUIRY INTO STATE CAPTURE

HELD AT

CITY OF JOHANNESBURG OLD COUNCIL CHAMBER

158 CIVIC BOULEVARD, BRAAMFONTEIN

05 NOVEMBER 2020

DAY 299



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TRANSCRIBERS:

B KLINE; Y KLIEM; V FAASEN; D STANIFORTH



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PROCEEDINGS RESUME ON 05 NOVEMBER 2020

CHAIRPERSON: Good morning Ms Hofmeyr, good morning everybody.

ADV HOFMEYR: Good morning Chair.

CHAIRPERSON: Are we ready?

ADV HOFMEYR: We are indeed.

CHAIRPERSON: Yes okay. Let us continue.

ADV HOFMEYR: Thank you Chair. Ms Myeni can I...

CHAIRPERSON: I am sorry.

10 **ADV HOFMEYR:** Sorry.

CHAIRPERSON: Ms Myeni can you hear me?

MS MYENI: I can hear you Chairperson, good morning, thank you.

CHAIRPERSON: Good morning to you. The oath you took yesterday will continue to apply today you understand that?

MS MYENI: I do understand that Chair – Chairperson thank you.

CHAIRPERSON: Thank you. Yes Ms Hofmeyr.

20 **ADV HOFMEYR:** Good morning Ms Myeni can I just confirm that you can hear me clearly?

MS MYENI: Morning Ms Hofmeyr I can hear you clearly yes.

ADV HOFMEYR: Thank you. Ms Myeni where we left matters off yesterday was dealing with the Pembroke

transaction which has colloquially over time been called the Ten to Ten transaction and you will recall we got to the end of it and I had indicated to you that members of the board had taken your misrepresentations to the Minister very seriously and I wanted to understand from you whether you were aware of the concerns that they were raising in early 2014?

MS MYENI: Chairperson I am not going to answer the question being asked for the fear of incriminating myself.

10 **ADV HOFMEYR:** Ms Myeni I would like to go to the letter that they wrote to you. This was six members of the board on the 28 January 2014. It is a letter they wrote to you and which was copied to the Minister. And you will find that in the bundle we were working with yesterday that is Bundle DD34[b] and you will need to pick it up at page 1332 – 1332.

CHAIRPERSON: Did you say that is 34[b]?

MS MYENI: I have it Chairperson.

CHAIRPERSON: [b]?

20 **ADV HOFMEYR:** 34[b] yes Chair at page 1332. It should be under..

CHAIRPERSON: Oh okay no I was – I think you said 1332 and I was looking at 103 something.

ADV HOFMEYR: Oh not today Chair thank you.

CHAIRPERSON: 1332.

ADV HOFMEYR: Yes.

CHAIRPERSON: Okay. Let me get there. Yes I am there.

ADV HOFMEYR: So Ms Myeni do you have that document in front of you?

MS MYENI: I do.

ADV HOFMEYR: What you will see...

MS MYENI: Chairperson I do sorry.

ADV HOFMEYR: Thank you. It is a document that commences at page 1332. It is addressed to yourself and
10 you will see cc'd to the Honourable Minister of Public Enterprises Mr Malusi Gigaba. And then if you go over a few pages to page 1341 you will see the six directors who signed this letter.

MS MYENI: I have the letter Chairperson.

ADV HOFMEYR: And at page 1341 it commences

“Sincerely, concerned SAA non-executive directors.”

And then below that we have the name of six directors and signatures against their names. I read those into the
20 record. Mr Andile Khumalo, Ms Nonhlanhla Kubeka, Ms Raisibe Lepule, Mr Andile Mabizela, Mr Bongisizwe Mpondo and Ms Carol Ross Kruger, do you see that?

MS MYENI: I see it Chairperson.

ADV HOFMEYR: And what this letter details Ms Myeni and I am going for now just to paraphrase broadly is a number

of concerns about your leadership on the board. If you go back to page 1332 which is where the letter commences you will see there that it is dated the 28 January 2014 and this is entitled

“Re Leadership Challenges in Relation to
the Chairperson of South African Airways
SOC Limited SAA.”

If at any point you want me to go to a particular paragraph feel free to ask me to do so or to read the specific aspects
10 I am now going to paraphrase. But the essence of the letter I suggest to you Ms Myeni is the following:

They refer to a meeting – a board meeting that was held on the 22 January 2014 which you did not attend. And they recount to you and to the Minister that they wanted to discuss your conduct at that meeting.

They registered the fact that this was an issue that required attention. And so they decided to call a special meeting thereafter so that you could attend. They had concerns that you were not there for a discussion about
20 your conduct so they decided to call a special meeting which you could attend and that was set for six days later on the 28 January 2014.

But you had sent them an email saying that you would not attend. Do you recall those events Ms Myeni?

MS MYENI: Chairperson may I not respond to the

question? May I invoke the privilege of not responding and answering this question in case I incriminate myself.

ADV HOFMEYR: The first issue that they highlighted in this letter is actually the manner in which you conducted yourself in relation to the Pembroke transaction that we looked at yesterday. Were you aware that they had expressed this concern to the Minister in this letter?

MS MYENI: I do not answer Chairperson in case I incriminate myself.

10 **ADV HOFMEYR:** They said that you had grossly misrepresented the facts to the Minister. Do you remember them making that very serious allegation against you?

MS MYENI: May I not respond to the question Chairperson in case I incriminate myself.

ADV HOFMEYR: They also explained that your efforts to change that resolution the one that was taken on the 27 May that we looked at yesterday had delayed matters with Pembroke such that the timelines for the delivery of the A320's was delayed by four months. They calculated the
20 impact of that...

CHAIRPERSON: I am sorry. I am terribly sorry Ms Hofmeyr. There seems to be some sound or noise.

ADV HOFMEYR: Oh.

CHAIRPERSON: From somewhere. It seems to be on my right. I do not know. There seems to be some – some

stabbing sound.

ADV HOFMEYR: We will investigate Chair if we can.

CHAIRPERSON: Yes okay. I am sorry okay let us continue. Just maybe start your question again?

ADV HOFMEYR: Of course.

CHAIRPERSON: Ja.

ADV HOFMEYR: What they went on to explain after they registered their concern about your gross misrepresentation to the Minister was the impact of that
10 misrepresentation. Because they said that it resulted in the delay of the Pembroke transaction such that the timelines for the deliveries of the A320's was delayed by four months and they calculated the impact of that on SAA as being a cost of about R800 million. And they added that that then had a knock on effect that SAA had to increase its borrowing requirements with lenders. Are you aware of that?

MS MYENI: May I not respond Chairperson so that I do not incriminate myself.

20 **ADV HOFMEYR:** You are aware that you did respond to this in a letter that you wrote later, is that not so Ms Myeni?

MS MYENI: May I not respond Chairperson in case I incriminate myself.

ADV HOFMEYR: The other thing that they were very

concerned about was that you were instigating investigations against fellow board members. Do you recall that?

MS MYENI: May I not respond Chairperson in case I incriminate myself.

ADV HOFMEYR: They described a situation in which they were being managed with fear and intimidation. Do you remember that allegation against you?

MS MYENI: May I not respond Chairperson in case – so
10 avoid incriminating myself.

ADV HOFMEYR: And they concluded their letter by saying that you had repeatedly transgressed the requirements of good governance. That you had a leadership style that would potentially expose all board members to liability for breaches of fiduciary duties. Do you recall that that was the level at which they pitched their concern about your conduct?

MS MYENI: What is the question Ma'am?

ADV HOFMEYR: Do you remember that that was the level
20 – the serious level at which they recorded their concerns about your conduct.

MS MYENI: With respect Chairperson may I not respond to the question in case I incriminate myself.

ADV HOFMEYR: Now Ms Myeni we looked at the signatories to the letter a moment ago. The letter was

signed by six board members. You will recall that their signatures appear at page – this is DD34[b] page 1341. At the – on the board at the time as I have it there were a total of ten members. It was the six who had signed the letter and then in addition to those six it was yourself, Ms Nkosi Thomas, Ms Kwinana and Mr Naithani. Is that also your understanding of the constitution of the board at the time?

MS MYENI: May I not respond Chairperson to the question
10 to avoid incriminating myself.

ADV HOFMEYR: Do you accept that this was a letter that the Minister of Public Enterprises ought to have taken very seriously? A majority of the members of the board of SAA were writing to him and to you to notify him of what they regarded as your grossly reckless management of SAA. Should that have been taken seriously by the Minister?

MS MYENI: Chairperson I am sorry.

CHAIRPERSON: Yes Ms Myeni.

MS MYENI: Chairperson I wish the Minister that is spoken
20 about or any other Minister Chairperson would have taken the matter of the collapsing of South African Airways during the tenure of Coleman Andrews who sold the fleet of South African Airways putting it into the deepest challenge which a decision that they took then and the decision that they took then up until today in 2020 was wrong then it is

wrong today.

But if then I am hearing that the Minister took something seriously that was written by board members but none of the Ministers that I reported to took the matter of corruption at SAA took the matter of all the investigations that were done in terms of losses – financial losses in the organisation as well as onerous lease agreements that exist at SAA.

I would be in a position to respond to this question
10 therefore Chairperson I am saying this I am not going to respond to this question and I did appreciate the fact that the Chairperson is allowing me to be given that right not to incriminate myself. Thank you Chairperson.

CHAIRPERSON: Yes. Ms Hofmeyr.

ADV HOFMEYR: As I understand it you responded to that letter and your response Ms Myeni you will find in the same bundle. You will find it under Tab23 and it is at page 1545. Do you have that?

MS MYENI: Getting there Ma'am. I have it Chairperson
20 1545.

CHAIRPERSON: Yes thank you. Before you proceed Ms Hofmeyr can I just ask a question to Mr Myeni? In terms of the response that you gave a few minutes ago did I understand you correctly to say that none of the Ministers to whom you reported when you were chairperson of the

SAA board took issues of corruption SAA – at SAA seriously? Did I understand you correctly?

MS MYENI: I can repeat what I said Chairperson so that it is clear.

CHAIRPERSON: Yes.

MS MYENI: For you.

CHAIRPERSON: Yes.

MS MYENI: First I am saying the evidence leader is saying the Minister took the letter from – that was written by the board members very seriously. I am then saying I wish that any other Minister or every Minister that we reported to as South African Airways took the matters of South African Airways as seriously as it is being emphasised about this matter the issue of Coleman Andrews the then CEO of South African Airways under the leadership of a board under the leadership of other structures like Parliamentary Portfolio Committee then the Minister the issue of selling the tools of trade selling – sell – the selling and the listing of the aircrafts that belonged to South African Airways and registering that he is telling – turning the airline around and it is profitable.

I am saying the same energy and the same seriousness that is being emphasised today has never been a – the same energy and seriousness that has been demonstrated during my tenure as a board member at SAA

and during my tenure as the chairperson of the board.

I have reported about onerous contracts. First aircraft leases that are leased – that are dolarised in terms of their leases. Secondly I have also raised issues of an untransformed state entity.

So I am saying then Chairperson the corruption at SAA has been one of the issues that we have dealt with. We decided as the board to conduct investigation into financial losses at South African Airways. I have
10 presented the reports. I am – I am sure you are seized with those as well Chairperson in this commission.

But the same seriousness that I am hearing today from Ms Hofmeyr about a certain Minister who took the letter from the board members who signed. Who of these board members never raised any issue about ever getting contracts at SAA 90% of contracts being for predominantly white companies and only 2% of the total procurement spend of R30 billion going to black people?

I am commenting Chairperson it was not an answer
20 but it was a comment to say I wish that had happened during my tenure as a board member and during my tenure as the chairperson. Ngiyabhonga emswaneni Chairperson. [African language] I have to bhonga emswaneni. Thank you.

CHAIRPERSON: No, no, no. We – you may have to tell

everybody what bhonga emswaneni is because as somebody who speak Isi-Zulu I know what it means but not everybody knows and it is important that at least the evidence leaders also. Do you want to try and ...

MS MYENI: Thank you very much Chairperson.

CHAIRPERSON: Do you want to try and...

MS MYENI: And also I have an understanding Chairperson that – I have an also understanding that it could be provincial language even – even another black person
10 might not understand Bhonga emswaneni.

CHAIRPERSON: Yes, yes.

MS MYENI: But Chairperson I would do it for the other people because Chairperson I can – I can use – do a dramatic expressions in English and Afrikaans and Chairperson my background as a teacher has always been a wish that Ms Hofmeyr understands just one indigenous language.

I am not – I am not saying directly to Ms Hofmeyr but I am just saying that as a teacher I wish [00:21:00]
20 basic education can cut across Chairperson to every other person so that we do not always translate because the majority of South Africans must also hear about issues that are taking down responsible and citizens like myself as an adult to be in that – to get all these indictments all the time in the media challenging my moral – my moral standing in

the society.

Like yesterday Chairperson when I was asked about fraud and at my level Chairperson and at my age that is a belief that a black person and a woman leader would never have morals. But a certain grouping in South Africa has morals.

CHAIRPERSON: Yes but Ms Myeni I do not want...

MS MYENI: So ngiyabhonga emswaneni Chair [African language]

10 **CHAIRPERSON:** Ja.

MS MYENI: With your permission.

CHAIRPERSON: Yes.

MS MYENI: [African language]

CHAIRPERSON: Yes.

MS MYENI: I do not know in English the direct translation part. It is touching and going.

CHAIRPERSON: Ja.

MS MYENI: Touching the subject but leaving it. And not really going and delving more into that subject.

20 **CHAIRPERSON:** Yes.

MS MYENI: Perhaps Chairperson you can assist me with the legal term?

CHAIRPERSON: Ja well – well you – your translation seems to – seems to suggest to me you might have been tendered [African language]. [Chair and Ms Myeni talking

over one another]. I think [African language] means something else. So I think you meant you wanted to just touch on that subject and not go deep into it. Is that right? That is what you wanted to say?

MS MYENI: It is correct – it is correct Chairperson.

CHAIRPERSON: Okay alright.

MS MYENI: Thank you very much for assisting me Chairperson.

CHAIRPERSON: Ms Hofmeyr I am sure you are not – I
10 wanted to make sure...

ADV HOFMEYR: Thank you.

CHAIRPERSON: Nobody is left behind. Well I must say that I always feel ashamed by my inability to speak other African languages. Isi-Sotho, Isi-Tswana always feel ashamed about that. So – so I am one of those who need to do something to make sure I can understand and speak other languages. So yes okay alright. No I think that was the part that I wanted to – to make sure Ms Myeni clarifies in terms of the Zulu term that she had used. Okay alright.

20 **MS MYENI:** My apologies Chair I took your time.

CHAIRPERSON: Okay no that is alright. Ms Hofmeyr.

ADV HOFMEYR: Thank you Chair. Ms Myeni I do need to just clarify something. In my question to you which you have been answering for some time now I did not convey that the Minister had taken the letter seriously. I – my

question was actually to ask you whether you thought he should have taken the letter seriously. Do you have a response to that?

MS MYENI: I have no response to that in case I incriminate myself.

ADV HOFMEYR: So we were looking at your response to that letter which I indicated commences at page 1545 of the Bundle DD34[b]. You will see there Ms Myeni it is addressed to the non-executive directors and it is entitled

10 “Response to the letter; leadership challenges.”

And then if you go to the last page of that letter which you will find at page 1556. Do you have that?

MS MYENI: I have it.

ADV HOFMEYR: There is a signature at the bottom of the page can you confirm whether that is your signature?

MS MYENI: Yes it is Chairperson.

ADV HOFMEYR: And this is a letter that it is not clear to me whether it was also sent to the Minister because it
20 seems only to have been addressed to the non-executive directors. Do you recall whether you also sent it to the Minister?

MS MYENI: May I not respond Chairperson in case I incriminate myself.

ADV HOFMEYR: Now again I am going to paraphrase but

as I read this letter you respond to that letter from the six board members oh I should add – it seems to have been dated by hand at the top of page 1454 as the 13 February 2014. It also bears what seems to be a faxed transmission recordal on the left hand side of the page indicating the date of 14 February 2014. Can you confirm that that was about the time that you signed this letter?

MS MYENI: May I not confirm Chairperson. May I not answer to avoid incriminating myself Chairperson?

10 **ADV HOFMEYR:** Well you previously answered to confirm that you had signed the letter so could you confirm the date at which you signed it?

MS MYENI: Chairperson where I say I signed the letter.

ADV HOFMEYR: Well the question was you have confirmed you signed it and I want to just locate that in time because there seems to be a date of the 13 February and the 14 February. Can you confirm for us that you signed it either on the 13th or the 14th?

20 **MS MYENI:** I stand by the answer I have given Chairperson.

ADV HOFMEYR: You are refusing to confirm that a letter that you have indicated under oath you did sign was signed either the 13th or the 14th February because you believe that that question is going to expose you to a criminal charge, is that right? So your answer to that question is

going to expose you to a criminal charge, is that correct?

MS MYENI: I do not have the letter that I wrote with me. If I had my original letter I would state exactly the date and everything. I do not want – excuse me – I do not want to respond to that question because somebody listening will say, I said the 13th or I said the 14th and all I know is that it is better for me not to answer in case I incriminate myself.

ADV HOFMEYR: Ms Myeni as I read this letter what you
10 do in response...

CHAIRPERSON: Maybe Ms...

ADV HOFMEYR: Apologies Chair.

CHAIRPERSON: Maybe Ms Hofmeyr can I put it this way Ms Myeni? Are you able to say you are not sure of the date when you signed the letter but you think it would have been some time in February, are you able to say that?

MS MYENI: Chairperson with respect to you I will say it was in February sometime. The reason why I prefer not to specify dates is because I was out of the country. I
20 needed to send the letter back.

CHAIRPERSON: Yes.

MS MYENI: To the office of the Company Secretary. So that is an elaborate answer that I would give you.

CHAIRPERSON: Yes.

MS MYENI: But Chair it is better.

CHAIRPERSON: Yes.

MS MYENI: To say it was in February.

CHAIRPERSON: Okay alright. Thank you. Ms Hofmeyr.

ADV HOFMEYR: Thank you. So as I read your response you say that the criticisms made of you in the letter of the six co-directors was a witch hunt. You said that it was a contrived attempt to demean you. And then you deal with your conduct in relation to the Pembroke transaction. Are you – can you confirm that that is – was your response to
10 the letter that they had written addressed to yourself and the minister.

MS MYENI: May I not answer Chairperson in case I incriminate myself?

ADV HOFMEYR: And your response on the Pembroke Transaction actually commences over the page at page 1546. That is the second page of the letter but on our referencing, it is in Bundle DD34-B at page 1546.

You will see where the heading there in bold... Well, against the paragraph 2 it says the “challenge”. And then
20 below that at 2.1 there is a heading, Undermining the Narrow Body Fleet Financing Process.

That is where, as I understand it, you are responding to their concerns about your gross misrepresentations about the board resolutions and the impact that it had on South African Airways’ finances.

Do you read your letter in the same way that that is what you are dealing with at paragraph 2.1?

MS MYENI: May I not answer Chairperson to ensure that I do not incriminate myself?

ADV HOFMEYR: Now you will recall that this letter, we have established was written sometime in February 2014. And then yesterday we looked at an affidavit that you had deposed to before the Companies Tribunal which you deposed to quite a number of years later in 2017.

10 And in that affidavit, you said to the companies tribunal that the finding of the Commission against you in relation to these resolutions and the representations were unfounded because you had made a genuine mistake.

You had misunderstood that, you thought in your mind that the board had gone from ten to two but you accept that that was an error. Do you recall that in your affidavit that we looked at yesterday?

MS MYENI: May I not answer the question Chairperson? I do not want to incriminate myself.

20 **ADV HOFMEYR:** You see, what I then looked for after I had seen that you, in a sense, if I take you at the word of your affidavit deposed to before a commissioner of oaths, is a quite frank admission that a mistake had been made.

So I looked at this letter for that same admission. Your response to the board – the board was very worried about

your gross misrepresentation.

And so I looked here for where you may appear to the board that you had been mistaken as you did later to the Companies Tribunal. I could not find that anywhere in the letter.

Do you recall having indicated your mistake in this letter?

MS MYENI: May I not respond Chairperson to avoid incriminating myself?

10 **ADV HOFMEYR**: You see, what you did say which does not involve a mistake is at paragraph one, five, four... Sorry, at page 1546 where we were a moment ago at paragraph 2.1.3. You say the following.

You are responding to the four attempts that the board members in their previous letter had identified as your efforts to change resolutions of the board without any authority to do so.

And at paragraph 2.1.3 you say the following. You say:

20 “As to the fourth attempt, I have no knowledge of what you allege.

However, what I do confirm is that when I was required to sign a Section 54 notice, I was presented with, at the same time, two contracts. One for each of the two specified aircraft that we were committed to.

I was not going to sign conflicting documents without referencing this anomaly with the company secretary. Once that was clarified, I signed the document presented to me.”

Okay. Can you help me to understand what you are seeking to convey there? Because I, certainly in our investigations, we have not been able to find two contradictory contracts for two aircraft.

Because of course, as you indicated to the Companies Tribunal later in 2017, there was never a resolution in
10 respect of two aircraft. So what were you conveying here?

MS MYENI: I cannot help you Ms Hofmeyr. May I not answer your question so that I do not incriminate myself?

ADV HOFMEYR: Now Ms Myeni, after you wrote this letter, the other board members asked for the company secretary at the time, to do a report on the effectiveness of the board. Do you remember that?

MS MYENI: May I not respond Chairperson so that I do not incriminate myself?

20 **ADV HOFMEYR:** You will find his report which he did at the time in the same bundle, DD34-B at page 1363. If we could go there?

MS MYENI: [No audible reply]

ADV HOFMEYR: Sorry, I should give you the starting page. The first page of that report that the company secretary did,

you will find at page 1360.

MS MYENI: I do have it Chairperson.

ADV HOFMEYR: Now this is a document commencing at page 1360 and concluded at page 1365. It is... and it is signed by Sandile Dlamini, the Company Secretary of SAA. And if you go back to page 1360, you will see that it is addressed to the SAA Board of Directors. It is from the company secretary and it is dated 29 May 2014. Do you see that?

10 **MS MYENI**: I do.

ADV HOFMEYR: And again, I am going to highlight some aspects of this report that the company secretary did. Let us look at the purpose. Mr Dlamini...

Well, let us deal with the heading first. Report on the Functioning and Effectiveness of the Board and its Structures. That is at page 1360.

And the purpose of the document is identified as:

20 “The purpose of this submission is to report to the board on matters which impact on the functioning and effectiveness of the board.”

And it goes on to look at specific matters over the page at 1361. It deals with a board evaluation that was being done by the Institute of Directors and what they have found.

If you go over the page to page 1362, you will see at paragraph 4.2 there is a heading, Board is not a coherent

team.

And then if you go over to page 1363 at paragraph 4.4, there is a heading, Moratorium on Board Meetings. And Mr Dlamini records there that in two instances the chairperson tried to impose a moratorium on meetings of the board.

The first incident was last year in December on a day preceding the meeting of the Social Ethics Governance and Nominations Committee and she instructed the manager in
10 our office to place a moratorium.

And in the second incidence, he said was on the 6th of May 2014 and the instruction was given through the CEO. Do you recall giving those instructions to impose moratoriums on meetings of the board?

MS MYENI: May I not answer that question Chairperson?

ADV HOFMEYR: We are going to come back to the second imposition of the moratorium which is the one dated the 6th of May 2014 because that will become relevant later in an aspect about what was going on at court.

20 Right. So in summary, he concludes that your leadership style was divisive. That you tried to impose those moratoriums on board meetings.

And as a consequence of the board having received this report, they then called for a meeting with the minister to discuss governance issues.

And that was granted by Minister Gigaba at the time but as I have that, you did not attend that meeting. Is that correct?

MS MYENI: May I not respond Chairperson in case I incriminate myself? Sorry, Chairperson.

CHAIRPERSON: Yes-no, that is fine. Let me just mention something that maybe I should have mentioned it yesterday but I am sure it is something that your legal team would have mentioned to you or may have mentioned to you.

10 You certainly are free to exercise any right that you have that applies in proceedings of the Commission. That is the first point.

The second point that I want to make is. The Commission wishes to get all perspectives from different role-players in regard to the matters that it is investigating so that when it makes its report and makes its findings, it does not do so on the basis of the perspective of maybe second people only and no other people.

20 So it seeks to try and obtain the perspectives of everybody so that it can have a well-balanced view of the situation.

Of course, what this does mean is that while the Commission might be seeking to do that. If a particular person or witness exercises their right not to tell their side of the story or not to answer certain questions, it does mean

that in respect of those matters, the Commission will have to deal with the matters without the benefit of that witness's side of the story on those issues.

And when it makes its report and when it makes its findings, it will do so only on the basis on the evidence of those who put evidence before it and who answered questions.

The fact, of course, that a particular witness or a particular person might not put their side of the story or
10 might not answer certain questions, does not mean that the Commission would not be able to make findings in the end.

It simply means, it would have to make findings on the basis of the evidence that it has, which means, if for example, you have Witness A, Witness B, Witness C giving evidence, say about you, saying whatever they have said about you.

And you have not given your side of the story, you have not put your perspectives to it, the Commission will make its findings only on the basis of the evidence that it received,
20 namely those of Witness A, Witness B, Witness C.

That does not mean that the Commission will accept everything that evidence Witness A, Witness B, Witness C say. The Commission will evaluate their evidence.

We could well have a situation where the Commission evaluates a particular witness's evidence and does not

accept it even if the other person did not respond.

But what it does mean is, when it evaluates the evidence, it will do so without that other person's input or her side of the story and then it would make findings.

So I am just mentioning that. As I say, it may be something that your legal team may have explained but just in case that did not happen.

So as you exercise your right that may apply to the proceedings of the Commission, I just want you to appreciate
10 that. In the end the Commission would make its report, make its findings based on the only evidence that it has. You understand?

MS MYENI: I do understand Chairperson.

CHAIRPERSON: Okay alright.

MS MYENI: I appreciate what the Chairperson has clarified. Chairperson, my apprehension – if I may respond?

CHAIRPERSON: Yes.

MS MYENI: If you may allow me to respond Chairperson?

CHAIRPERSON: Yes, yes, yes.

20 **MS MYENI:** My apprehension Chairperson was that I come before this Commission, trusting the leadership, trusting your position but trusted the journey you traversed to the level at which you are in the country.

So I came before this Commission mainly *to hear* that I am a culprit. I am a criminal. I came before this

Commission because I also do not want to be in contempt. And I risk to ensure that while in isolation I still present myself.

Now to come back to what the Chairperson is saying. I appreciate what the Chairperson is saying because there has been a narrative Chair that a certain grouping(?) is guilty.

Or – not you Chairperson – but your investigators, together with your evidence leaders may be doing something that you are not aware of. Assisted by the media.

10 I myself Chairperson I need to – in response to what the Chair, the comfort you have shed just now or the clarity you have given. Let me not say the comfort because I am not here to be given any comfort but I am here to state the side – my side of the story.

I feel Chairperson that there is a certain sectional group that is being hunted. There are certain people that you Chairperson might not be aware of that are denied to come and present some evidence of corruption but because it does not suit the narrative of today, they are not allowed to come.

20 I have been one of those wished to come and present to the Commission but when I started the mood – when I started the occurrences were ...[indistinct] the Commission, Chairperson. [distortion present – speaker cannot be heard clearly.]

When I started, some pronouncements by the media.

Then I realised that I – it is not a winnable attempt. I am sitting here Chairperson. I asked yesterday that: Am I on trial or not?

Because Chair, I sit here and *be wanted*. I sit here as somebody who stole money somewhere. I sit here as somebody who defrauded some state entities or who captured state entities but in court there was no shred of evidence of any money taken by me.

In South Africa [speaking vernacular]. I felt Chairperson
10 big(?) before you, to lead(?) me or actually assist me to ensure that I tell somebody [speaking vernacular] that I am guilty by association of Jacob Zuma.

I needed a mamma(?) somewhere who is in my church who believes the way. Be, there is people that have assisted in Richards Bay that I have trained, assisted, register their companies, led(?) at the Deputy President of the Zululand Chamber of Commerce to understand that I am not guilty of anything but I am guilty by association of President Zuma.

He had never told me why he has been hunted down. If
20 I had a choice to reverse decisions I made. Chairperson, I would have not taken the position of being the Chairperson of the Jacob G Zuma Foundation because in my journey as a successful businesswoman, an award winning businesswoman.

There has never been any black spots in my leadership.

[Distortion present – speaker unclear] ...but there has been so much conspiracies that are political. I am not a politician Chairperson. I am a solid businesswoman.

CHAIRPERSON: H'm, h'm.

MS MYENI: And then Chair. If then sitting here before you... A practical example. I am asked Chair if I understand the role of a chairperson and a CEO. I have highlighted(?) CEO Chairperson. I have interviewed CEO's. I have given then contractual agreements.

10 I cannot give you ...[indistinct] certain things Chair and I cannot not just simplify(?) but I cannot be asked at my level and at my age where I know the role of a chairperson and the role of a CEO.

I have learnt in the continent(?) Chair as the president in the African space. Now Chair ...[intervenes]

CHAIRPERSON: Yes.

MS MYENI: ...I am not an example. As the last example – I want to make maybe two more.

CHAIRPERSON: H'm.

20 **MS MYENI:** Was the issue of my CV. I offered to give you my CV yesterday. Unbeknown to me Chair, when I page through a few pages, I find my CV that was submitted at the Public Enterprises in 2012.

CHAIRPERSON: H'm.

MS MYENI: I am being asked a question before you

Chairperson. You have my CV.

CHAIRPERSON: H'm.

MS MYENI: It clearly states that reasons why I did not do my last – my majors.

CHAIRPERSON: H'm.

MS MYENI: It states clearly. But the question that is being asked so that we fit the narrative to the media.

CHAIRPERSON: H'm.

MS MYENI: That I am a liar. I am a criminal. And I have
10 moral inferiority(?) complex. And a believe that if you are
black, you are a criminal. A believe that a certain fraction of
the society in South Africa that is associated with President
Jacob Zuma is corrupt.

CHAIRPERSON: H'm.

MS MYENI: And Chair, lastly. When I was asked about a
definition of fraud, if I understood that fraud is bad. Do I
know whether fraud is bad or not.

I would not have unearthed(?) corruption at SAA if I did
not know fraud is bad. That is one. Two. There have been
20 people that have been vague(?) given platforms.

Not because they had genuine complaints but they are
hiding their own criminal activities by coming to the
Commission to state certain things Chair that we cannot
reverse.

Books have been written about us. Certain things have

been said about us. Certain names have been given to us as cheap women just for association.

Chair, if I had a choice, I would wake up the next day being a Ms White or a Ms Lilly(?) or a Ms Van der Merwe because that name would give me credibility in my own country Chairperson.

And know that I said more but I am saying it Chair so that you understand that even the Rule point... Sorry, the Rule 3(3) that gets sent to us. It is not you Chairperson.

10 **CHAIRPERSON**: H'm.

MS MYENI: You do not know, perhaps, what gets sent to us. You get Rule 3(3) maybe three pages of something that is so big but you are made to believe that this is what has been said to you. When you go through a document as I have been given an opportunity now to go through these files that are before me.

CHAIRPERSON: H'm.

MS MYENI: Last night, Chairperson, I slept at four o'clock in the morning because I was reading some interesting(?) things that, Chair, one day this report that you will be
20 compiling about this Commission. When it is taken for a review, it will be only you Chair. Not the evidence leaders whom I respect.

CHAIRPERSON: H'm.

MS MYENI: Not your investigators whom I respect. But

yesterday Chair, you said you did not know – you did not give permission to OUTA to use your documents. You might Chair, innocently be trusting people that are doing your work, which all of us Chair believe in you.

CHAIRPERSON: H'm.

MS MYENI: I believe in you. I have a high respect of you. I know you before you knew me when you were at the ...[indistinct] office Chair. So I have high respect for you.

CHAIRPERSON: H'm.

10 **MS MYENI:** But I think I am before you Chair with the people that have come back who are aggrieved, who have been made to say: Go say something about anyone associated with Jacob Zuma.

So Chairperson, I am saying. If I could, I would reverse some of the decisions that I took. I did not know some of the things about President Zuma in his political space.

And that is not my space. But I am found being associated with somebody in the political factions Chair that is being hunted by this Commission.

20 **CHAIRPERSON:** H'm.

MS MYENI: And I am hoping that the Commission will, as the Chairperson has said, give us the opportunity Chair to tell the nation about certain journeys, certain things that have been said, certain experiences that we have that have created some of the pain to us.

Like Chair, the last question – the last example that I said I would make. One evidence... Oh, sorry. Submitted. One person comes there. He is being ...[indistinct] He is called Mr X.

He says things. He is covered. He has been trusted. Why he is being trust? He is covered. He does not show his face. Because he fears for his life.

How do you fear for your life when you are involved in criminal activities yourself? People that have stolen
10 somewhere run to the Commission. Some, not all. Run to the Commission to tell the names of certain people, certain groupings.

A practical example Chair that I have discovered yesterday. I was... This Commission has been told that I bought a house in 2015. It is believed that I did buy a house in 2015. It is also believed that the Jacob Zuma Foundation was established in 2001.

Now Chair, what I can try and say. The media has a position and a narrative that says by association with Jacob
20 Zuma, Dudu Myeni is a criminal.

So it is incumbent upon me Chair not to incriminate myself in my responses but to be in a forum where my name can be properly cleared so that we then separate [speaking vernacular]

CHAIRPERSON: You want to interpret it into English

...[intervenes]

MS MYENI: Chairperson, I know that because the narrative has been created for years. I cannot control what the media says about me.

CHAIRPERSON: H'm.

MS MYENI: But all I am saying Chair, I wish I was a Madam Venter because by virtue of the colour, I would not be presumed guilty in order for me to prove my innocence. I am here as an innocent person.

10 And Chairperson, thank you for your fairness and thank you for standing as an independent person in this process. Thank you.

CHAIRPERSON: Thank you, Ms Myeni. It is a – who may have matters relating to corruption that you may have wished to bring to the Commission but did not bring for whatever reason because we certainly since 2018 have been inviting all South Africans who have got any information to bring it. We are approaching the end of the term of the Commission so we might not be able to do
20 much about information that we get so late but if you would feel comfortable to send that information to the Commission, I will be very interested in you furnishing the Commission with that information so that we can we what we can do.

I mentioned that we are approaching the end of the

term of the Commission, that places a limit, a limitation on how much room we have to investigate further, unlike if we had got it about a year ago or six months ago, but nevertheless, if you do have, I would like to encourage you to make it – to send it to the Commissioner and if you decide to do that, send it to the secretary of the Commission and you can mention in a covering letter to the secretary that you are sending it arising out of the proceedings of today and that I encouraged you to send it.

10 And then we will look at it and see what can be done with it. You understand?

MS MYENI: Thank you, Chairperson, thanks for the opportunity, Chair.

CHAIRPERSON: Okay, thank you. Ms Hofmeyr?

ADV HOFMEYR: Chair, I did not anticipate that I would need to return to this matter today because I thought that I that it had been dealt with yesterday but I am going to ask – beg leave to hand in the correspondence with Ms Myeni's attorneys relating to this allegation of collusion between
20 the Commission and OUTA.

CHAIRPERSON: Yes.

ADV HOFMEYR: Now, of course, because of Ms Myeni's remote location, what I have asked to have done is that contemporaneous with me handing this up and to my learned friends and yourself, Chair – I see that they have

not been punched, we will do the punching if we can just in a moment at the tea break, but I have asked for the secretariat to email them to Ms Myeni's attorneys.

CHAIRPERSON: Yes.

ADV HOFMEYR: So that they can enable her to have a copy of it and given that we are close to the tea break I suggest that she use the tea break opportunity to read them but what I would like you to do is to actually to read them into the record because I would like to put an end to
10 this suggestion that there was any sense of collusion or lack of responsiveness from the Commission.

CHAIRPERSON: Yes.

ADV HOFMEYR: So if we could enter it, Chair, as EXHIBIT DD39B.43 because that is the last number we are at at the moment.

CHAIRPERSON: Which of the two letters?

ADV HOFMEYR: Oh, yes, we could do them separately, could we not?

CHAIRPERSON: Ja, do it separately.

20 **ADV HOFMEYR:** So let us do the letter from Lugisani Mantsha Attorneys, because that is the first one, as DD39 ...[intervenes]

MS MYENI: Sorry, Chair, DD?

CHAIRPERSON: Oh, Ms Myeni, the letters that Ms Hofmeyr is referring to, you might – they might not have

reached you, I am not sure, but she says they have been emailed to your attorney. Maybe you are going to get them during the tea break.

MS MYENI: Yes, Chair, but she said they are on exhibit?

CHAIRPERSON: No, no, they are not on any exhibit as yet.

MS MYENI: DD?

CHAIRPERSON: They are separate, so you do not have them at the moment.

10 **MS MYENI:** Oh, okay. Okay, Chairperson, yes.

CHAIRPERSON: Your attorney should be bringing them to you maybe, during the tea break.

MS MYENI: Thank you.

CHAIRPERSON: But she will just read them into the record and then later on she can – we can deal with them. Yes, that is the letter from Lugisani Mantsha Attorneys dated 8 November 2019 addressed to the Acting Secretary of the Commission. That one should be exhibit?

ADV HOFMEYR: DD34B.43.

20 **CHAIRPERSON:** Point 3?

ADV HOFMEYR: 43, Chair.

CHAIRPERSON: Oh, okay. The letter from Lugisani Mantsha Attorneys dated 8 November 2019 and addressed to the Acting Secretary of the Commission will be admitted as EXHIBIT DD34B.43.

**LETTER FROM LUGISANI MANTSHA ATTORNEYS DATED
8 NOVEMBER 2019 HANDED IN AS EXHIBIT DD34B.43**

ADV HOFMEYR: Indeed and then the second one which is the email response from the Commission to that letter which is dated 11 November 2019, may I request that we enter as EXHIBIT DD34B.44?

CHAIRPERSON: Yes, that letter will be admitted as EXHIBIT DD34B.44. Okay.

EMAIL RESPONSE FROM COMMISSION TO LUGISANI

10 **ATTORNEYS DATED 8 NOVEMBER 2019 HANDED IN AS
EXHIBIT DD34B.44**

ADV HOFMEYR: Chair, I propose to read them. I would not ordinarily do so but in fairness to Ms Myeni she does not have them in front of her at the moment.

CHAIRPERSON: Yes.

ADV HOFMEYR: So I think it is appropriate just to read them into the record.

CHAIRPERSON: Ja, okay.

20 **ADV HOFMEYR:** So I want to begin with the first piece of correspondence which is the letter from Ms Myeni's attorneys at the time and it is dated the 8 November 2019. Chair, as you recorded earlier, it is addressed to the Acting Secretary of the Commission and it says the following:

1. We are writing this letter to seek clarify and

confirmation of the legal status of documents published with the emblem of the Commission.

2. We raise this question because we have documents received through discovery that bear the emblem of the Commission as a watermark. It is the intention of one of the parties to rely on the said documents as evidence in the trial.

3. On the face of it the documents seem to have emanated as the evidence of a witness that we know to have testified at the Commission.

10

4. We thus seek the Commission's response to the following:

4.1 We ask that the Commission provide us with the specific provisions in the Commission's terms of reference that allow for documents with the seal or emblem of the Commission to be used as evidence in proceedings outside the ambit of the Commission."

Over the page:

20

4.2 We ask the Commission provide us with the specific provisions in the Commission's terms of reference that allow for the public dissemination of documents submitted as evidence to the Commission, the public or persons not affiliated to the Commission.

4.3 We ask the Commission to confirm or deny having issues documents submitted as evidence to the Commission to organisations not officially associated to the Commission, particularly the organisation called OUTA.

4.4 We ask the Commission to confirm the legal status of documents so proven to emanate from the Commission in legal proceedings outside the Commission. We wait your prompt response in this regard.”

10

So that is a letter dated the 8 November 2019. The response came from the representative of the secretariat and for this purpose we go to EXHIBIT DD34B.44.

CHAIRPERSON: Just so that it is clear, it appears that Lugisani Mantsha Attorneys were representing Ms Myeni at the time.

ADV HOFMEYR: Yes, correct, Chair. Correct.

CHAIRPERSON: Yes.

ADV HOFMEYR: There has subsequently been a change.

20 **CHAIRPERSON:** Yes.

ADV HOFMEYR: But for some of the interactions with the Commission Ms Myeni was represented by Lugisani Mantsha Attorneys.

CHAIRPERSON: Yes.

ADV HOFMEYR: And then – so they asked for all of those

issues to be addressed and they asked for the prompt response. So on the 11 November 2019 – and now we are on the email, Chair, that we have entered as EXHIBIT DD34B.44, the Secretariat of the Commission responds and it says:

10 “Dear Sirs, we refer to your correspondence dated 8 November 2019. Before we can comprehensively respond, we write to you in order to seek clarity. Which witnesses are you referring to in paragraph 3 of this letter and to which documents are you referring in paragraph 2 of this letter? Once we have this information we will be able to respond about the specific documents referred to. Kind regards.”

And that is from the representative of the Secretariat. There was never any response to that request that would have enabled us meaningfully to engage with the suggestion that witnesses that Ms Myeni’s lawyers knew had already testified publicly, their documents bearing the watermark of the Commission had found its way into
20 discovery processes. We requested clarity as to which specific one so that we could be sure to respond appropriately given what had been disclosed and there was never a response to that.

CHAIRPERSON: Okay. I see we are at quarter past

eleven, maybe this would be the convenient time to take the tea break.

ADV HOFMEYR: Yes, thank you, Chair.

CHAIRPERSON: Let us take the tea break, it is quarter past eleven, we will resume at half past eleven. We adjourn.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: I see we do not have Ms Myeni's picture
10 there, there is just her name. Oh, there she comes up.
You can hear me, Ms Myeni?

MS MYENI: Yes, Chairperson, thank you very much.

CHAIRPERSON: Okay, thank you. Okay, let us proceed.

ADV HOFMEYR: Thank you, Chair. Chair, I made an error before the break and my team has alerted me to it. There was actually a third letter in the sequence of the letters that I handed up before the break because the Commission did not want to leave it just on a first request for clarification. So what then happened – I would like to
20 just hand up, if we may, because this third letter will complete the extent of the interactions between the Commission and Ms Myeni's then lawyers. This will also – have been or is in the process of being sent to Ms Myeni's lawyers so that she can have a copy.

MS MYENI: Chair?

CHAIRPERSON: Yes. Ms Myeni, did you receive during the break the two letters? It is a letter and an email from your attorney that was sent to him before the break. Did they reach you?

MS MYENI: Chairperson, the letters have not reached me but the documents, they have received them here, yes.

CHAIRPERSON: Oh, okay. Okay, alright, thank you.

ADV HOFMEYR: So, Chair, just to complete the picture, you will recall that – oh, if we could just enter it as
10 EXHIBIT DD34B.45 and that the email date 19 November 2019.

CHAIRPERSON: Yes, the – is it two emails on this...

ADV HOFMEYR: Chair, it is actually a copy of the one we were looking at previously because it is a follow-up.

CHAIRPERSON: Yes.

ADV HOFMEYR: So the one right at the bottom is the one we have actually entered.

CHAIRPERSON: Oh, yes, yes.

ADV HOFMEYR: But I wanted to show how the two relate
20 to one another, so they are both on this page.

CHAIRPERSON: Okay, alright. Well, the document that is date 19 November 2019 addressed by Ms Shannon S van Vuuren from the Commission to Lugisani Mantsha Attorneys will be marked as EXHIBIT DD34B.45.

EMAIL FROM MS SHANNON S VAN ZYL TO LUGISANI

ATTORNEYS DATED 19 NOVEMBER 2019 HANDED IN AS EXHIBIT DD34B.45

ADV HOFMEYR: Thank you, Chair, we are indebted. And just so that you can follow what happens. Remember we get the letter on the 8 November asking for a prompt response and what you see at the bottom of what is now EXHIBIT DD34B.45 was the Commission's first response to that, the following Monday, the 11th, that is where the Commission requested in order comprehensively to
10 respond that we get information about which the witnesses were and what the documents were. There is no response to that for more than a week and so on the following Tuesday, the 19 November 2019, the secretariat's representative again sends an email to the same recipients, Ms Myeni's erstwhile attorneys and says:

“Dear Sirs, just a reminder regarding the below.”

And she keeps the email below so that they could have no doubt about what was being addressed and since that email there has been no response.

20 **CHAIRPERSON:** Okay, alright.

ADV HOFMEYR: Chair, if we can then continue with Ms Myeni's questions.

MR BUTHELEZI: Sorry.

CHAIRPERSON: Mr Buthelezi?

MR BUTHELEZI: Yes, Chair, sorry, Chair. I just want to

place on record, Chair, we are not going to pursue this issue any further.

CHAIRPERSON: Yes.

MR BUTHELEZI: It is not taking our hearing much further, you know?

CHAIRPERSON: Ja.

MR BUTHELEZI: We note the response. At the time the horse had bolted.

CHAIRPERSON: Yes.

10 **MR BUTHELEZI:** These things were admitted already in court.

CHAIRPERSON: Yes.

MR BUTHELEZI: We requested clarity, we got counter-questions and we thought it is not going to take anywhere, it is what it is, let us move on.

CHAIRPERSON: Ja, okay. Thank you. Ms Hofmeyr?

ADV HOFMEYR: Chair, just for the record, that was not the position that was presented to the Chairperson yesterday by Ms Myeni's attorneys and representatives.
20 What was conveyed to the Commission yesterday was that there had been no response from the Commission and that is why it was particularly important to put this on record.

Ms Myeni, just before we had quite a bit of evidence from you, I was asking about the meeting that the board members who had complained about your leadership had

called with Minister Gigaba and that they attended but you did not attend. Do you recall that?

MS MYENI: May I not answer that question, Chairperson, in case I incriminate myself.

ADV HOFMEYR: Chair, these aspects related to the six board members who wrote that letter of complaint to the minister have been set out in an affidavit by the former board member Mr Bongisizwe Mpondo and that affidavit is contained in Ms Myeni's bundle. I would like to take us to
10 it, if we may, because I am now going to go into not just the documents around this issue but actually what Mr Mpondo says about events that now unfold.

Chair and Ms Myeni you will find that in the same bundle DD34B and it is under tab 13 and it is page 1211.

MS MYENI: I have it, Chair.

ADV HOFMEYR: So, Chair, this is an affidavit from Mr Mpondo. As with all affidavits received in the Commission where somebody does not testify, we request that it be provisionally admitted. To the extent that it might be
20 disputed, of course, Chair, you might take a view later that somebody should be called to give oral evidence.

CHAIRPERSON: Yes.

ADV HOFMEYR: But it was placed in Ms Myeni's bundle and for the purposes of today so that she would have an opportunity to respond to it. I am not sure whether she is

going to do so but nonetheless it is important for the work of the Commission that I take you, Chairperson, through what Mr Mpondo says about the events that then unfold. Chair, if we could then admit this as DD34B.13 and it is an affidavit deposed to on the 28 July 2020.

CHAIRPERSON: 34B?

ADV HOFMEYR: Point 13.

CHAIRPERSON: One three?

ADV HOFMEYR: Yes, Chair.

10 **CHAIRPERSON:** The affidavit of Mr Bongisizwe Mpondo starting at page 1211 is at admitted as EXHIBIT DD34B.13.

AFFIDAVIT OF BONGISIZWE MPONDO STARTING AT PAGE 1211 HANDED IN AS EXHIBIT DD34B.13

ADV HOFMEYR: Thank you so much, Chair. So, Ms Myeni, if we can just pick up the affidavit some way into it at page 1222. So I would like to – do you have that, Ms Myeni?

MS MYENI: I do.

20 **ADV HOFMEYR:** Thank you. So we can start at paragraph 38 at the bottom of page 1222 because that is where Mr Mpondo starts to deal with this meeting that I was asking whether you recalled and he records there:

“I remember that there was a meeting that was requested by Minister Gigaba before May 2014 which was called, I believe to discuss the issues

raised in the directors' January 2014 letter addressed to the Chairperson and copied to the minister. The minister, deputy minister and Director General attended that meeting along with the board members. The purpose of the meeting from the side of the DPE, it appeared, was to mediate and to hear both parties in order to come up with a solution. At the time the meeting started the Chairperson had not arrived."

10 Ms Myeni, from the context, that is a reference to you. It goes on:

"The DG advised us that he had made an attempt to get hold of the Chairperson who was reported to be stuck in a meeting somewhere. Why there was an attempt by the minister to address the issues raised regarding the Chairperson, this was not possible as the Chairperson did not attend the meeting convened for this purpose."

Ms Myeni, can you offer any comment on this? Do you
20 dispute what Mr Mpondo says about the efforts to arrange a meeting between you, the minister, the deputy minister and the Director General?

MS MYENI: No comment, Chairperson, may I not respond to the question so that I do not incriminate myself.

ADV HOFMEYR: And then at paragraph 39 what – that is

over the page at page 1223, what Mr Mpondo there accounts is that:

10 “There was a meeting that took place at the end of June 2014 which was convened by the new minister at the time, Ms Lynne Brown. It was the first time we were meeting with this minister. In the meeting the minister afforded us an opportunity to tell her what was going on in SAA. The directors all, to the best of my recollection, gave input. The Chairperson arrived during the course of the meeting. The members raised issues around leadership which were along the lines of the contents of the letter previously communicated and the sentiments captured in the minutes and the company secretary’s report. The minister was therefore well-aware of the issues the board raised around the leadership challenges facing the board at the time.”

20 Do you recall attending that meeting, Ms Myeni, albeit it some way through the meeting with Minister Lynne Brown?

MS MYENI: May I not respond, Chairperson, in case I incriminate myself.

ADV HOFMEYR: What Mr Mpondo deals with next in the affidavit is:

 “A report that was then done by the Department of

Public Enterprises for Minister Brown about the issues that they were seeking to raise and bring to the attention of the Minister.”

And that is a report that you will find later in the same file, DD34B and that you will find commencing – well, might not be commencing, I have to check my references. 1393 is the page I would like us to go to, if we may.

MS MYENI: I have it. I have it, Chairperson.

ADV HOFMEYR: Thank you, Ms Myeni. You will see that
10 this is a document entitled briefing memo at the top right hand corner, it is addressed to the then Minister of Public Enterprises, Ms Lynne Brown. It is from Ms Mkholo, who is the Deputy Director General and it is dated the 30 July 2014. Just to pause, we are now following the chronology.

There is the initial letter by the board members in early 2014. There is your response in February 2014, there is an effort to meet with Minister Gigaba while he was still in that position which the other board members and you do not attend.

20 Then there is the meeting with Minister Brown in June where you do attend and at which the board members conveyed to Minister Brown the concerns that they expressed in their earlier letter and now we are at July 2014 because what the Department of Public Enterprises then does is puts together a report on – and let us look at

the subject of this document for that:

“Governance challenges facing the South African Airways SAA board of directors.”

Ms Myeni, do you recall having seen this report before?

MS MYENI: May I not respond, Chairperson, in case I incriminate myself.

ADV HOFMEYR: You will see over the page right at the end, if we just go to the end to page 1413. You will see that all the people who compiled this report have signed
10 and then you will see towards the bottom on the left hand side there is a signature from Ms Lynne Brown dated the 16 September 2014 and there is a note next to that which seems to read, it is in handwriting:

“I received this memo two months later! What is the speed with which it has to be dealt with? Shelley presented 30/07”

I think that is 30 July. I think that is Priscilla or Priscilla on 4/08.

“This is it downhill”

20 I do not actually know what that says.

CHAIRPERSON: Ja, it is like it says:

“This it is downhill”

ADV HOFMEYR: Yes. Chair, if I can just pause there. Minister Brown has been asked to respond to the Commission about this memo, about what we will now

uncover as we take the story forward was done. She has provided an affidavit. I understand there maybe some intention for her to give oral evidence before the Commission.

CHAIRPERSON: Ja.

ADV HOFMEYR: I am not going to deal with it now, but I just wanted to place on record her response to this has been sought and provided to the Commission.

CHAIRPERSON: Okay, alright.

10 **ADV HOFMEYR:** Right. So, Ms Myeni, I am just going to summarise what this report says and if at any point you want me to go with specific reference to a paragraph I am happy to do so but let me summarise. What this report says to Minister Brown is first that there are factions amongst board members within SAA.

20 Second, the DPE's assessment is that there is a completely dysfunctional board at SAA at that time. The report refers to your decision to suspend all board activities until the minister intervenes and the report explains that that decision of yours, to suspend all board activities, has aggravated matters and it concludes that the minister is in a position and has a power to remove some or all of the board members. Ms Myeni, were you aware that those views and that assessment had been made by the representatives of the Department of Public Enterprises

to the minister.

MS MYENI: May I not respond, Chairperson, unless I incriminate myself.

ADV HOFMEYR: So, Ms Myeni, I put it to you that even by September now of 2014 there is really quite a crisis within the board. Six board members have sought to engage the ministry about their severe concerns about your leadership and what it is doing to the proper functioning of the board and then steps were taken, replacements were
10 made in October of 2014. Can you assist us with who was retained and who was removed?

MS MYENI: Chairperson, may I not respond to the question, I do not want to incriminate myself.

MR BUTHELEZI: Sorry, Chair.

CHAIRPERSON: Yes.

MR BUTHELEZI: Sorry to interrupt, Chair, but I would like to place on record and articulate a point that Ms Myeni maybe could not have escalated to a legal point and we find the specific example in this very letter, in this very
20 letter that is being dealt with now.

CHAIRPERSON: I wonder whether your voice is soft.

MR BUTHELEZI: Sorry, Chair, I want to raise one example.

CHAIRPERSON: Yes.

MR BUTHELEZI: You see, this letter is a very long letter,

Chair, but the perception that develops in the eyes or in the mind of Ms Myeni is that this letter is being read selectively because I would just like to quote two lines in this letter that say one thing. At page 1395, paragraph 3.3, it says the following:

“In spite of this development the board continues to operate cohesively for all intents and purposes.”

You see? However, the question that is being put is that this board is dysfunctional. Now if I may take you to the
10 next page which is page 1401 and it says at the heading:

“Governance challenges facing South African Airways board of directors”

And I take you to paragraph 3.29 at the bottom, second to last paragraph, Chair, and if you read this paragraph, it says ...[intervenes]

CHAIRPERSON: I am sorry, did you say page 1397?

MR BUTHELEZI: 1401.

CHAIRPERSON: 1401?

MR BUTHELEZI: Yes, Chair.

20 **CHAIRPERSON:** Okay, one second, let me get there.
Yes?

MR BUTHELEZI: There is a line there, it says:

“Ms Myeni also calls into question certain practices by the company secretary ...[intervenes] ”

CHAIRPERSON: Are you at 3.29?

MR BUTHELEZI: Yes, Chair, at the bottom.

CHAIRPERSON: Okay.

MR BUTHELEZI: Towards the end.

CHAIRPERSON: Ja.

MR BUTHELEZI: Fourth line from the bottom, it says:

10 “Ms Myeni also calls into question certain practices
by the company secretary namely deletion of audio
recordings of minutes of meetings and not
consulting with the Chairperson regarding board
meetings and the agenda deeming this to be
contravention of the board charter.”

So, Chair, I am not wanting to raise any further debate, I
am just trying to say, Chair, the way this letter has been
characterised, there is an omission of certain exculpatory
points that are now, it seems, being overlooked and I am
not challenging Ms Hofmeyr, but I am just trying to say that
with this conduct that she complained of earlier with the
certain slant on how the evidence is presented to the
Chair, it can give a person that impression that they are
20 being targeted.

CHAIRPERSON: Ms Hofmeyr.

ADV HOFMEYR: Yes, Chair, if I may just respond on two
aspects. You see, when my learned friend, Mr Buthelezi,
draws your attention to page 1395 in paragraph 3.3 and
emphasises there a sentence that says:

“In spite of this development the board continued to operate cohesively for all intents and purposes.”

It is important to read that paragraph in the light of the paragraph that precedes it because it is talking about a historic position in 2012 where Mr Kona was appointed as Chairperson and there was then the issue of – we received evidence on this, him being both CEO and Chairperson and then the appointment of Ms Myeni.

10 So the statement that the board continued to operate cohesively for all intents and purposes is talking about a historical position on the face of this document that occurred in 2012. What I was putting to Ms Myeni was that this report signals a dysfunctional board by September of 2014, that is – well, at least July when it was written and September of 2014 when it appears the Minister Lynne Brown received it.

20 Also importantly, and I was coming to this, this report does record, Ms Myeni, your response to the letter at – the January letter of the 6 board members against you and recounts, as Mr Buthelezi highlighted from page 1401 at paragraph 3.29, what your response was to that.

At our previous questioning you were not willing to engage with any of those matters. Does that remain your position? You do not want to engage with any of these matters addressed from paragraph 3.29?

MS MYENI: Ms Hofmeyr, that is the position, thank you.

ADV HOFMEYR: Right, so what happens is the DPE does the assessment, its concern that there is by this stage a completely dysfunctional board, there is also reference in the memo to the fact that legal advice was sought and as I say, the conclusion is that the minister is in a position to remove some or all of the board members and we were coming to the question of well, who was retained and who was removed? I asked you whether you could assist us
10 with that. I think I take your answer to have been you decline to do so on the basis that it could expose you to a criminal charge, is that right?

MS MYENI: Correct, Chairperson.

ADV HOFMEYR: Well, what then happened is that board members received notice of the convening of a special meeting by the minister and we can find that in the same bundle, DD34B at page 1415. Do you have that, Ms Myeni?

MS MYENI: Yes, thank you.

20 **ADV HOFMEYR:** Now this is notice of a special general meeting, you will see, and if you go over the page to page 1416 you will see it is dated the 15 October 2014 and it is by order of the member of the company. Who is the member of SAA, Ms Myeni?

MS MYENI: May I not respond, Chairperson, I prefer not

to incriminate myself.

ADV HOFMEYR: Ms Myeni can I just clarify? You are refusing to answer a question about who is the member of SAA on the basis that that answer could expose you to a criminal charge, is that right? Sorry, Ms Myeni, I think we lost connection for a moment, was your answer yes?

MS MYENI: I am saying my answer is I am not answering the question.

ADV HOFMEYR: Thank you so much.

10 **MS MYENI:** And I would not want to incriminate myself, that is the answer.

ADV HOFMEYR: So what this notice does is it says – if we are back at page 1415:

“Notice is hereby given that the special general meeting of the member of the company will be held on Thursday 23 October 2014 at the Department of Public Enterprises.”

And it goes on to say:

20 “Pursuant to Section 62(2)A of the Companies Act 71 of 2008 as amended, the member of the company is requested to waive the right to receive at least 15 business days notice of this meeting as required in terms of Section 61(1)A of the Companies Act.”

And then it identifies what this meeting is being convened

for and what you will see at paragraph 1 is it says:

“To consider presentations to be made in person or through a representative by the following directors as provided for in terms of Section 71(2)B of the Companies Act before the resolution in 2 below is adopted.”

And then what follows is a list of the directors who have signed that letter of complaint in January of 2014. So it is the six but it also includes Dr Naithani. So it is the six
10 directors who complained and Dr Naithani and what they are instructed to do is to make presentations at that meeting before the resolution in 2 below is adopted and then let us look at what the resolution was that was anticipating to be adopted at that meeting:

“To consider the resolution that the following directors be removed as non-executive directors from the board of the company with effect from 23 October 2014.”

And that is the same seven members – directors,
20 apologies, who had to come present themselves and make representations about why they should not be removed. Were you aware that that notice had gone out calling for those six ...[intervenues]

MS MYENI: Chairperson, I did not hear that.

ADV HOFMEYR: Apologies, let me say that again. Ms

Myeni, were you aware that a special meeting was convened to ask the six board members who had complained about the crisis of leadership in SAA and Dr Naithani to account for why they should not be removed as directors?

MS MYENI: Chairperson, may I not respond to this question in case I incriminate myself.

ADV HOFMEYR: You – your name does not appear among the list of those who would need to come and make
10 representations about why they should not be removed, is it?

MS MYENI: Which means, Chairperson, if my name does not appear there?

ADV HOFMEYR: I am just asking for clarification, your name is not amongst those.

MS MYENI: For clarity, yes.

ADV HOFMEYR: Your name is not amongst those, is it?

MS MYENI: Is there a meaning behind that, Chairperson? Well, is there any insinuation?

20 **ADV HOFMEYR:** No, Ms ...[intervenes]

CHAIRPERSON: Well, she is ...[intervenes]

MS MYENI: Just for clarity, sorry, Ms Hofmeyr.

CHAIRPERSON: Well, she is only asking you, Ms Myeni, to confirm that you were not one of the directors reflected in that notice as directors in respect of whom a resolution

to remove them was to be passed.

MS MYENI: Thank you, Chairperson, may I not respond.
Thanks for clarify.

CHAIRPERSON: Yes.

MS MYENI: May I not respond, Chairperson.

CHAIRPERSON: Okay.

ADV HOFMEYR: Ms Myeni, I would like to seek your assistance on this. Does it make sense to you given the nature of the dysfunctionality within the board as well as
10 the DPE's understanding that there were factions within the board as well as the clear conflict between what the six board members were saying in their letter and what you were saying in response? It should not have been the case that you, as well as them, should have been asked to account for what was going on at SAA.

MS MYENI: Chairperson, we are before a Commission of Inquiry, we are not in court. I cannot account for things that are done at shareholder level. I cannot also account for reasons that any other person takes decisions
20 regarding appointments, regarding decisions that a person arrives to, to make. I would not want to get into that space, I think I am elevated too much to understand the shareholder matters, therefore I do not want to incriminate myself Chairperson, can I not answer this question.

I think it belongs somewhere else and I do not also

think that I would undermine any shareholder for any reason that a shareholder decides to do something and that then I have views about decisions by the shareholder. I can never do that, and therefore Chairperson I prefer not to answer the question. I have made a comment, may I not answer the question, I do not want to incriminate myself. Thank you.

ADV HOFMEYR: Chair I would like to place on record, and give Ms Myeni an opportunity to respond to this
10 because I understand Ms Myeni in her decision not to answer the question to be really doing two things. In one respect there is an invocation of the privilege against self-incrimination but in the same moment there is a refusal to answer the question because - and I tried to take down verbatim what Ms Myeni said, it's a question that quote:

“Belongs somewhere else.”

And secondly in your answer Ms Myeni you said:

“That you did not want to traverse shareholder matters because it is not for you to comment on
20 them in so far as the shareholder might thereby be undermined.”

But moments earlier before the break you communicated to the Chairperson of this Commission your grave misgivings about the manner in which the shareholder had treated previous matters including the conduct of Mr Andrews. So

it is difficult as a consequence of that conflict Ms Myeni to understand the true reason behind the reluctance to answer the questions.

I would like you for the purposes of the Commissions

processes to clarify because on the face of what you have said there is a contradiction with what you have said earlier and there is an invocation of a basis to refuse answering questions which is not a legally valid basis.

10 **MS MYENI:** Chairperson am I allowed to respond?

CHAIRPERSON: Yes.

MS MYENI: Thank you. There are no contradictions at all I have Chairperson an experience of being not trusted for anything I say. So anything I would say Chairperson no matter how loud or how much I jump it will never sit because you know that we are born to be criminals number 1, number 2, I have been categorised as a liar. These matters do not gel at all I can assist in this regard what I meant. My past at SAA was to turn the airline around I
20 was not told about certain areas that are preserved that I should not touch. So my field was to touch certain areas of the operations not hands on in terms of operations but at a distance because I have never been a CEO of SAA which is something that some people have continued to think that I have been a CEO of SAA.

I have never been involved in operations but I have been involved at high level, at strategic level that is one. Now these issues when I say a shareholder meeting is a shareholder preserved area that has nothing to do with the Chairperson. So Ms Hofmeyr need to understand one thing when the shareholder calls a meeting the Chairperson has no role but when the Chairperson looks at where the organisation or the entity of the government is losing money, pockets of corruption, untested contracts that dates
10 as way back as 1934 when the airline was established not just in the market on certain supplies or keeping them confining contracts within a certain grouping.

That was my cardinal thing Chairperson. Now I am saying I have had an opportunity to work with the great leaders that I reported to that I would sit with on one and one at their invitation Chairperson because part of the role of the Chairperson is a go between the shareholder Ministry and the Board. The Minister can call the whole Board, the Minister can call the Board the Chairperson and
20 the deputy, the Chairperson can call any member of the Board that could be available to understand what is happening. So these matter that I am being drawn to respond to is a preserve of the shareholder.

Therefore, it is not about wanting to respond or not wanting to respond and it is not about saying I wish the

Minister would take seriously issues of corruption at SAA issues of where the airline was bleeding in terms of its financial performance, profitability, onerous contracts, aircraft leases, missiles that are based in countries in foreign countries instead of creating jobs in the country.

So I am saying these are chalk and cheese it does not belong together. So I repeat and I stick by the comment I made earlier to say I wish the same energy that would have been given in terms of the challenges facing
10 the airline would be the same energy given in terms of the Minister giving an ear oversight structures of the airline in terms of parliamentary portfolio committees SCOPA would give when they raise an issue of where the airline is losing money to the extent Chair you have the reports, you have some letters that I have written to Ministers not one Minister raising issues about current issues in terms of orchestrated freefall of the airline.

But Chair I am saying my cousin I seen was not to be
20 told that the airline has to be privatised that is what I am saying and that is what I said I was not meaning to say I would be involved when the shareholder Minister calls a meeting then I must be party to it or I must make decisions around that. I cannot comment on a meeting being called by the Minister nor can I make inputs in the meeting that is

called shareholder meeting.

No Chairperson is involved in a shareholder meeting except for when the Minister asks you questions such as have you sent out the notice because there is a timeline in terms of the notice of the shareholder meeting or AGM which is 21 days and at the role of the company secretary in consultation with the Chairperson but to ask for calling her meeting and the decisions that the Minister makes around whatever that she wants to say in the
10 shareholder meeting, thanks Chairperson.

CHAIRPERSON: One of the things you have said is that you raised certain issues with I think you said SCOPA if I am not mistaken.

MS MYENI: I did so Chair.

CHAIRPERSON: I just want to mention you may or you may not be aware that for quite some time I have said that the Commission is very interested in seeing what various bodies did or did not do or did what they should not have done or did not do what they should have done. That may
20 have contributed to some of the issues that the Commission is looking into. If you talk about corruption at SOE's and you see where a lot of SOE's are with their financial situation is at the moment to the extent that corruption may have contributed to that one of the issues the Commission once is interested in is. Where were

bodies that were supposed to oversee these SOE's? Where was parliament? What was parliament doing? Did it do its job? Did the various committees of parliament do its job of oversight over the years over these SOE's? Did they become aware of certain challenges? What did they do about those challenges?

So that is one of the issues that I have been saying that the Commission is very interested in because one of the things that the Commission must do is to say how did
10 we come to be where we are in regard to certain matters including SOE's and corruption and so on and who did not do their job and what should be done to make sure that the situation is remedied. What should be done to make sure that this does not happen again and we cannot do that without looking at whether everybody did their job the way they were supposed to do.

So to the extent that you may have raised certain issues with certain bodies such as parliament or SCOPA which you might feel might not have been given the
20 attention that it should have been given you must feel free once again to supply that to the Commission because the Commission wants to see where things may have gone wrong and who might not have done their job the way they should have done, okay.

MS MYENI: Thank you very much Chairperson.

CHAIRPERSON: Okay, alright, Ms Hofmeyr.

ADV HOFMEYR: Chair it is important at this point given what Ms Myeni said just before your response to indicate that the privilege against self-incrimination is capable of being abused.

CHAIRPERSON: Yes.

ADV HOFMEYR: It is a privilege that protects persons who by answering a question are likely to expose themselves to a criminal charge.

10 **CHAIRPERSON:** Yes.

ADV HOFMEYR: Now in all that Ms Myeni said before your response a moment ago there was not an indication that being asked why in her view it would be appropriate to ask only the complaining members to account for themselves and not the other members of the Board to account for themselves in what was a dysfunctional situation.

20 At no point in Ms Myeni's address to you moments ago did she say that answering that question is likely to expose her to a criminal charge but for previously trotting out the words I am inclined not to answer the question or I refuse not to answer the question or I request not to answer the question because it may incriminate me. Let me just remind all of us what Ms Myeni did say she said that she did not want to answer the question because –

and again I try to take it down exactly, what Ms Myeni says does not sink in. She declined to answer the question because she expressed discomfort about doing so, previously today Ms Myeni has indicated that she believes that there is a narrative against her and in addition she has indicated that she is uncomfortable answering matters that are the preserve of the shareholder.

Chair not one of those reasons is a legally valid reason for refusing to answer a question put to her by this
10 Commission by its Evidence Leaders and by you Chair and so there is a point I submit where if Chair you were to take the view that this privilege is being abused you could direct Ms Myeni to answer the questions and not one of those reasons that I have just highlighted are reasons found within the privilege against self-incrimination.

Remember Chair yesterday with respect I delineated
the test it cannot be invoked but for there being a real possibility, a reasonable ground that the answer may tend
20 to expose the person to a criminal charge. It has got to be real, appreciable not imaginary and not unsubstantial and Ms Myeni's latest explanation for why she is not answering these questions is I submit nothing short of imaginary and unsubstantial because they are not reasons that exists in law as a basis for refusing.

CHAIRPERSON: Mr Buthelezi do you want to say anything or not really?

ADV BUTHELEZI: No, Chair.

CHAIRPERSON: Okay alright and the question that you had put Ms Hofmeyr was whether she found it sensible that those who were sort to be removed by way of that resolution where all those who had complained about her, her leadership, is that right?

ADV HOFMEYR: Yes, and not her because...[intervene]

10 **CHAIRPERSON:** And not her.

ADV HOFMEYR: And the force of the question because we here to give Ms Myeni an opportunity to respond to what was going on and what has been said about what was going on at SAA. There is fractions in the Board there are no doubt complaints on both sides.

CHAIRPERSON: Yes.

20 **ADV HOFMEYR:** That goes before the Minister but rather than asking for all of the Board members to account it is the six complaining Board members plus Dr Naithani who are asked and not the remaining three and the question I would like to seek Ms Myeni's guidance on is does she believe that is an appropriate approach.

CHAIRPERSON: Ms Myeni you did give the correct reasons when you did not want to answer that question. So I am going to ask you to answer it, Ms Hofmeyr is going

to repeat it, repeat it Ms Hofmeyr.

ADV HOFMEYR: Thank you Chair, Ms Myeni at this stage by October of 2014 there is in the view of the Department of Public Enterprises a dysfunctional Board at SAA and there are complaints by the six Board members against you and there is your response complaining about them.

But a special meeting is called asking only the six plus, Dr Naithani to present reasons why they should not be removed and I asked you as a consequence whether
10 you think that that was an appropriate approach to take given that – and not to ask you and the remaining other two members for your account of why you should not be removed.

MS MYENI: Chairperson I will never abuse any privilege that I am given by this Commission therefore my answer remains. I am not going to answer this question it will certainly incriminate me if I respond to it.

CHAIRPERSON: Well remember that we – I emphasised yesterday why it is important to articulate the basis of what
20 you called the preference not to answer and I indicated that there may be occasions when I might make a ruling that you have to answer a certain question depending on each one and I did say that either today or at some stage we will look at the questions all the questions you did not answer and I will see if there are somewhere I take the

view that I should require you to answer. So bearing in mind what you said earlier on which Ms Hofmeyr has repeated. I have said that this one I am requiring you to answer.

MS MYENI: I do not know Chair that is my answer.

CHAIRPERSON: Okay alright, Ms Hofmeyr.

ADV HOFMEYR: Thank you, Ms Myeni what then did happen – oh we must just go to what Mr Mpondo’s response was to having received that resolution and for
10 that purpose we need to just go back into his affidavit. You will find that in the same bundle we have been working in DD34B and we need page 1224 at paragraph 45.

CHAIRPERSON: 1224?

ADV HOFMEYR: Indeed Chair.

CHAIRPERSON: Thank you.

MS MYENI: I have got it Chair.

ADV HOFMEYR: Actually I would like to start one paragraph higher if we may at paragraph 44 on that page. What Mr Mpondo is dealing with here is the notice came to
20 him – actually let us pick it up at 43 if we may. He records there:

“The notice came as a complete surprise to me and as I understand it also to the other Board members mentioned in the notice. As the Board was proceeding with the business of running SAA with

the last meeting being around 19 September 2014 which was Chaired by Ms Lepule and pursuing the issues the Board had with the leadership of the Chairperson. There was nothing that had happened at the time which gave me the impression that the Minister was not happy with my or the Board's performance. I was perplexed by the receipt of the notice as there had been no warning or indication that it was forthcoming."

10 Then he goes on at paragraph 44:

"Given this notice it seem to me that there was already a predetermined outcome of this meeting and that there was nothing for me to present particularly as there was nothing I had done wrong or needed to make representations in respect of. I did not understand what had caused this notice for my removal to be sent I therefore after much deliberation decided to give the Minister the space she clearly needed and resigned from the Board
20 through a resignation letter I presented on or about the 17th of October 2014."

At paragraph 45 he says:

"There was no attempt made by me or to the best of my knowledge by other directors who had signed the letter of 28 January 2014 to solicit an

explanation why the Minister wanted to remove us from the Board. At the time I was not aware of any complaints or allegations having being levelled against me and none have been made or come to light subsequent to my departure.”

Ms Myeni what I would like to ask you in the light of Mr Mpondo’s account there is do you have any insight as to whether the outcome of that process was predetermined?

MS MYENI: Chairperson may I not answer that question I
10 do not want to incriminate myself.

CHAIRPERSON: Did the Minister or anybody in the Ministry or the Department of Public Enterprises speak to you or write to you about an intention to remove some of your colleagues who are on the Board before this notice was sent because I would have imagined that you being the leader the Chairperson.

If the Minister said that some of your colleagues needed to be removed one would have expected that she would have had a discussion with the Leader to hear what
20 the leader might have to say about an intention to remove some of his or her colleagues and how that would affect the functioning of the Board and so on. Did anybody from the Ministry or the department speak to you or write to you about that before the notice was sent?

MS MYENI: I do not know Chair.

CHAIRPERSON: You do not know, okay alright thank you, Ms Hofmeyr.

ADV HOFMEYR: Ms Myeni I would like to move for a moment if we may from SAA matters to another entity of which you were Chairperson and that Mhlathuze Water Board. So I would like to go to the evidence that the Commission has received in relation to that matter.

Let me just make it clear I will return to certain SAA matters but the evidence at this point has reached the
10 stage in SAA where those members have resigned and you are retained. Ms Myeni this is in the October 2014 appointments. Can you tell us who you were retained with from October 2014 on the Board?

MS MYENI: Chair may I not say anything in regard to the question that is being posed unless I incriminate myself.

ADV HOFMEYR: Ms Myeni can I just clarify I have asked if you can assist us with telling us who remained on the Board with you at SAA in October 2014 and you are declining to answer that question because it may expose
20 you to a criminal charge.

MS MYENI: Chairperson I indicated that I must be comfortable answering questions regarding South African Airways matters and some questions that I might not also become possible to answer and as a result I said I would like to take each question as it comes.

CHAIRPERSON: Well Ms Hofmeyr seeks to confirm that you would like not to answer the question as to which members of the Board remained after the resignation of these six or seven members because you fear that answering that question may expose you to a criminal charge. She seeks to confirm whether that is the reason why you do not want to answer which members of the Board remained after these six or seven had resigned.

MS MYENI: With respect Chairperson sometime you
10 answer one question that leads to the other question. So it is important that I keep answering the way in which makes me comfortable. At the right time Chair maybe in another forum I can be able to freely answer that question. The only thing I can talk about Chairperson is as the person sitting before you.

I remained at SAA until 2017 there I can talk about myself. Remember Chair the judgement around issues that have been alleged by other have been put or levelled against me are known as a leader of South African Airways
20 of which that judgment has made a recommendation that the NPA perhaps configures further investigation on some of those matters that they have raised and what they found against me in terms of being a director I know for decisions that I never took alone. So it is important Chair that I answer as I feel comfortable and I see – as I see fit.

Because I have got to use my judgment. I am not a legal person and I also want to assume Chair that I am not on trial. I am responding to allegations. I am responding to allegations that have another side which need to be tested somewhere. And I do not know whether the ears that are listening some investigators that are working with the commission including the media is waiting somewhere out there to say I have answered this way here. I have incriminated myself here. I have done this. I have done
10 that. So it is important Chair to – to invoke my right or perhaps the privilege let me not say my right – the privilege that the commission has given me and which I appreciate. Thank you.

CHAIRPERSON: But – but Ms Myeni really the question that is being asked is simply who else apart from you remained on the board after the six or seven members had – had resigned? I cannot see anything that can possibly expose you to the criminal charge just to say oh after those six or seven members had remained the board – in the board it was
20 me and so and so and so and so and so and so. If later on there is a question that might be a follow up that might expose you to a criminal charge then you can deal with that one but I cannot see anything that could really expose you to a criminal charge just to say who else remained on the board after the six or seven members had left. You understand?

MS MYENI: I do understand.

CHAIRPERSON: But if there is a – if there is a follow up question later on that might expose you to a criminal charge that might be different. But on this one it just seems something very innocuous really.

MS MYENI: Chairperson I am willing to assist you.

CHAIRPERSON: Yes.

MS MYENI: As I said Chair I am here to – to be of assistance.

10 **CHAIRPERSON:** Yes.

MS MYENI: And also to ensure that I do not do a [00:02:55] that I am not.

CHAIRPERSON: Yes. If you look at...

MS MYENI: I am not going to assist you.

CHAIRPERSON: Yes if you...

MS MYENI: So Chairperson I am going to – I am going to the minutes of the – please may I be given an opportunity? I am going through the minutes Chairperson of the ...

20 **CHAIRPERSON:** I have got a page I could refer you to. I have got a page that I could refer you to 1227.

MS MYENI: The minutes [00:03:24] of 2013 was it February or May.

CHAIRPERSON: Oh okay.

MS MYENI: Where I said you do not have a signature.

CHAIRPERSON: Oh Ms Hofmeyr are you able to – assist

where we would find those minutes? I think she wants to look at the names of the board members.

ADV HOFMEYR: Yes certainly. It is actually just a few pages on. It is page 1247.

CHAIRPERSON: 1247.

ADV HOFMEYR: Yes.

CHAIRPERSON: Okay. Have you got it?

MS MYENI: Yes I have it thank you very much Chairperson.

CHAIRPERSON: Yes.

10 **MS MYENI:** Chairperson.

CHAIRPERSON: Yes.

MS MYENI: When – if I see this - the people who were present in that meeting then I am going to be able to identify the people that were left in the board.

CHAIRPERSON: Yes okay. Yes.

MS MYENI: So it is myself at the top.

CHAIRPERSON: Yes.

MS MYENI: And then Ms Y Kwinana as number 3.

CHAIRPERSON: Yes.

20 **MS MYENI:** And then Advocate LG Nkosi Thomas and in number 1, 2, 3, 4, 5 as number 6.

CHAIRPERSON: Yes.

MS MYENI: And then in terms of the executive directors it would have been the acting Chief Executive Officer as well as the CFO.

CHAIRPERSON: Yes okay – okay.

MS MYENI: That would – out of the board.

CHAIRPERSON: Okay so in terms of non-executive directors those who remained were yourself, Ms Kwinana and Advocate LG Nkosi Thomas?

MS MYENI: Yes Chairperson.

CHAIRPERSON: Okay thank you. Thank you Ms Myeni. Ms Hofmeyr.

10 **MS MYENI:** The reason why Chair I opening here is because – sorry Chair.

CHAIRPERSON: Yes.

MS MYENI: There could have been the – ja I did not want to only say any other person in fact I had forgotten about – about Nkosi Thomas.

CHAIRPERSON: Oh okay no that is alright. Thank you.

ADV HOFMEYR: Ms Myeni as I understand the – the events of 2014 Ms Nkosi Thomas had resigned earlier in 2014. She was not still around in October of 2014. Do you recall that?

20 **MS MYENI:** You see Chairperson what I said that I do not like to answer a question that is going to lead me to something again that will put me in bad light. Because now this is a [00:06:38] question of I was asked. I am being asked a question to remember the occurrences of 2013 and deliberately I said may I not answer.

CHAIRPERSON: Hm. But...

MS MYENI: And Chair – and Chairperson.

CHAIRPERSON: Yes.

MS MYENI: The questions I was given for this commission are before me. Now for me to remember some of the questions that I am being asked and for me to remember the occurrences of 2103 my focus was on the issues that were raised in your letter Chair because I thought maybe the letter that – that has been sent to me it talks to issues that would be addressed at – before this commission. Now I must
10 remember that Nkosi Thomas resigned. So I have told a lie that Nkosi Thomas remained. So this is why Chair.

CHAIRPERSON: Ja.

MS MYENI: I am saying I will never abuse the privilege but let me be allowed Chairperson to say may I not answer a question because today I am now understanding that I am answering everything about SAA but not – I mean if these things were on my – I do not see the page – on the letter that came from the – from the commission Chairperson those are things that are specific that were raised – that were
20 specific that I was told I must come prepared or I must respond to. But who gets appointed in the board, who resigns in the board, who stays in the board I am being honest Chairperson I did not look into that.

CHAIRPERSON: No I – I hear what you say Ms Myeni. I know that sometimes when people appear in court or in a

forum like this they are extra cautious about what they say because they understand that lawyers will try and hold them to whatever they have said and they do not want to say something unless they are sure about it. But for example with regard to the resignation – whether Ms – Advocate Nkosi Thomas had resigned or not you might not remember. If you genuinely do not remember it is an acceptable answer that you do not remember whether she had resigned by then or not. Obviously if you do remember that she had resigned
10 you can say she – she had resigned or if you think she had not resigned you can say so. Ms Hofmeyr.

ADV HOFMEYR: Chair all that is required of witnesses in this commission is that they tell the truth.

CHAIRPERSON: Ja.

ADV HOFMEYR: That a witness makes a mistake is not a lie. If Ms Myeni cannot remember something it is – she is fully within her rights to do so. Chair what is not a valid basis for declining to answer a question is that it will put a witness in a bad light.

20 **CHAIRPERSON:** Yes.

ADV HOFMEYR: And what Ms Myeni keeps invoking as a ground for not answering question is that they may put her in a bad light, that she is not comfortable with them, that there is a judgment in other civil proceedings, that the NPA maybe investigating matters and that I think she said earlier ears

may be listening to what she says. Chair if Ms Myeni continues for those reasons to invoke the privilege then we will submit to you in due course that it is being abused. But should we move onto the Mhlatuze matters?

CHAIRPERSON: Well maybe – maybe Ms Myeni you could deal with this because I cannot think of any crime that you could be exposing yourself to if you say yes I know Ms Thomas had resigned by October 2013/2014 or no I – she had not resigned or – or I cannot remember whether she had
10 resigned or not. I cannot see what crime you could be exposing yourself to. Do you want to indicate whether you have any recollection as to whether she had resigned or – or what the position is?

MS MYENI: I do not have any recollection Chairperson.

CHAIRPERSON: Okay alright. Ms Hofmeyr.

ADV HOFMEYR: Thank you. Chair if we still have a bit of time I would like to make a bit of headway.

CHAIRPERSON: Yes.

ADV HOFMEYR: Into the next topic if we may with your
20 leave?

CHAIRPERSON: Yes that is fine.

ADV HOFMEYR: Thank you. Ms Myeni are you aware that Mr X testified before this commission about receiving money from your son's company Premier Attraction?

MS MYENI: Sorry Chairperson who is Mr X?

ADV HOFMEYR: He was a witness who presented evidence before the commission and in respect of whose evidence you were given a Rule 3.3 Notice.

MS MYENI: Well Chairperson he will go as Mr X.

CHAIRPERSON: Sorry?

MS MYENI: He will go as Mr X Chairperson?

CHAIRPERSON: Oh yes I made a ruling that he should be referred to as Mr X for reasons that were dealt with at the time. So we will refer to him as Mr X.

10 **MS MYENI:** Chairperson what is the subject – what is the reason if I may ask so that I can comfortably answer?

CHAIRPERSON: Evidence was...

MS MYENI: Yes I – why is he referred to as Mr X?

CHAIRPERSON: An application was made before me for me to make a ruling that his identity should not be disclosed if I recall correctly. And – and I therefore – I was satisfied that there were proper grounds for invoking those powers and I said his identity should not be disclosed. That is my recollection and I said he should be referred to as Mr X.

20 There would be – there would be a record of that in the record of the proceedings. There might be a date if you wish to see the transcript of what was said at the time of that ruling you – that could be made available to you.

MS MYENI: Thank you very much Chairperson. No out of the greatest interest Chair I have read there the transcripts.

CHAIRPERSON: Yes.

MS MYENI: For the first time Chairperson I read Mr X file – full file – full document and we are [00:14:27} Chairperson has the SIU investigation against Mr X. But Chairperson I am going to ask you as well stoically Chair stoically.

CHAIRPERSON: Yes. Would you like us to take a lunch adjournment and you ...

MS MYENI: No, no Chairperson.

CHAIRPERSON: Oh okay.

10 **MS MYENI:** Please do not. I am saying stoically Chair this is a distraction of a family member. Mr X is my family. His children are my children. Mr X is my family Chairperson is my brother. There is no truth in hiding his identity. Mr X is family to me he is my brother.

CHAIRPERSON: Well Ms Myeni.

MS MYENI: That is why I am saying Chair.

CHAIRPERSON: Ms Myeni.

MS MYENI: Stoically.

CHAIRPERSON: Ms Myeni.

20 **MS MYENI:** I am asking you a question.

CHAIRPERSON: Ms Myeni. If I have made an order.

MS MYENI: I am not – I am not breaking Chair or I do not want you to break just because I am taking like –

CHAIRPERSON: No, no, no

MS MYENI: I am slow in talking.

CHAIRPERSON: No, no, no.

MS MYENI: It is because Chair our system continues to deplete the fibre of our society.

CHAIRPERSON: Yes but just hang on a ...

MS MYENI: I am not Chair I am not going to talk to issues Chair that pertain to what the so called Mr X said because of the fear that has been presented before you Chair.

CHAIRPERSON: Ms Myeni.

MS MYENI: This is an honest man.

10 **CHAIRPERSON:** Ms Myeni.

MS MYENI: That I have known for over 25 years.

CHAIRPERSON: Ms Myeni. If..

MS MYENI: Chairperson are you talking?

CHAIRPERSON: If I have made an order – yes...

MS MYENI: I am sorry I beg your pardon.

CHAIRPERSON: Yes.

MS MYENI: Or did you not – did you not hear me?

CHAIRPERSON: Ms Myeni I – I am controlling the proceedings in the commission.

20 **MS MYENI:** Yes Chair.

MS MYENI: I give you an opportunity to say something and I give everybody an opportunity to say something. At this stage I want to say if there is an order that I have made it needs to be respected.

MS MYENI: Thank you Chair.

CHAIRPERSON: I am going to adjourn now to consider what should be done about what you have just done.

MS MYENI: Well Chair it was not intended to break any orders. I did not intend to say anything untoward or making your order not to be valid or disrespecting you Chairperson. My apologies. But Chair I am saying this.

CHAIRPERSON: Yes, no, no, no. We are going to have to adjourn for...

MS MYENI: Not, not out of disrespect.

10 **CHAIRPERSON:** For...

MS MYENI: Thank you Chair.

CHAIRPERSON: Ja. When we come back I will hear what you have to say. I have got to reflect on what you have just done. Let us take the lunch adjournment.

MS MYENI: Thank you Chair.

CHAIRPERSON: Let us – we will resume not at two but quarter past two. We adjourn.

MS MYENI: Thank you Chair.

REGISTRAR: All rise.

20 **INQUIRY ADJOURNS**

INQUIRY RESUMES:

CHAIRPERSON: During the... just before the lunch break, Ms Myeni mentioned somebody's name that should not have been mentioned. That she not mention it in terms of an order that I had made and I have just explained to her that I

made an order to object to the identity of the person.

I said that we would adjourn for lunch to reflect on this development which is quite serious. I met with the... with Ms Myeni's legal team and with the evidence leader. And they both have something to say on the way forward. I am going to give them a chance to do so. Ms Hofmeyr.

ADV HOFMEYR ADDRESSES THE CHAIR: Thank you, Chair. Chair, Section 5 of the Commissions Act makes it an offence for a person who wilfully obstruct the Commission in
10 the performance of its functions.

That section is reinforced by similar provisions in Regulation 12 of the Regulations that have been promulgated in accordance of the establishment of this Commission.

Chair, the Commission's functioning depends on witnesses who have information that is relevant and valuable for the Commission it receives. To be in a position to do so even when they fear for their lives and the personal safety of their families.

20 Chair, today Ms Myeni has breached that section of the Commissions Act and Regulation 12 and I say that for four reasons. The order that you made Chair concerning the identity of Mr X was granted because you were satisfied that disclosure of his identity would threaten his and his family's personal safety.

Secondly. In response to Ms Myeni's question about who Mr X was. You made it clear to her that you had given a ruling, that his identity is not to be revealed because you were persuaded that protection of his personal safety was at risk.

Ms Myeni then stated that she had read the full transcript of Mr X's evidence and if she did so, she read in detail the basis on which the application for his evidence to be given *in camera* and for his identity not to be revealed
10 was made.

She would also have seen the basis on which you made your decision to grant the application. And that, fourthly, was all preceded the effort of the legal team of the Commission to notify Ms Myeni the Sunday before Mr X's evidence was to be given on the Monday.

What was done on that Sunday, was communication was sent to Ms Myeni's then attorneys and further calls were made to confirm that that communication had been received. If I may just indicate what that communication said.

20 It advised Ms Myeni that, on the next day, Monday the 17th of February, the Commission's legal team would be intending to present the evidence of a witness whose identity could not be revealed because of issues of personal safety.

She was told precisely where the hearing would be taking place and she was given a copy of the application for

the proceedings to take place *in camera* and for his identity not to be revealed.

She was told, in no uncertain terms, that his evidence would implicate or may implicate as participation in various actions of corruption, fraud and money laundering.

And she was further advised that if she intended to oppose the application, she had a right to be present at the hearing and to make any application she deemed appropriate, in the light of what she was informed, would be
10 an application for his identity not be revealed.

So against that factual background Chair. Ms Myeni, despite those facts, on four successive occasions revealed the identity of Mr X.

Chair, we submit that that conduct is a wilful obstruction of the Commission in the performance of its functions. It reveals a disrespect for this Commission and its processes. And it will send a chill over these proceedings because it is liable to deter future whistle-blow witnesses from coming forward.

20 We submit that this is an extremely serious matter. And we submit that you should direct the Secretary of the Commission to lay a charge against Ms Myeni for breaching Section 5 of the Commissions Act so that justice can take its course.

We further submit that any explanation of Ms Myeni's

conduct that may be proffered by her or any indications that may in due course of regret that come from her, are matters that are appropriately to be reserved for her criminal trial on this charge, should the NPA decide to prosecute.

They are not any offers of explanation. Or contrition are not and could never be grounds for not directing that the charge be laid.

Chair, it is our submission that the proper functioning of this Commission requires matters to be dealt with resolutely
10 and swiftly so that there can be no doubt that people who knowingly undermine this Commission will be brought to book.

Chair, those are our submissions for the way forward.

CHAIRPERSON: Thank you, Ms Hofmeyr. Mr Buthelezi, do you want to say something?

ADV BUTHELEZI ADDRESSES THE CHAIR: Thank you, Chair. As per the discussions we held in chambers Chair. We have requested to make a formal submission to you Chair. Ms Hofmeyr has made her submissions. Our
20 submission is not necessarily a submission in response but we deem the situation serious and we thought let us come to the Chair with a formal submission.

And as far as all the requests and prayers of Ms Hofmeyr, we will also deal with those in terms of the submission that we make to you Chair.

So I do not want to get into an exchange over for to date the merits of what Ms Hofmeyr has stated. We will give our submission and request that the Chair defer his ruling in this issue to having received that submission by the end of Tuesday next week with regards to how we proceed.

We have also indicated to Chair that we are still... We will proceed and we are still awaiting the Chair's directions in terms of how the proceedings be conducted.

But the indication from Ms Hofmeyr is that they want to
10 proceed. So we will proceed accordingly. Unfortunately,
Chair I cannot take the point beyond that. I do not have
those instructions right now.

And ours is to say, we will consult after the session and try to get proper instruction on how we will deal with this but we will be making a formal submission. Thank you.

CHAIRPERSON: I know that we spoke in chambers and I mentioned the date of Tuesday as a possibility for submissions.

ADV BUTHELEZI: Yes, Chair.

20 **CHAIRPERSON:** But I am just thinking now because whatever explanation, I think it cannot be a lengthy explanation.

I am wondering whether we should not bring the dates forward on the basis that after the hearing or this evening, there ought to be an opportunity to start working on that.

And if you do not finish, then maybe at some stage tomorrow you might be done and say that I should... you should finish whatever explanation or submissions you want to furnish by Monday morning. You can use the weekend as well.

ADV BUTHELEZI: Yes.

CHAIRPERSON: Would that be fine?

ADV BUTHELEZI: That is okay Chair.

CHAIRPERSON: Ja, ja.

10 **ADV BUTHELEZI**: Thank you.

CHAIRPERSON: I am going to say. I do not know what explanation Ms Myeni will be given in due course but not knowing what explanation you will give on the face of what happened here which we all know.

What you did is really something that, it seems to me would discourage other witnesses who want to give evidence before the Commission anonymously when they fear for their safety or their lives. Something that is very crucial to the work of information.

20 There are, I believe, many people who would like to share information with the Commission and who have been wanting to do so over the past two and a half years.

But who are not saying that their lives would be threatened or their safety would be threatened but who simply feel that they will be victimised in terms of work, in

terms of business, in terms of their careers and they are not coming forward.

And then there are those who really fear for their safety, their lives and their safety of their family members yet who have crucial information that is important for the work of the Commission.

Now if something like this happens and happens right in the Commission, it undermines the work of the Commission in a very serious way.

10 To say the least, I am disappointed in you that you did this particularly after I had said that I made an order that is against, it should not be revealed. I did not expect this from you.

From yesterday, my impression was that you were showing respect to the Commission. So I did not expect this. Obviously, if somebody disrespects an order that I have made, it seems to me that that person disrespects me as well.

I am going to wait for the submissions that your legal
20 team will bring. They will bring it – deliver it to the Commission by Monday morning. Mr Buthelezi, ten o'clock?

ADV BUTHELEZI: That is okay Chairperson.

CHAIRPERSON: It is fine? Ja. By Monday ten o'clock and I will then have regard to it and then take it from there. Alright. But we are going to proceed. I think I must just say

to the media and other people who may have heard the breach of the order that I made.

That they should not use this breach to justify, mentioning the name of Mr X. They must continue to respect the order that was issued as they have done before and not mention the name that Ms Myeni mentioned just before we adjourned for lunch. So that order continues to stand. Okay. Let us continue.

ADV HOFMEYR: Thank you, Chair. Ms Myeni, before the
10 lunch adjournment, we had moved to the area concerning the time that you were Chairperson of the Mhlathuze's Water Board and I had indicated that Mr X gave evidence about having received money from your son's company, Premier Attraction.

There were three deposits of money that he received. The first was on the 24th of October 2015 in the amount of one million rand.

The second was on the 11th of December 2015 in the amount of R 1.15 million and the third was on the
20 2nd of February 2016 in the amount of one million rand.

Are you aware of those deposits having been made by Mr X into your son's company, Premier Attraction's bank account?

MS MYENI: I have read it about it. I then am aware of it. I read it yesterday as well.

ADV HOFMEYR: Were you aware of it at the time?

MS MYENI: My response is, I am aware of what the question has been asked regarding the business between Mr X and my son.

ADV HOFMEYR: And in particular, were you aware of those payments having been made as I have said it out?

MS MYENI: Not particularly but I have been aware that they have been doing things together.

ADV HOFMEYR: You see, his evidence before this
10 Commission is that he had never done any work for Premier Attraction, never rendered any services to it and had not business relationship at all with Premier Attraction.

I understand your evidence given moments ago is to suggest that that is false. Is that a correct understanding of what you said?

MS MYENI: Chairperson, I am aware of the things that they have done together but I am – I cannot talk about business dealings between two people. Therefore, I am saying I am aware. I have read the transcript. I have read mister X's
20 [name not transcribed] submission. And I have seen bank statements. So I am aware of what happened between them but I never get involved in two business entities.

ADV HOFMEYR: Ms Myeni, I would caution you for the remainder of today not to refer to this witness as anything other than Mr X. Ms Myeni, Mr X's evidence before this

Commission ...[intervenes]

MS MYENI: Sorry, I beg your pardon. I... and honestly, I am feeling so bad about this whole thing because I do not mean to disrespect anyone. And especially, I do not mean to disrespect the Commission or the Chairperson. I am feeling very bad.

But Ms Hofmeyr, if I have mentioned him again, I... it will be out... first out of... I do not know. I did not hear myself whether I said his name or not.

10 One, it is was disbelief. Two, it was an emotion that came with it. And feeling betrayed. I apologise. But if I have said it again, it is really something that I have not... I think my mind is not into it. I apologise.

ADV HOFMEYR: Ms Myeni ...[intervenes]

MS MYENI: I hear you questioning me. So I am... So that is why I am saying, I do not know whether I have said it again.

CHAIRPERSON: H'm. Okay. You will refer to him as Mr X. You will refer to him as Mr X.

20 **MS MYENI**: I will refer to Mr X, Chair.

CHAIRPERSON: Okay alright.

ADV HOFMEYR: Ms Myeni, Mr X did not even know the name of the company that it made payments to him, according to his evidence until the Commission's investigators told him the name of the company.

Can you give us any insight as to the level of the relationship between Mr X and your son and your son's business, Premier Attraction?

MS MYENI: Chair, may I not answer that question? I would prefer my son to respond to the question. I do not want to incriminate myself on business activities that I am not involved in.

ADV HOFMEYR: Ms Myeni, with respect, I do not understand that. I do not understand how you can
10 incriminate yourself in respect of something you are not involved in.

MS MYENI: Chairperson, may I not respond to the question that is being asked because I do not want to incriminate myself?

CHAIRPERSON: H'm. Ms Hofmeyr.

ADV HOFMEYR: Ms Myeni, what Mr X testified was that he did not know Premier Attraction at all. He had no business relationship with Premier Attraction. What would happen before he received these payments is, that you would
20 contact him and you would alert him to the fact that money was coming into his account. Do you confirm that that is what you did?

MS MYENI: Chairperson, may I not respond to this question? I do not want to incriminate myself ...[indistinct]
[distortion present – speaker not clear]

ADV HOFMEYR: He said that it is one of the funds that he was instructed to deliver in cash to you and so he made a number of withdrawals between the 27th of October 2015 and later November 2015. Did you instruct Mr X to withdraw cash from the amount that he had received on the 24th of October and provided to you?

MS MYENI: Chairperson, may I not respond to the question in case I incriminate myself?

ADV HOFMEYR: Mr X testified about the fact that he
10 considers you a very good family friend and that he had on many occasions visited you. And as a consequence of that, the people at your home where – that work for you, would have no difficulty with him coming to the property when you were not there.

Can you confirm that that was the nature of the relationship and that he did have access to your property on occasion when you were not there?

MS MYENI: No person has access to my property without my permission.

20 **ADV HOFMEYR:** Ms Myeni ...[intervenes]

MS MYENI: [Indistinct] [distortion present – speaker not clear]

ADV HOFMEYR: No, it is a different question. My question was, did he on occasion come to your property when you were not there?

CHAIRPERSON: Maybe let me ...[intervenes]

MS MYENI: [distortion present] ...[indistinct] not aware of it.

CHAIRPERSON: H'm.

MS MYENI: I am not aware. Sorry, Chair. I spoke on top of your voice. Sorry, sorry.

CHAIRPERSON: Ja.

MS MYENI: On top of you responding. Sorry.

CHAIRPERSON: I think you have answered. I think what
10 ...[intervenes]

MS MYENI: Did you ask me, Chair?

CHAIRPERSON: I think what Ms Hofmeyr had in mind is – or understands that Mr X testified that the nature of the relationship between himself and yourself or your family was such, that even when you were at home, he could come to your home if there were other people and there would no problem. That is what ...[intervenes]

MS MYENI: That is not true Chair.

CHAIRPERSON: It is not true?

20 **MS MYENI**: That is not true.

CHAIRPERSON: Okay alright.

MS MYENI: No.

CHAIRPERSON: Okay.

ADV HOFMEYR: He said when he would make these visits to your home, if you were there, he would hand over the

cash that you requested from him to you directly but when you were not there, he would leave the cash somewhere in your office and be somewhat careful to conceal it. Are you aware of that is what took place?

MS MYENI: I am not aware.

ADV HOFMEYR: So he did not ever give you cash to you directly?

MS MYENI: I am not aware Chairperson.

ADV HOFMEYR: I was just seeking clarity. I realise that
10 my framing of the question as crisp as I would have liked it to be. I was asking whether he ever gave you cash personally in your hand?

MS MYENI: Chairperson, the question is to open-ended.

CHAIRPERSON: Oh, okay.

MS MYENI: I must be told ...[intervenes]

CHAIRPERSON: Yes.

MS MYENI: ...what cash ...[indistinct] before. If I give you cash and if he gives me cash what it is for. So the question too broad and open-ended.

20 **CHAIRPERSON:** Yes.

ADV HOFMEYR: Ja, in fairness Ms Myeni ...[intervenes]

CHAIRPERSON: Ja.

ADV HOFMEYR: ...I accept that. I have been focussing in on a period between the 27th of October and late November 2015 when, according to Mr X ...[intervenes]

MS MYENI: I have lost you there.

ADV HOFMEYR: Sorry.

MS MYENI: I have lost you. Sorry.

ADV HOFMEYR: I want to give you a greater clarity as to my question. I was focussing on the period between 27 October 2015 and late November 2015.

And it was during that period that Mr X said he would come to your home to give your cash and that was cash that he withdrew from his bank account after your son's company,
10 Premier Attraction paid him a million rand.

And I would like to know from you whether you confirm that that did take place?

MS MYENI: I am not aware of that.

ADV HOFMEYR: And during that same period, can you confirm whether he left cash, which on his version he withdraw on your instruction from that original million rand and left it in your office for you?

MS MYENI: That he will then?

ADV HOFMEYR: In your office, in your home.

20 **MS MYENI:** A million rand in my office?

ADV HOFMEYR: No, let me be clear. His evidence was. He got the initial payment of a million rand on the 24th of October 2015 and then he would make successive withdrawals of cash over the period between the 27th of October 2015 and late November 2015. And on

occasion he would leave that cash in the office at your home. Did that happen?

MS MYENI: Not that I remember Chairperson. I do not remember that.

ADV HOFMEYR: But could it have happened?

MS MYENI: Sorry?

ADV HOFMEYR: Could it have happened?

CHAIRPERSON: Is there a possibility may have happened ...[intervenes]

10 **MS MYENI**: [Indistinct]

CHAIRPERSON: Is there a possibility ...[intervenes]

MS MYENI: [Indistinct] and answer. [distortion present – speaker unclear]

CHAIRPERSON: H'm.

MS MYENI: I have given an answer Chairperson. I am not aware of that.

CHAIRPERSON: Yes. So if he ever left any cash, you never received cash that you had told had been left by him in your office or in your study at home?

20 **MS MYENI**: Chairperson, I do not have a place where a person can walk in and give cash like that.

CHAIRPERSON: Yes.

MS MYENI: That is accessible in my absence.

CHAIRPERSON: H'm.

MS MYENI: If I am not at home, my home is not as easily

accessible as I read what was being said by Mr X. So I am not too sure about ...[intervenes]

CHAIRPERSON: You would deny that such a thing ...[intervenes]

MS MYENI: It is really difficult for me Chair.

CHAIRPERSON: H'm.

MS MYENI: Sorry. Sorry, Chair?

CHAIRPERSON: Ja, I am saying ...[intervenes]

MS MYENI: My apologies Chair.

10 **CHAIRPERSON:** I am saying you would deny that something like that every happened?

MS MYENI: I am saying Chairperson, it is difficult for me to ever put before Mr X to say he is lying. It is difficult.

CHAIRPERSON: Yes.

MS MYENI: I mean, this is a person that I respect.

CHAIRPERSON: Okay.

MS MYENI: So it is not true.

CHAIRPERSON: It is not true?

MS MYENI: [No audible reply]

20 **CHAIRPERSON:** Okay. Ms Hofmeyr.

ADV HOFMEYR: There has been evidence before this Commission that you have... there were... is a witness who has given evidence before this Commission previously, Mr Le Roux. Are you aware of his evidence?

MS MYENI: I have not seen his... what is it? His affidavit

or his submission. Or maybe I have seen it ...[indistinct]
There are too many. [distortion present – speaker unclear]

ADV HOFMEYR: Indeed. Do you have a safe?

MS MYENI: Or is that witness... Sorry. Is it this one?

ADV HOFMEYR: No, no, no. This was previously
...[intervenes]

MS MYENI: It is on the ...[indistinct] [distortion present]
Okay.

ADV HOFMEYR: Sorry, Ms Myeni. It was previous
10 evidence given before the Commission by Mr Le Roux in
respect of which you received a Rule 3(3) notice. Does that
assist you?

CHAIRPERSON: Is that BOSASA?

MS MYENI: I received too many Rule 3(3) notices. Maybe
if you can just give me a more or elaborate... Oh, sorry
Chairperson. You know I hardly hear when you start
speaking ...[intervenes]

CHAIRPERSON: Oh, is that so? Okay, I wonder whether
there is some technical problem but I wanted to say I think
20 Mr le Roux that Ms Hofmeyr is speaking about is a witness
who testified about BOSASA matters. I think Richard le
Roux?

ADV HOFMEYR: Correct, Chair.

CHAIRPERSON: Mr Richard le Roux who used to work for
BOSASA so he would have given evidence about you

relating to BOSASA. Do you have any recollection of receiving his affidavit or 3.3 notice relating to BOSASA?

MS MYENI: I was not following, Chairperson, I would not have known or maybe I can remember if I see his submission but I am open to listening to who Mr le Roux is and what he is submission was about.

CHAIRPERSON: Yes. Okay, alright.

ADV HOFMEYR: Do you have a safe inside your office at home?

10 **MS MYENI:** It is not true, Chairperson.

ADV HOFMEYR: No, I am asking a question, do you have a safe inside your office at home?

MS MYENI: Oh sorry, I though he said, Mr le Roux said there is a safe inside my office. I do not have a safe in my office, Chairperson.

ADV HOFMEYR: Do you have a safe in your garage?

MS MYENI: I do not have a safe in my garage.

ADV HOFMEYR: Ms Myeni, in relation to the second two payments. Remember I indicated earlier there was a
20 payment in October and then there was a payment in December 2015 and then there was a final payment in February 2016. Mr X said in relation to those second two payments, the one in December 2015 and the one in February 2016 that you instructed him to payment amounts into a bank account the number of which you provided to

him. Did you do so?

MS MYENI: I am not aware of that, Chairperson.

ADV HOFMEYR: Ms Myeni, I just want to be clear because when you say you are not aware of it, I want to be certain as to what precisely you are denying in relation to Mr X's evidence. So that is why I am just seeking clarity. So did you instruct Mr X to pay money into your account – well, into an account you gave him in December of 2015 and February of 2016?

10 **MS MYENI:** Because of the timeframes or the timelines that you are referring to, I will not be able to recall. Remember, Chairperson, with respect, I have worked with the incumbent, just in case I make a mistake, Mr X.

CHAIRPERSON: Mr X.

MS MYENI: I have worked with the person, I have known the family from as way back as 1997. So that is why if then there is a particular period referred to, the relationship between me and my brother broke down.

CHAIRPERSON: Mr X. You mean Mr X or ...[intervenes]

20 **MS MYENI:** So ...[intervenes]

CHAIRPERSON: When you say my brother, are you referring to Mr X or are you referring to ...[intervenes]

MS MYENI: I am sorry, Chair. Sorry, Chair, for record purposes.

CHAIRPERSON: Are you referring to somebody else or

are you referring to X?

MS MYENI: Yes, Mr X.

CHAIRPERSON: Oh, okay, alright.

MS MYENI: We – because, Chairperson – okay, there was an assumption from Mr X that wherever I worked and whatever I would do, he knew – like, for instance, he is into construction. When I was into construction I would call him sometimes and ask him to please assist me, I will be building a house for somebody, I think it was in 2001, I
10 am donating a house to this family and then he would come and build.

I would buy material and he would do whatever that I asked him. Now for me to be able to say during this particular period and that particular period there was money that was given by Mr X or I gave him money, that is why it is a bit difficult.

In 2013 he was leading some family affairs that had occurred at home and at that particular time, after that – no, in fact at that particular time, the relationship was a bit
20 strained. We had a death in the family. Even at that time the relationship was a bit strained.

We had a wedding for my half brother who worked for him for years. He was sort of ducking and diving. He would not look me in the eye. At that time I did not know what was going on but I would even go and talk to his wife

rather or talk to the daughter to say look, there is no way your father may not speak at my brother's wedding. That is the kind of a relationship that we had.

Now I am saying if then the period referred to is 2015 and '16, there was an investigation taking place at Umhlatuzi at that particular time and at that time every time I am being asked to come and sit and listen and also answer questions to those that were investigating, his name was popping up all the time and I would make sure
10 that I ask him, to say would it be possible that you might have done something like this?

Then he would assure me that there is nothing but he would not pick up calls and he would not be the person I know, the friend I know, the family friend I know and what stood out at that particular time was – although I do not remember quite precisely the year, one of his houses got burnt within the premises. He has a house for the girls, another back room – but big back rooms, not small [indistinct] 07.07 things. So one burnt to ashes. Now I am
20 hearing this from the family members, not from him. Then I phoned him in a sort of reprimanding him to say how can you not tell me such a big thing?

The other thing then, Chairperson, that I can mention, hoping I do not incriminate myself, was that when he took the second wife, the relationship was – I have

always been very close to his wife, to the first wife and his first wife would tell me certain things to say this is what is happening, this is what has happened and then I am seen a big sister to say how.

We did not know that this was going to happen or you are doing this but that thing has not changed and, knowing him, Chairperson, he is a very sensitive person. He would be emotional about issues that I would raise pertaining to things that I feel are not right.

10 So I would talk to him in 2015 and '16 about what was doing on and also saying you cannot do these things that are going to compromise you and also compromise me because I will have to say the truth the way I know how.

If, for instance, excuse me, you have done something wrong in a state entity which I preside over. So that is the long and short of what I can explain regarding 2015 and 2016 relationship. I know I have not touched on Le Roux because I have not heard the question from Le Roux.

20 **CHAIRPERSON:** Yes, so I think there was the question of whether you did or may have given him a certain account number in which you asked him to deposit certain monies during that period. What was your answer to that?

MS MYENI: Chair, like I say, I am saying I will not – oh, ja, now I remember, sorry, Chair, thanks for assisting for

me. No, I will not remember that particular period,
Chairperson.

CHAIRPERSON: Yes, okay. Ms Hofmeyr?

ADV HOFMEYR: Ms Myeni, it is a very specific question.
Is your answer that you do not remember anything about
your dealings between Mr X and yourself in the 2015/2016
period?

MS MYENI: I do not remember, Chairperson.

ADV HOFMEYR: And at that time you would be
10 Chairperson of the Jacob Zuma Foundation, is that right?

MS MYENI: Sorry, Chairperson? I did not get the answer.

CHAIRPERSON: The question from Ms Hofmeyr is
whether at that time, namely 2015/2016, you were
Chairperson of the Jacob Zuma Foundation? That was the
question.

MS MYENI: Yes, Chairperson. Yes, Chairperson.

CHAIRPERSON: Okay. Ms Hofmeyr?

ADV HOFMEYR: Ms Myeni you have previously deposed
to an affidavit before this Commission in response to the
20 evidence of Mr Agrizzi in which you stated that all funds
received by the Jacob Zuma Foundation is done by
electronic transfer and not cash. Do you remember giving
that version on affidavit?

MS MYENI: Which specific reference to what Agrizzi
alleged?

ADV HOFMEYR: Yes, no, I am just asking if you recall the allegation. So is it your evidence before the Commission today that the way in which ...[intervenes]

MS MYENI: Sorry, Chairperson.

CHAIRPERSON: Sorry, sorry, Ms Hofmeyr, I think Ms Myeni just wants to complete her [inaudible – speaking simultaneously]

MS MYENI: Which specific reference, Chairperson, to ...[intervenes]

10 **CHAIRPERSON:** Mr Agrizzi's evidence.

MS MYENI: Agrizzi.

ADV HOFMEYR: Yes but the challenge I have with that answer, Ms Myeni, is I am interested in the facts and the facts do not change whether you are responding to Mr Agrizzi's evidence or Mr X's evidence, do they?

MS MYENI: In order not to incriminate myself, Chairperson, I have written an affidavit about BOSASA and the statement that was issued by Agrizzi and I have been very specific and direct to the matter that was before the
20 Commission, Chairperson, regarding BOSASA and Agrizzi.

ADV HOFMEYR: Ms Myeni, what was my question?

MS MYENI: Your question is that the amounts deposited to the foundation are done electronically and that is how the donations go but I am saying it was specific, Chairperson, to the person that is referred to.

ADV HOFMEYR: Ms Myeni, that was not my question. My question – that was an earlier question. My question to which you gave the immediate answer was do the facts change depending on whether you are responding to Mr Agrizzi or Mr X?

MS MYENI: I am going to be confused here, Chairperson. I was still following because I thought we were talking about Mr X, now we are with Mr le Roux. We are now with Mr Agrizzi. So I want – I do not know, I think I am going to
10 be confused.

CHAIRPERSON: Let me ask this question. In your affidavit in response to Mr Agrizzi's affidavit or evidence did you say that donations to the Jacob Zuma Foundation are made electronically?

MS MYENI: Well, Chairperson, I am going to, with your permission, can I address you a bit, Chairperson?

CHAIRPERSON: Yes.

MS MYENI: If the Commission would like for me to present on issues of the Jacob G Zuma Foundation as the
20 person that has led the Foundation in terms of being its Chairperson, may I address you this way, Chairperson?

Number one, there were people, Chair, that were investigated relating Jacob G Zuma Foundation and their businesses were closed by association to the Jacob G Zuma Foundation or the association to Jacob Zuma as the

person that is sort of perhaps alleged to be a corrupt person. That is one.

Two, Chairperson, throughout my tenure as the Chairperson of the Jacob G Zuma Foundation, the Jacob G Zuma Foundation has been investigated since its establishment. The Jacob G Zuma Foundation, the account was closed by ABSA, I think it was about 2016 or so.

Now, Chairperson, the reason why I am addressing you when I said I am guilty of anything that I have done by association, even the people that were assisting the Foundation were also victimised, their businesses were closed and we would receive correspondence from people who are saying we cannot assist because there is this challenge.

Now my question, Chair, is that a foundation as a body, as an entity, a foundation is not Dudu. A foundation is not my business. Here I am answering about the donations that are done to the Foundation, Chairperson. Here I am, Chairperson, having to answer because I presided over the Jacob G Zuma Foundation whose money has benefited the poor and the downtrodden.

My question, Chair, would I be sitting here having to answer the same question if I was running Mr de Klerk's Foundation, Mr Mbeki's Foundation, Mr Mandela's Foundation, Mr Motlanthe's Foundation, Mr Ramaphosa's

Foundation?

Would I be questioned about how the donations go into their Foundations? Many enquiries from the likes of Piet Louis Myburgh asking me who are the donors of the foundation? I would tell me staff or the administrator and bookkeeper and for your information, Chairperson, I had to convince President Zuma to say our bookkeeper must be a person of a certain colour, our administrator must be a person of certain colour because personally, I cannot be
10 trusted be of the colour of my skin.

Then I said they must be the ones, Chair, who receives, who deposit, who release payments, those people of colour. Now I said to them with the media enquiries, all now in the media enquiry, it is a crime to donate to the Jacob Zuma Foundation, it is a crime to run the Jacob Zuma Foundation, it is a crime to ask any private company or any business person for donations into the Foundation of President Zuma.

Then I said to Piet Louis Myburgh, if you are doing
20 an enquiry on this entity because you are not investigating Dudu. If you are doing an investigation into the Foundations, send me questions that have been sent to De Klerk's Foundation, questions that have been sent to Thabo Mbeki's Foundation, his [indistinct] 19.08, send me questions that have been sent to Cyril Ramaphosa, the

President's Foundation, Nelson Mandela's Foundation, I will, through my office and the administrator, being a white woman and our bookkeeper, being a white woman, they will provide with every information you need.

CHAIRPERSON: Okay ...[intervenes]

MS MYENI: Then, Chairperson, I have gone ...[intervenes]

CHAIRPERSON: Yes, let us ...[intervenes]

MS MYENI: ...out of town to try and address on this
10 matter. Today I am to answer to the nation how the donations would happen, how the – therefore, Chair, with your permission, I am not going to answer to Jacob G Zuma Foundation donations. They must – can perhaps assist me by bringing everyone from the Foundation to answer to the issues of the Foundation so that it is not Dudu who answers these things that are being asked about the – one single Foundation in South Africa.

CHAIRPERSON: Well, you see, we have a situation where
20 certain witnesses have given certain evidence with regard to money that they say was given to the Jacob Zuma Foundation or was given to you, they have said whatever evidence and their affidavits would have been sent to the – to you or to the Foundation at different times.

Now you, having been or still being Chairperson of the Foundation, you are the leader of the Foundation, one

would expect that the leader at least would know what is happening in the organisation that he or she leads. Obviously it does happen that one does not know everything, depending on the size of the organisation, so Ms Hofmeyr is asking you questions because certain witnesses have given evidence that is to the effect that certain payments were made to the Jacob Zuma Foundation or were made to you in circumstances which require further investigation or which require the Commission to hear from
10 somebody from the Foundation, say do they know about such payments, is this the way that donations were made, for example, because I think Mr Agrizzi was saying that it was cash.

So when I asked you the question and I am going to back to the question and it is really about what you already have said in your affidavit that Ms Hofmeyr spoke about, whether you did say in your affidavit in response to Mr Agrizzi's evidence or affidavit that donations to the Jacob Zuma Foundation are made by way
20 of electronic transfers, so that was my question.

MS MYENI: Chairperson, I stand by what I am saying. That affidavit I wrote is very specific to the individual. We would get deposit slips sent to us, Chairperson, or dropped to a certain office in Jo'burg or an office in Durban of the Foundation that so and so was in a fundraising event in

such and such a place, he made a pledge to donate to the Foundation and this is a slip that he decided to go and deposit the money and here is a proof that he has honoured the pledge.

In respect of BOSASA and Agrizzi, I addressed that specific matter in that regard, Chairperson. There was a reason I said that, Chairperson.

CHAIRPERSON: Okay.

MS MYENI: Agrizzi worked for a company called BOSASA
10 which I understood to be a private company, that is why I was specific because, Chairperson, with regard to that particular company, when they made donations to the Foundation's event of the birthday of President Zuma, we had asked them – we gave them a few things that this is – this is a plan, this is what we hope will be done and this is what we want to achieve, is this what we want to see for the day. And that is what they did.

They deposited the money themselves electronically, Chairperson, not to us, to service providers.

20 **CHAIRPERSON:** Okay.

MS MYENI: But service providers would tell us – we would write thank you letters and I have indicated that, I referred you to that, would write thank you letters to any donor and sometimes the donor would say do not give us thank you letter.

But, Chairperson, with respect, I do not want to give any account about the Jacob G Zuma Foundation unless six Chairpersons or eight Chairpersons of various foundations would sit in this Commission and account about foundations of Presidents, current President, former Presidents and De Klerk Foundation, the late Tata Nelson Mandela Foundation, then I will be comfortable, Chair, to talk about the foundation of President Jacob Zuma, what it did, how it fundraised, the internal policies that existed in
10 the Foundation.

CHAIRPERSON: Well, Ms Myeni, that will not be a valid ground for you to refuse to answer questions relating to the Jacob Zuma Foundation namely that there are other foundations which are not before the Commission.

The position that we have is that certain witnesses came, made affidavits and gave evidence some of which may implicate or may seem to implicate the Jacob Zuma Foundation or you, but I am not aware of any witness who has given the Commission any affidavits of statements
20 relating to any other foundation. But, of course, every affidavit or information that gets brought to the Commission is looked into and investigated on its own merits.

One of the things that I have said is that sometimes one hears complaints along the lines that the investigators

of the Commission or the Commission is targeting certain people and not others and I say, well, I just wish that those who make that complaint, if they know any information relating to corruption or state capture on the part of those people that they would bring it forward because the Commission in over the past two and a half years was ready to investigate whoever.

But sometimes other people will give information about certain people and if those people do not give
10 information about them then the Commission does not have anything, so – but I just want to say it will not be a valid ground to refuse to answer questions relating to the Jacob Zuma Foundation to say there are other foundations which are not before the Commission which are not being asked questions because you are being asked questions based on evidence and affidavits that have been furnished to the Commission by certain witnesses.

I certainly am not aware of any evidence or affidavits that has been brought by anybody in regard to
20 the other foundations that you are talking about. You understand? Yes, okay, alright. Ms Hofmeyr.

ADV HOFMEYR: Chair, as we have done with previous witnesses, it is often useful and efficient in the process of the Commission's hearings if a witness can be directed to answer the question crisply and then provide an

explanation thereafter.

CHAIRPERSON: Yes.

ADV HOFMEYR: I think this afternoon's proceedings would march along that much more efficiently if she was to be directed to do the same.

CHAIRPERSON: Yes. Ms Myeni try and just answer questions crisply, even if you have got some explanation to give but let us hear the first answer like when I said did you say in your affidavit in response to Mr Agrizzi's
10 evidence that donations to the Jacob Zuma Foundation are made by way of electronic transfer, a crisp way of responding is yes that is what I said in that affidavit, my affidavit, or no that is not what I said and here is what I said. So let us try and be crisp like that.

Okay, alright.

MS MYENI: Ja sure, thank you.

CHAIRPERSON: Ms Hofmeyr?

ADV HOFMEYR: Thank you Chair because I don't actually yet have an answer to my question, so is it the case that
20 the only way that the foundation receives donations is by EFT or other formal types of transfers?

MS MYENI: Chairperson I may have said that in respect to the donation that was claimed to have been delivered in cash by Agrizzi.

ADV HOFMEYR: And did you receive donations by other

means from other entities?

MS MYENI: In kind yes.

ADV HOFMEYR: And I think you referred earlier to sometimes just having deposit slips dropped off, so would those be occasions when cash had been deposited in the account and then you were just given a deposit slip as proof that the cash had been delivered?

MS MYENI: Cash has been delivered? No I am not sure about that ...[intervenes]

10 **ADV HOFMEYR:** Sorry, apologies, deposited.

MS MYENI: Chairperson maybe that ...[intervenes]

CHAIRPERSON: Deposited, not delivered.

MS MYENI: Let me explain this Chairperson, there are fundraising mechanisms that are different, there is no one straight forward way to raise funds. One that I can just cite a classical example about is when the people are being called to as fundraising event or dinner and people then pledge to assist or pledge to donate.

20 I remember a certain company in the electronics or in the IT space they have – they were assisting us with laptops for the students. There will be people who will say I will pay R500 000 towards the foundation but I will pay R100 000 as and when I get the money and then when the attacks were vicious in the name Zuma and we all know that what has been happening in the country then the

person would say as much as we have CSI or Corporate Social Investment that we would use to donate, but I can no longer do that, therefore I will personally find a way of raising or donating into the foundation but I will then send you the deposit slip, that says we have honoured our pledge.

ADV HOFMEYR: And those would be deposit slips because cash had been deposited in the account of the Jacob Zuma Foundation, correct?

10 **MS MYENI:** It would be, it would be.

ADV HOFMEYR: So entities other than ...[intervenes]

MS MYENI: ...[Indistinct – speaking simultaneously]

ADV HOFMEYR: Yes Hofmeyr, Ms Myeni. Ms Myeni you want to say something?

MS MYENI: No Chairperson I was saying it would depend there was no blanket way of fundraising. Another entity would be open to say we will deposit, once we have deposit we would like the letter so that we claim or we submit it to SARS for tax deductible benefits or something
20 like that so it would depend on the entity that we are dealing with.

And then Chairperson it was not – it would not be proper for a company like – that's why I need an affidavit, like BOSASA to donate to the foundation via cash when ...

CHAIRPERSON: Looks like we have lost you Ms Myeni, ja

I think we have lost her. We will see whether the technicians can ...[intervenes]

ADV HOFMEYR: Chair we will take steps to – I think they are trying to reconnect at this point.

CHAIRPERSON: Ja okay.

MS MYENI: I am back Chairperson, my apologies.

CHAIRPERSON: Yes we lost you for some time.

MS MYENI: I am back Chairperson.

CHAIRPERSON: Yes, but I think you were saying that
10 donations could be made in different ways and you were saying that – you were saying with regard to BOSASA they did not make donations by delivering cash, is that correct?

MS MYENI: That is my understanding Chair in my dealings with the late Mr Watson. I have never dealt with Agrizzi Chairperson.

CHAIRPERSON: Okay, alright.

ADV HOFMEYR: But how would you know if they had deposited cash because deposit slips don't identify the party who is making the deposit do they?

20 **MS MYENI:** Chairperson we had a bookkeeper so I was not intimately involved in that.

ADV HOFMEYR: No but you have just given evidence that as I understood it tended to suggest that you could determine whether BOSASA was depositing cash or not and I am putting to you well you wouldn't know because

deposits slips don't reveal who the depositor is do they?

MS MYENI: No, no, no Chairperson I did not know that you are referring specifically to BOSASA. I made reference Chairperson to the deposits that BOSASA made specifically towards the event which was taking place, which was the birthday celebrations of President Zuma, so I am not suggesting that there was any cash deposited or whether it was electronic transfer but we were told by the Service Providers that were assisting us to say the venue
10 has been booked, X amount has been paid, that is what I knew and that is what I was told.

You know Chairperson some of these things that I am being asked today are too operational, so for me to understand because somebody was reconciling things, that for instance we would have a list of people who will have, not my list but if we are in a fundraising dinner somebody stands up and pledges, we write, somebody in the foundation would write a name of the person or go to the person can I have our business card, to write at the back
20 of the business card this person has pledged to donate R250 000 or a million Rand for follow up and then they would put that into a grid.

Now I cannot say that I would know that it was Viljoen that put cash or it was a Xolani that put cash somewhere, I won't know that, but there would be a

reconciliation when we call or when the administrator phones from that grid to say on this day there was an event, we are calling to find out to make a follow up if payments have been made, that is how things were done. And then Chairperson I am not suggesting that other people [distortion] do it in any different way, because I am not a fundraiser and I am not a – yes I am not a fundraiser nor am I a bookkeeper so I won't be able to say specifically that BOSASA would donate in cash or BOSASA
10 won't donate in cash, that is why I was specific when I made reference to BOSASA giving me 300 000 Chairperson.

CHAIRPERSON: Ms Hofmeyr?

ADV HOFMEYR: Ms Myeni I am asking you about operational matters as you describe them because your own affidavit before this Commission says, and I quote, and I am happy to take you there in a moment, I deny that – I deny any of that, you are referring to the 300 000 that was alleged to have been committed by Mr Watson to be
20 paid to you. You say therefore I deny any of that as anyone donating to the foundation would use EFT or any other formal transfers. So it is your own version that anyone donating to the foundation would use EFT or another formal transfer.

MS MYENI: Chairperson I deny that Agrizzi gave

R300 000.

ADV HOFMEYR: And I am not focusing on that Ms Myeni.

MS MYENI: I am focusing on that Chair because it appeared that Agrizzi was right and the sensualisation of the media was such that I got a bribe from BOSASA, it was a very big story Chair, I am specific, I don't want us to generalise on that particular matter if you may Ms Hofmeyr and with respect to you Chairperson, we must not generalise I want it to be specific. If a person

10 ...[intervenes]

CHAIRPERSON: Hang on Ms Myeni ...[intervenes]

MS MYENI: Chairperson.

CHAIRPERSON: The evidence leader is not asking about the R300 000, she is just asking about what appears to be the way in which you said in the affidavit donations would be made to the foundation. So she is looking at the manner in which she understands your affidavit, you said donations would be made to the Jacob Zuma Foundation. So Ms Hofmeyr do you want to ...[intervenes]

20 **ADV HOFMEYR:** Thank you Chair. You see Ms Myeni it is not the question that is generalising, it is your statement before this Commission. You say anyone donating to the foundation would make use of EFT or any other form of transfer. That conveys to the reader that you have knowledge of these matters because if you did not have

knowledge you couldn't with conviction under oath say anyone donating to the foundation would make use of EFT or any other form of transfers, so I put it to you that you had to have operational knowledge in order to make that statement, is that correct?

MS MYENI: No Chairperson I am going to respond to Hofmeyr this way, in a similar way as I wrote here. [speaking in vernacular] somebody must maybe must assist me and I am sure my legal people are there. [speaking in vernacular] ...under oath with reference to the media spats that was taking place in the country after Agrizzi mentioned my name. [speaking in vernacular]. So I am [speaking in vernacular]. This is where then [speaking in vernacular]

10

CHAIRPERSON: [Laughing]

MS MYENI: I wrote this affidavit Chairperson knowing I am dealing with one person, I am not dealing with the other people, I am dealing with this particular person because there is nothing blanket about it. [Speaking in vernacular].

CHAIRPERSON: Okay alright, ...[intervenes]

20 **MS MYENI:** [speaking in vernacular]

CHAIRPERSON: Ms Myeni has resorted to expressing herself in IsiZulu on most of that answer, now we didn't have an interpreter ready to interpret what she has said, ready, obviously I do understand what she is saying. Ms Hofmeyr what do you think we should do?

ADV HOFMEYR: I suggest that we adjourn so that we can obtain a translator.

CHAIRPERSON: H'm, h'm, are you able to put it in English Ms Myeni, the part that you put in isiZulu?

MS MYENI: Thank you Chairperson I thought the Advocate would translate because he is also Zulu speaking Chairperson because now it looks like ...[indistinct – speaking simultaneously] very specific is because I have never dealt with Agrizzi so a person of Agrizzi let me put it
10 that way would make a – because I don't know him, how can Agrizzi trust me with R300 000 for the foundation alone, any person who would want to make a pledge or to bring a cheque Chair would put a cheque in an envelope but he would make an appointment if he wants to give it straight to the owner of the foundation so a person that I don't know of Agrizzi descent would not entrust me with such a big responsibility alone Chair, that is what I am trying to say.

CHAIRPERSON: Ms Hofmeyr I asked her if she could put
20 in English what she had put in isiZulu, that is what she has said.

ADV HOFMEYR: Thank you.

CHAIRPERSON: You may proceed.

ADV HOFMEYR: Unfortunately it still does not answer the question, you see the question was based on Ms Myeni

your affidavit before the Commission which clear said anyone depositing with the Foundation does so in one of two ways. I put to you that indicates you have knowledge of operational matters, do you not have knowledge of operational matters?

MS MYENI: Chairperson may I not answer that question then of knowledge of operational matters, in case I incriminate myself.

CHAIRPERSON: Ms Hofmeyr?

10 **ADV HOFMEYR:** We were previously endeavouring to explore cash deposits because as I read your affidavit you rule out the possibility that BOSASA was giving cash to the Foundation because you said that the means with electronic transfers and other formal transfers, but in your evidence earlier you said there are also cash deposits made, do you recall giving that evidence?

MS MYENI: Chairperson if I am to address Ms Hofmeyr I don't know the cash that would have come, it is possible, I don't know the cash that would have come from Agrizzi to
20 the Jacob Zuma Foundation or to Dudu.

ADV HOFMEYR: Indeed so you can't rule out the possibility.

CHAIRPERSON: She is still completing her answer.

ADV HOFMEYR: Sorry.

CHAIRPERSON: Ms Myeni are you done with your

answer?

MS MYENI: Now Chairperson I am specific, I have dealt with Mr Watson, we never dealt with Agrizzi Chair, I was very clear and direct that I have never received in person as Dudu I have never received any money from Agrizzi.

CHAIRPERSON: Ja, okay.

MS MYENI: I have never received any gift or anything from, BOSASA has assisted the Foundation.

CHAIRPERSON: Okay, Ms Hofmeyr?

10 **ADV HOFMEYR:** So because you don't know who is depositing cash you cannot rule out that BOSASO did so, can you?

MS MYENI: May I not answer that question Chairperson in case I incriminate myself.

ADV HOFMEYR: Ms Myeni you gave evidence earlier that there was an investigation under way, Mhlathuze in 2015 and 2016 that implicated Mr X's company, is that correct?

MS MYENI: Yes indeed I am the one who made submissions into this commission regarding the question
20 that was being asked.

ADV HOFMEYR: Yes are those the annexures to our affidavit where you showed us the investigations that have been launched?

MS MYENI: This is a matter that I would prefer not to answer.

ADV HOFMEYR: It is just a point of clarity because you have just said that you made submissions to the Commission about these investigations that you were testifying about, and I am just clarifying whether the investigations you are talking about are the ones that you attached to our affidavit to the Commission.

MS MYENI: Chairperson I am such a lay person I do not know much about legal issues. This I believe that this investigation that is taking place at Mhlathuze is a current
10 matter that is taking place, on the current case that is taking place and I was still a chairperson at that particular time therefore Chairperson, I apologise Ms Hofmeyr I understood that you said I must first answer and then qualify if I want to qualify. May I then not answer that question in case I incriminate myself because I am still going to be before the I think the people that are investigating Chairperson, I think it is the SIU if I may be – if I recall, if I recall Chair.

ADV HOFMEYR: You see Ms Myeni the challenge that
20 presents itself based on what you have testified to is that you explain a breakdown in our relationship with Mr X around 2015 and 2016, on the basis of investigations that were being conducted at the time at Mhlathuze, which involved his company, but the annexures to your affidavit about investigations taking place at Mhlathuze are

commencing 2019, so how can it be that investigations in 2019 are what created a breakdown in your relationship with Mr X in 2015 and 2016?

MS MYENI: Chairperson I am clear about that, there was internal investigation that took place at Mhlathuze first there was no SIU and then there were external people that were brought in to continue with the investigation that had taken place inside the organisation.

ADV HOFMEYR: Yes but did they involve ...[intervenes]

10 **MS MYENI:** One such company ...[intervenes]

ADV HOFMEYR: Apologies.

CHAIRPERSON: Yes complete your answer Ms Myeni.

MS MYENI: I am going to bring back my thought processes.

CHAIRPERSON: Okay, alright.

MS MYENI: I am being asked like I am lying to say there was a breakdown in relationship between me and the family in 2015 and 2016, breakdown Chair because if you are family you talk almost every day with the person, or you
20 talk every second day or something like that. Now there was investigation which I kept raising issues about to the – to Mr X, therefore I am saying then and now it is different investigations that have been taking place. I have sensitised by the CEO that there is an SIU investigation taking place. I was sensitised then that there was the

second investigation that was taking place being done by an external company that wanted to sit with me one on one.

Now in all these investigations certain names are being used, in all these investigations, therefore only now as I am speaking that because there is ISU, this is an Organ of State Chairperson, it is not a private investigation done while I was part of Mhlathuze, when I was Chair at the time and after I had left Mhlathuze there was also
10 another investigation which was amplifying the findings that had been found on the first investigation which was an internal investigation and then after that I think the company that was contracted to do the investigation, after that I think there was then there is a new Board, there is a new CEO, and therefore there was – there is now involvement of the SIU, hence I am saying then now Chair I cannot talk to matters that I are still with the SIU and I might also be subject of the same investigation.

CHAIRPERSON: Ms Hofmeyr?

20 **ADV HOFMEYR:** For the record Chair I would like to record that there has still not been an answer to my question, but I am going to move on. I understand after a long answer Ms Myeni has invoked the privilege against self incrimination, so if we can then go back to the deposit that Mr X indicated to you Ms Myeni, or indicated that you

Ms Myeni had provided him with the bank account into which to make those deposits. Deposits are things that you can check on a bank if they are done by EFT aren't they?

MS MYENI: ...again, sorry your question is?

ADV HOFMEYR: If a deposit is made by electronic funds transfer then you can identify who makes the deposit on a bank statement, can't you?

MS MYENI: Chairperson may I not answer that question,
10 in case I incriminate myself.

ADV HOFMEYR: You see Mr X's evidence was that he didn't even know that he was depositing into the bank account of the Jacob Zuma Foundation, these very large amounts that on his version you instructed him to deposit and he said that he would never have made a donation because in order himself, in order to make a donation you have to know to whom you are donating. Were you aware that he deposited R1million to the Jacob Zuma Foundation on the 11th of December 2015?

20 **MS MYENI:** Chairperson may I not answer this question in case I incriminate myself.

ADV HOFMEYR: And then he made another deposit on the 2nd of February 2016 in the amount of R800 000 to the Jacob Zuma Foundation, were you aware of that deposit?

MS MYENI: Chairperson may I not answer this question in

case I incriminate myself.

ADV HOFMEYR: Ms Myeni the other piece of evidence that Mr X gave to the Commission was that on the very same day that the Commission had contacted your son about his involvement in paying Mr X's company and then Mr X paying money into the Jacob Zuma Foundation his daughter received a call from you in which you asked her why Mr X was selling us out, can you confirm whether you made that call?

10 **MS MYENI:** I lost your Ms Hofmeyr.

ADV HOFMEYR: I will try again Ms Myeni can you hear me now?

MS MYENI: I lost you – sorry I lost you I didn't get that.

ADV HOFMEYR: That is fine it seems the connection is not stable, is that better?

MS MYENI: Yes, it is perfect, I can hear you.

ADV HOFMEYR: So Mr X testified before the Commission that on the same day that the Commission first contacted your son about Premier Attractions dealings with Mr X your
20 – or his daughter received a call from you in which you asked her why Mr X was selling us out. Can you confirm making that call?

MS MYENI: I don't recall any call like that Chairperson, that is whu - okay I do not recall – I do not recall that Chairperson.

ADV HOFMEYR: And your son testified also before this commission and he did confirm that he phoned you on that day and alerted you to the fact that the commission had made contact him about Premier Attractions dealings. Do you remember receiving that call from your son?

MS MYENI: He might have to remind me Chairperson. I talk to him almost every day so he must tell me which day he called and which particular aspect – we discuss a number of things. So I will not remember that. And this particular day
10 he called for this. But I am saying I read his transcript.

ADV HOFMEYR: You said that you do not remember making the call to Mr X's daughter. Can I just probe that a bit further? Is it possible that you could have made a call in which you asked her why her father was selling you out?

MS MYENI: Chairperson these children are my children that is – I can – that is the only thing I can say. But other than that Chairperson may I please Ms Hendricks – sorry Ms Hofmeyr not answer that question in case I incriminate myself.

20 **ADV HOFMEYR:** Now I think it is important to just be clear Ms Myeni why this money from Premier Attraction to Mr X's company to the Jacob Zuma Foundation is relevant at all to the work of the commission. Are you aware of why the commission was interested in these aspects as we questioned your son and Mr X?

MS MYENI: May I not answer Chairperson in case I incriminate myself.

ADV HOFMEYR: You see the reason why I am quest – raising these questions with you Ms Myeni is because Premier Attraction received at a point in time R2 million from an entity called V&A Consulting, do you know that entity?

MS MYENI: I would not – I would not know the business dealings between my son and whatever that he does with whoever. So I would not know.

10 **ADV HOFMEYR:** You do not know that entity?

MS MYENI: Perhaps if – if – no I am saying I would not know the dealings between my son and whatever that he does. But Chair with your permission if you said – if you gave me the name of the business like V&A but then you say the owner billed Ms Zondo it is different. We interact and we deal with so many people I would not know that there is this particular business that my son does business with. And this particular business that my son does business with. I would not know those details Chairperson. So I – I would like – as
20 a – I am sorry Chairperson.

CHAIRPERSON: I – yes I seem to get the impression that what you are saying is you do not think you know the name V&A but if you are told the owner of that company it may be that you know the owner but when you are just told the name of the entity that might not ring a bell to you. Is that what

you are saying? Did you hear me?

MS MYENI: I am saying Chairperson I would not know the business people that my son does business with.

CHAIRPERSON: Okay.

MS MYENI: Assuming that he does business with private companies. I would not know them Chair.

CHAIRPERSON: Okay. Ms Hofmeyr.

ADV HOFMEYR: Do you know Mr Vikash Narsai?

MS MYENI: Can I Chairperson as well because we are still
10 continue with Mhlatuze. Can I then say may I not answer? I cannot say any of the questions pertaining to Mhlatuze. May I not answer so that I do not incriminate myself? Let me just put it that way.

CHAIRPERSON: Okay this particular question that is the one you were talking about at a stage.

MS MYENI: This particular question Chair that is being spoken about.

CHAIRPERSON: Okay.

MS MYENI: And the Premier Attractions dealings.

20 **CHAIRPERSON:** Ms Hofmeyr.

ADV HOFMEYR: I just would like to get clarity here Ms Myeni because I asked a question about whether you know V&A Consulting and I understood your answer to that to be you – you may not know the entity but if you knew the name of the person involved in the entity then you may be able to

identify them. In response to that I gave you the name of the person involved in V&A Consulting and asked whether you knew him and in response to that question you have invoked the privilege against self-incrimination, is that right?

MS MYENI: No. I invoked this privilege from the moment you asked me the questions about Premier Attraction dealings.

ADV HOFMEYR: That may be...

MS MYENI: I invoked the same – the same privilege
10 Chairperson with respect on matters pertaining to Premier Attraction, Mr X and private dealings of Premier Attraction with his – the partners or with the associations – oh sorry associates with whoever that they do business with. That is why I am saying – because each question Chair is leading to another. Do you know Premier Attraction? Do you know V&A? Do you know – I – I – may I please with respect Chair not answer those question because it looks like I will incriminate myself.

CHAIRPERSON: You do recall that we – we said each
20 question has got to be dealt with on its merits. If you invoke ...

MS MYENI: Indeed Chairperson.

CHAIRPERSON: At a certain stage you have to invoke it in regard to each question. From what you have – from what has been happening my impression is that on some

questions you are able to answer. You feel comfortable to answer. On others you wish to invoke the privilege. I do not know whether – oh we lost your picture. Were you hearing me when we lost your picture?

MS MYENI: I hear you very well Chair I do not know how I lost – you lost my picture but I can hear you very well.

CHAIRPERSON: Yes. Okay so let us continue. You – you – I was saying that my impression is that in regard to some questions you feel comfortable to answer and you do answer.

10 In regard to others you feel uncomfortable and you invoke your privilege. So let us continue.

MS MYENI: Yes Chair.

CHAIRPERSON: And you do your best to assist where you can assist. And if you invoke your privilege you do so question by question as you have been doing.

MS MYENI: Thank you Chairperson.

CHAIRPERSON: Okay. Ms Hofmeyr.

ADV HOFMEYR: You see V&A Consulting was contracted by the Free State government to do an RDP housing project in
20 the Free State, were you aware of that in 2015?

MS MYENI: I invoke my privilege Chairperson. May I not answer to that question?

ADV HOFMEYR: And then what happened is that V&A Consulting paid R2 million to your son's entity Premier Attraction. Were you aware of that payment?

MS MYENI: Chairperson I am distant to all these things that I am being asked. I am very distant to them. May I please with your permission invoke the privilege Chairperson? I do not know these questions. I do not have answers to these questions.

ADV HOFMEYR: Ms Myeni if you are distant from matters and you do not have answers to them that is not a basis to invoke the privilege against self-incrimination. Do you – are you – do you understand that that is a different matter?

10 **MS MYENI:** In this particular regard - Chairperson in this particular regard I – may I invoke the privilege Chairperson not to incriminate myself?

CHAIRPERSON: Okay.

ADV HOFMEYR: And then after Premier Attraction received the R2 million it then paid these amounts to Mr X's company and Mr X's company paid them to the Jacob Zuma Foundation. Did you have knowledge of that routing of the money?

20 **MS MYENI:** May I invoke my privilege Chairperson? May I not answer the question so that I do not incriminate myself?

ADV HOFMEYR: Ms Myeni I would like to look at the Jacob Zuma Foundation in a bit more detail because I have been focussing on the interactions between Mr X and those deposits into the foundation. But now I would like to look at some other deposits to the Jacob Zuma Foundation that have

been dealt with in the evidence before the commission.

CHAIRPERSON: Yes I am sorry. I am sorry Ms Hofmeyr.

ADV HOFMEYR: Can you just help me..

CHAIRPERSON: We are at four minutes to four.

1. Let us talk about the way forward.
2. If we are proceeding we might need to take a short break and then resume.

What is your suggestion about the – whether to – you would ask that we proceed – I am available to proceed?

10 **ADV HOFMEYR:** Chair I think it would be useful to make a bit more headway.

CHAIRPERSON: Yes.

ADV HOFMEYR: So I would suggest that we do proceed.

CHAIRPERSON: Yes. You are – what you envisage in terms of how far we should go?

ADV HOFMEYR: Well there is still quite a way to go so I would suggest possibly until 5.30 or thereabouts.

CHAIRPERSON: Yes. Okay that would be fine with me. Mr Buthelezi how is your situation?

20 **ADV BUTHELEZI:** If I could just get five minutes Chair I just need to run a few things past Mr Mabuza because we still have other business that we wanted to do.

CHAIRPERSON: Oh yes, yes.

ADV BUTHELEZI: With regards to today and post.

CHAIRPERSON: Yes.

ADV BUTHELEZI: So our arrangements have been that.

CHAIRPERSON: Yes.

ADV BUTHELEZI: We would adjourn at the normal time.

CHAIRPERSON: Yes then you would attend to the business.

ADV BUTHELEZI: And then we can do the homework that the Chair has given us.

CHAIRPERSON: Yes. Yes.

ADV BUTHELEZI: So we have got that situation.

CHAIRPERSON: Yes.

10 **ADV BUTHELEZI:** So I still need to go back and start that process.

CHAIRPERSON: Okay maybe – maybe subject – maybe we should take a short break so you can make that call but maybe if – maybe we could go up to five to accommodate whatever but it might depend on your situation failing which we will – we might look whether tomorrow we would not start earlier than normal to to – to make up for the time. But let me check with Ms Myeni as well. Ms Myeni are you available for us to continue beyond four or five / half past five if
20 everybody is available?

MS MYENI: I am – I am able to proceed Chairperson I am here before you – I am here in Gauteng for this particular process.

CHAIRPERSON: Yes Okay alright.

MS MYENI: Thank you Chair.

CHAIRPERSON: Okay. I suggest Ms Hofmeyr we take a break maybe for ten minutes.

ADV HOFMEYR: Certainly.

CHAIRPERSON: And then when we come back we will hear what Mr Buthelezi says because the other homework that they have got to do is also important and urgent.

ADV HOFMEYR: Indeed.

CHAIRPERSON: But let us see what we can do. Okay we will adjourn for ten minutes. We will resume at ten past four.

10 We adjourn.

REGISTRAR: All rise.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Mr Buthelezi have you got some report back?

ADV BUTHELEZI: Yes Chair.

CHAIRPERSON: Yes.

20 **ADV BUTHELEZI:** We have had a discussion with Ms Hofmeyr to say we would ask the Chair if you could adjourn for the day and start early tomorrow which we were thinking around nine o'clock.

CHAIRPERSON: Ms Hofmeyr?

ADV HOFMEYR: Thank you Chair. We did indeed have that discussion. My learned friends were very accommodating suggesting maybe half an hour to day and a 9.30 start

tomorrow but I said on balance there is some urgency in them preparing the submissions that they wanted to. So I think we landed on the notion that adjourning now would be helpful to them and then starting at nine o'clock tomorrow so we do not lose any of the time we might have made up this afternoon.

CHAIRPERSON: Okay. No that is fine. We can start at nine tomorrow. Okay so we will then adjourn now. Ms Myeni we are going to adjourn now.

10 **MS MYENI:** Yes Chairperson.

CHAIRPERSON: We are going to adjourn now.

MS MYENI: Thank you Chairperson.

CHAIRPERSON: Ja to enable your legal team to attend to the matter that was discussed earlier. But tomorrow we will start at nine o'clock. Okay. Alright.

MS MYENI: Thank you Chairperson.

CHAIRPERSON: We will then adjourn for the day. We adjourn.

ADV HOFMEYR: Thank you Chair.

20 **REGISTRAR:** All rise.

INQUIRY ADJOURNS TO 6 NOVEMBER 2020