

**COMMISSION OF INQUIRY INTO STATE CAPTURE**

**HELD AT**

**PARKTOWN, JOHANNESBURG**

10

**06 DECEMBER 2019**

**DAY 197**

**FINAL**

20

**PROCEEDINGS RESUME ON 6 DECEMBER 2019**

**CHAIRPERSON:** Good morning Ms Rangata, good morning everybody.

**ADV BAITSENG RANGATA:** Good morning Chair.

**CHAIRPERSON:** Yes. So what happened?

**ADV BAITSENG RANGATA:** Morning Chair. We – firstly let me just apologise. We take some time to start because the witness was getting lost.

**CHAIRPERSON:** Your – I do not know whether it is your microphone but you are not as audible as you should be.

10 **ADV BAITSENG RANGATA:** Sorry. I wanted to say Chair we apologise for starting late the witness was getting lost so she came a bit late as she was supposed to be here. We have Ms Cholota, Moroadi Cholota today we are proceeding with the – with her evidence.

**CHAIRPERSON:** Well I am still looking at the fact that we are starting late. You say she was getting lost?

**ADV BAITSENG RANGATA:** Yes.

**CHAIRPERSON:** Well let – I think let her counsel tell me what happened.

**ADV LUISA MAKAPELA:** Good morning Chair.

20 **CHAIRPERSON:** Good morning.

**ADV LUISA MAKAPELA:** Chair in the actual fact of the matter is that there was a misunderstanding between myself and the witness. On Wednesday we had met at the McDonald's across the street to discuss and go through the proceedings today and there was the misunderstanding that we were going to meet there. So the witness

was actually early however it is my fault because I came straight here instead of going to meet with her. And so she took some time getting here and that is one of the reasons. So for that I apologise but it is mostly my fault Chair.

**CHAIRPERSON:** Oh because I was told that it was the witness who was not around. I was told you were around.

**ADV LUISA MAKAPELA:** Indeed Chair because I came straight here instead of going to McDonalds as we did on Wednesday. Yes.

**CHAIRPERSON:** Was waiting for you?

10 **ADV LUISA MAKAPELA:** Yes indeed Chair.

**CHAIRPERSON:** H'mm.

**ADV LUISA MAKAPELA:** We came together on Wednesday and I think she expected that same sequence of events to take place.

**CHAIRPERSON:** H'mm. Okay. Alright.

**ADV LUISA MAKAPELA:** My apologies Chair.

**CHAIRPERSON:** Okay alright.

**ADV LUISA MAKAPELA:** Thank you.

**CHAIRPERSON:** Okay let us continue. I think you must just administer the oath or affirmation?

20 **ADV BAITSENG RANGATA:** Thank you Chair.

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

**MS CHOLOTA:** My name is Moroadi Nomalanga Selena Cholota. (Too soft to hear names properly).

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

**MS CHOLOTA:** No.

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

**MS CHOLOTA:** (No audible sound).

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

**MS CHOLOTA:** So help me God.

**ADV BAITSENG RANGATA:** Thank you Chair. Chair for today's proceedings the evidence will be led from – we have one bundle in front  
10 of us. The bundle Chair is labelled Exhibit X7. It contains summons issued on the 28<sup>th</sup> of November 2019 of Ms Cholota attached to it is e-mails ranging from item 1 up to item 17 on page 2 of the Index. And next there Chair, is item 18 is the unsigned sworn affidavit or statement of Mr Cholota and next to it is the signed version of the statement. If that is in order Chair I will request that that be entered into the record.

**CHAIRPERSON:** Well her statement should have been at the top of the bundle.

**ADV BAITSENG RANGATA:** I understood that Chair I was just advised that for referencing and numbering it was just going to be convenient to  
20 carry on.

**CHAIRPERSON:** *Ja* it could have been made 1A up to whatever so it would be much more convenient. But it is okay. If – oh it is just that you already have marked otherwise they could have been put in at the top as we always do of the bundle.

**ADV BAITSENG RANGATA:** I understand that Chair.

**CHAIRPERSON:** *Ja.* The lever arch file containing among other documents the statement by Ms Nomalanga Moroadi Selena Cholota will be marked as Exhibit XZ and we may proceed.

**ADV BAITSENG RANGATA:** X7 Chair thank you.

**CHAIRPERSON:** *Ja.*

**ADV BAITSENG RANGATA:** Ms Cholota thank you very much and welcome. You can switch your microphone on.

**MS CHOLOTA:** Thank you.

**ADV BAITSENG RANGATA:** I am going to be asking you questions and  
10 my questions will be emanating from the folder that is in front of you.

**MS CHOLOTA:** Okay ma'am.

**ADV BAITSENG RANGATA:** As you have already explained if you go to the first page you will see the index in front of the page. It will tell you where you find which document but it is also labelled on the side in terms of numbering.

**MS CHOLOTA:** Yes.

**ADV BAITSENG RANGATA:** To guide you as to where to find your documents.

**MS CHOLOTA:** Yes ma'am.

20 **ADV BAITSENG RANGATA:** The Chair has already explained it is easier to have the statement on top but I am sure you have placed your finger there.

**MS CHOLOTA:** Yes ma'am.

**ADV BAITSENG RANGATA:** Because we are going to make – work mainly from your statement.

**MS CHOLOTA**: Okay.

**ADV BAITSENG RANGATA**: Can I ask you to go to – Chair to go to page 257 which is on item 19 of the Index.

**MS CHOLOTA**: Item number 19?

**ADV BAITSENG RANGATA**: Yes ma'am. Are you there?

**MS CHOLOTA**: And the page please?

**ADV BAITSENG RANGATA**: Page 257 it is the red numbers.

**MS CHOLOTA**: Okay.

**ADV BAITSENG RANGATA**: On your extreme.

10 **MS CHOLOTA**: Yes I am there ma'am.

**ADV BAITSENG RANGATA**: Right. You there?

**MS CHOLOTA**: Yes ma'am.

**ADV BAITSENG RANGATA**: Can you identify that document that is there ma'am?

**MS CHOLOTA**: It is the sworn statement.

**ADV BAITSENG RANGATA**: By who?

**MS CHOLOTA**: By myself.

**ADV BAITSENG RANGATA**: Alright Nomalanga Moroadi Selena Cholota is that you?

20 **MS CHOLOTA**: Correct ma'am.

**ADV BAITSENG RANGATA**: Thank you. If you proceed and go to page 257 of the same document.

**MS CHOLOTA**: It is the one ma'am yes.

**ADV BAITSENG RANGATA**: 257.

**MS CHOLOTA**: H'mm.

**ADV BAITSENG RANGATA:** Yes. You there?

**MS CHOLOTA:** Is it not the first one and number is 257 on top?

**ADV BAITSENG RANGATA:** There is something – sorry 275 I apologise.

**MS CHOLOTA:** 275 apologise.

**ADV BAITSENG RANGATA:** 275 Chair.

**MS CHOLOTA:** I am there ma'am.

**ADV BAITSENG RANGATA:** On the top page – top right there is a signature there, can you identify that signature?

10 **MS CHOLOTA:** Yes it is mine ma'am.

**ADV BAITSENG RANGATA:** Are those your details?

**MS CHOLOTA:** Yes ma'am.

**ADV BAITSENG RANGATA:** Can you confirm if this document it is your document and you have read it, it is in accordance with what you have prepared?

**MS CHOLOTA:** Correct ma'am.

**ADV BAITSENG RANGATA:** Thank you.

**CHAIRPERSON:** I think you might have to raise your voice Ms Rangata and Ms Cholota.

20 **MS CHOLOTA:** Noted Chair.

**CHAIRPERSON:** Yes. I do not know whether it is that or whether it is the microphone but I am struggling to hear you.

**ADV BAITSENG RANGATA:** I really apologise for that Chair.

**CHAIRPERSON:** H'mm.

**ADV BAITSENG RANGATA:** I will try my best.

**CHAIRPERSON:** *Ja.*

**ADV BAITSENG RANGATA:** I will try my best.

**CHAIRPERSON:** No that is fine. That is fine.

**ADV BAITSENG RANGATA:** Mr Cholota if – I want to go straight to page 259 of the same document. We are going to start from there but before I go there I want to just to lay a basis. You have been served with a summons on the – just going to go there – on the 28<sup>th</sup> of November 2019 to appear before this Commission.

**MS CHOLOTA:** Correct.

10 **ADV BAITSENG RANGATA:** And the basis of the summons attached to it is various e-mails. The e-mails are labelled from item number 1.

**CHAIRPERSON:** H'mm.

**ADV BAITSENG RANGATA:** Up to item number 15 on the Index.

**MS CHOLOTA:** Okay.

**ADV BAITSENG RANGATA:** It is easier to refer from the Index.

**MS CHOLOTA:** Yes ma'am.

**ADV BAITSENG RANGATA:** Can I confirm that these are the documents that you have – that we have found from your computers that you have handed to the Investigators to re consultations with  
20 them?

**MS CHOLOTA:** It is true ma'am.

**ADV BAITSENG RANGATA:** You confirm that

**MS CHOLOTA:** I do confirm.

**ADV BAITSENG RANGATA:** Thank you very much. Ma'am we can then proceed to page 259 of your statement. When you are there I would



like you to start – deal with your employment background. Can we deal with that? Feel free to read where you need to read or to ...*(intervenes)*.

**CHAIRPERSON:** Yes what you can do Ms Cholota when she asks you questions you do not really have to look at the statement unless you want to refresh your memory. If you have forgotten something you can respond as you know the information.

**MS CHOLOTA:** Noted Chair.

**CHAIRPERSON:** *Ja.*

10 **ADV BAITSENG RANGATA:** Thank you Chair. I see my colleague wants to ...*(intervenes)*.

**CHAIRPERSON:** Yes okay.

**ADV BAITSENG RANGATA:** Thank you.

**ADV LUISA MAKAPELA:** My apologies Chair.

**CHAIRPERSON:** H'mm.

**ADV LUISA MAKAPELA:** Just to note that with regard to the e-mails that have just been referred to by our Evidence Leader that some of the e-mails while they may have been found from Ms Nomalanga's computer were not from her. So just to note that even though she  
20 agrees that she has knowledge of the e-mails they are not e-mails that came from her e-mail address. Some of the annexures.

**CHAIRPERSON:** Yes but she can explain that.

**ADV LUISA MAKAPELA:** Okay just noted Chair. Thank you Chair.

**CHAIRPERSON:** Yes and then you can switch off – *ja.*

**ADV BAITSENG RANGATA:** Thank you. Ma'am can we deal with the

employment background? You do not have to read unless you have to – you can refresh your memory but can you take us back – through your back – employment background?

**CHAIRPERSON:** Actually for intents and purposes what we want is if you can say when you started working in the Office of the Premier.

**MS CHOLOTA:** Okay. I started working in the Office of the Premier from the beginning of August in 2013 from the Office of the Executive Mayor in Mangaung. That is when I started working there until ...(intervenes).

10 **CHAIRPERSON:** Yes.

**MS CHOLOTA:** Until ...(intervenes).

**CHAIRPERSON:** And until when?

**MS CHOLOTA:** Until 2019 on the 30<sup>th</sup> of June.

**ADV BAITSENG RANGATA:** Okay.

**CHAIRPERSON:** And in the meantime there had been a change of Premiers?

20 **MS CHOLOTA:** Yes. I worked with the former Premier Dade Magashule until he left and became the Secretary General of the ANC. I continued to work with the new Premier Ms Ntombela until the 30<sup>th</sup> of June this year 2019.

**ADV BAITSENG RANGATA:** Okay.

**CHAIRPERSON:** Yes and the Premier who succeeded Mr Magashule is Messrs Ntombela?

**MS CHOLOTA:** The new Premier Sir.

**CHAIRPERSON:** The new Premier.

**MS CHOLOTA:** Yes it is Ms Ntombela.

**CHAIRPERSON:** Yes and she became Premier and you worked under her or in her office after the elections – or was it after the former Premier had been elected as Secretary General of the ANC?

**MS CHOLOTA:** Correct Chair.

**CHAIRPERSON:** Yes so you had – you worked for about what a year and a half?

**MS CHOLOTA:** It is a year.

**CHAIRPERSON:** Under the new Premier?

10 **MS CHOLOTA:** Yes Chair.

**CHAIRPERSON:** Yes. And for both Premiers you worked in the capacity of a PA is that right?

**MS CHOLOTA:** Yes but the appointment letter would say appoint – Appointment Secretary but it is referred as the PA.

**CHAIRPERSON:** Okay but in the appointment letter it is Appointment ...(intervenes).

**MS CHOLOTA:** Appointment Secretary.

**CHAIRPERSON:** Secretary.

**MS CHOLOTA:** Yes.

20 **ADV BAITSENG RANGATA:** Secretary.

**CHAIRPERSON:** Okay alright. I think you can go immediately to what her duties were in ...(intervenes).

**ADV BAITSENG RANGATA:** Yes, yes.

**CHAIRPERSON:** In that position.

**ADV BAITSENG RANGATA:** Do you want to take us through your

duties primarily in the Office of the Premier. We can start from the period when you started in 2013?

**MS CHOLOTA**: Okay.

**ADV BAITSENG RANGATA**: Yes.

**MS CHOLOTA**: I would deal with the incomings and the outgoing calls in the Office of the Premier.

**ADV BAITSENG RANGATA**: Yes.

**MS CHOLOTA**: The incoming mails and the outgoing mails and all the documents that come in the Office of the Premier for the attention of  
10 the Premier. I would – I had a person who – two people who reported under me that I had to manage in the office and the most important one that was happening is the walk-in of the people of the community that are coming in the Office of the Premier. I was handling the diary of the Premier and his travelling arrangements.

**MS CHOLOTA**: Okay when you talk about people that walks in.

**MS CHOLOTA**: H'mm.

**ADV BAITSENG RANGATA**: They walk in because they want to speak to the Premier or what?

**MS CHOLOTA**: Yes. Most of the people who would come.

20 **ADV BAITSENG RANGATA**: Yes.

**MS CHOLOTA**: In the office they would come as asking or requesting an appointment with the Premier. So it will be different cases but everyone who comes there would want an appointment with the Premier. That is how I engaged with them.

**ADV BAITSENG RANGATA**: I see. And on page 263 on paragraph of

your – of the statement – from your statement on paragraph 27 I see there you deal with further that you liaise with different Departments. What will that entail?

**MS CHOLOTA:** Correct. In the Office of the Premier all the requirements or inquiries that people comes with.

**ADV BAITSENG RANGATA:** Yes.

**MS CHOLOTA:** They were mostly relation to all the Departments that we work with. All the ten Departments that we had basically report to the Premier. Like all the MEC's and all the HOD's so I was liaising with  
10 all the Departments based on what the community with that is related to their Department.

**ADV BAITSENG RANGATA:** Alright. You also deal with the travel. Are you dealing – are you responsible for the travel arrangements of the Premier or were you responsible at the time?

**MS CHOLOTA:** Correct ma'am but I also had the assistant appointment secretary. In cases where I would be busy with most of the things the task of the travelling arrangement would be arranged by the assistant appointment secretary.

**ADV BAITSENG RANGATA:** And was there any dedicated travel agent  
20 that will be utilised?

**MS CHOLOTA:** The travel agent is – we would use the one that is appointed to be used at that time.

**ADV BAITSENG RANGATA:** Who will have appointed – who would have appointed that travel agent?

**MS CHOLOTA:** We would get the direction or the confirmation letter

from the Director-General and the CFO from the Supply Chain.

**ADV BAITSENG RANGATA:** So if we go to the period – the relevant period at that time were you at some stage also responsible for the travelling arrangement for them – for the Premier?

**MS CHOLOTA:** For the Premier.

**ADV BAITSENG RANGATA:** Yes.

**MS CHOLOTA:** Yes ma'am.

**ADV BAITSENG RANGATA:** Yes. And what travel agent would have – would you have used at the time or did you use?

10 **MS CHOLOTA:** We had Astra Travel Agents. Before it was – oh sorry I forgot the name.

**ADV BAITSENG RANGATA:** Okay.

**MS CHOLOTA:** And then lately we were using – we also used Hambanathi Travel Agency.

**ADV BAITSENG RANGATA:** When you say lately when did you start using Hambanthi?

**MS CHOLOTA:** I think just the former Premier left and when the new Premier came.

20 **ADV BAITSENG RANGATA:** So will it be safe to say that at the time when the new Premier came then you – there was a new agent that was utilised?

**MS CHOLOTA:** No it did not come with the new Premier. I am just not sure when their contract ended. It depends on the contract that the travel agency gets so I am just not sure about the date or when did their contract end. But it did not come with the new Premier.

**ADV BAITSENG RANGATA:** Okay. So would you know if there was any tender process or selection process for the travel agent that was utilised at the time 2015/2016?

**MS CHOLOTA:** No ma'am I would not know.

**ADV BAITSENG RANGATA:** You would not know?

**MS CHOLOTA:** I would not know.

**ADV BAITSENG RANGATA:** When the Office of the Premier required travel arrangement to be made who will then pay – how will payment and invoicing be handled?

10 **MS CHOLOTA:** The Supply Chain will be responsible for the Office of the Chief Financial Officer is the one who is responsible for the payments.

**ADV BAITSENG RANGATA:** Okay. So what will be the reason for payment being made by any other person except from the Department?

**MS CHOLOTA:** I am sorry repeat the question again ma'am?

**ADV BAITSENG RANGATA:** What will be the reason for payment to the travel agent made outside the payment that will have – would have been made through the Department?

20 **MS CHOLOTA:** It means it will not be for the Premier of – for Official purposes.

**ADV BAITSENG RANGATA:** Okay. If we still put your pen there and I would like to take you to page 18. There is a document there. It is an e-mail. It is item 2.

**MS CHOLOTA:** Okay ma'am. I am there.

**ADV BAITSENG RANGATA:** Yes. You can page over that is the

document.

**MS CHOLOTA**: Okay.

**ADV BAITSENG RANGATA**: Can you identify ...(intervenes).

**CHAIRPERSON**: I am sorry what page is that?

**ADV BAITSENG RANGATA**: Sorry Chair it is page 18.

**CHAIRPERSON**: 18?

**ADV BAITSENG RANGATA**: 18 Chair. I see the number it is put on that blue divider. But just immediately after the blue divider that is where the relevant document is.

10 **CHAIRPERSON**: Well there is a document that has got no page number here. After ...(intervenes).

**ADV BAITSENG RANGATA**: It was supposed to be 19 thank you Chair.

**CHAIRPERSON**: Tab 2.

**ADV BAITSENG RANGATA**: Thank you. It was supposed to be 19. Thank you. ma'am can you identify that document for us?

**CHAIRPERSON**: Well you do not seem to have pages 18 and 19.

**ADV BAITSENG RANGATA**: I have actually noticed Chair that on the folder which is marked 2 there is a number there is 18.

**CHAIRPERSON**: But that should not – that is not how they do it.

20 **ADV BAITSENG RANGATA**: Yes.

**CHAIRPERSON**: That 18 should be on the ...(intervenes).

**ADV BAITSENG RANGATA**: On the actual document.

**CHAIRPERSON**: On the page relating to Astra Travel.

**ADV BAITSENG RANGATA**: Yes Chair.

**CHAIRPERSON**: But also then there should be one for 19. It looks like



there is no page 19.

**ADV BAITSENG RANGATA:** It was skipped. So I would – I will suggest for conveniences we can mark the document page 19.

**CHAIRPERSON:** No let us leave it like that because you do not have it, is it not?

**ADV BAITSENG RANGATA:** Okay Chair.

**CHAIRPERSON:** Are all the dividers given a number? Okay maybe that.

**ADV BAITSENG RANGATA:** Yes.

10 **CHAIRPERSON:** Maybe let us do as 19 but it is not satisfactory.

**ADV BAITSENG RANGATA:** I apologise for that Chair.

**CHAIRPERSON:** Okay.

**ADV BAITSENG RANGATA:** Ma'am on page 19 that we have put now is a document. Can you identify for us?

**MS CHOLOTA:** A request for funding?

**ADV BAITSENG RANGATA:** Yes you can talk – start there at the top with the subject. Yes.

**MS CHOLOTA:** Yes. Request for Funding from ...(intervenes).

**ADV BAITSENG RANGATA:** Yes.

20 **MS CHOLOTA:** Premier@fspremier.gov.za.

**ADV BAITSENG RANGATA:** Is that your e-mail address?

**MS CHOLOTA:** Yes it is the Official e-mail address.

**ADV BAITSENG RANGATA:** Thank you.

**MS CHOLOTA:** Sent to Ignatius Mpambani igo@diamondhill.co.za. On the 28<sup>th</sup> of January 2016.

**ADV BAITSENG RANGATA:** Yes. If you down there it says good day.

**MS CHOLOTA:** Good day.

**ADV BAITSENG RANGATA:** Yes.

**MS CHOLOTA:** “Good day. Kindly find the below details as discussed telephonically.”

**ADV BAITSENG RANGATA:** Okay.

**MS CHOLOTA:** “Account name Astra Travel. Account number 470179252 ABSA bank Cheque account. Amount R250 000.00. Please do send the Proof of Payment to the above e-mail address. Thanking you in advance. Thank you in advance. Warm Regards. Moroadi Cholota Personal Assistant to Premier Office of the Premier.”

10

**ADV BAITSENG RANGATA:** Thank you. So this is an e-mail that you have sent in your Official capacity from your Official e-mail.

**MS CHOLOTA:** Correct ma’am.

**ADV BAITSENG RANGATA:** To Ignatius Mpambani. Who is Ignatius Mpambani?

**MS CHOLOTA:** He is one of the businesspeople.

20 **ADV BAITSENG RANGATA:** He is?

**MS CHOLOTA:** Yes.

**ADV BAITSENG RANGATA:** And he still is?

**MS CHOLOTA:** I believe he is late ma’am he was – sorry?

**ADV BAITSENG RANGATA:** Yes, yes. Thank you. You sent it to him at the time?

**MS CHOLOTA:** Yes ma'am.

**ADV BAITSENG RANGATA:** And you said in that e-mail you were sending the banking details and you requested for him to send you the Proof of Payment.

**MS CHOLOTA:** Correct ma'am.

**ADV BAITSENG RANGATA:** What was the payment for?

**MS CHOLOTA:** I tried to look at the attachment ma'am. I was hoping that the list would be covered because I would send different e-mails to different people. So if I can get either the list or the Proof of Payment  
10 that is stating what it is in connection with because I can see here I just sent it to him saying as discussed telephonically. So I really do not remember what was it for ma'am.

**ADV BAITSENG RANGATA:** You do not remember what it was for?

**MS CHOLOTA:** I do not remember what was it for. Normally when I send an e-mail I would attach either the list or an attachment that explains what is it for to the person that we request funding from.

**ADV BAITSENG RANGATA:** If you go to – I am just going to leave it for now – leave it there. If you go to the next page.

**MS CHOLOTA:** Okay ma'am.

20 **ADV BAITSENG RANGATA:** And you – it is – which is page 20. In the middle of that page there is an e-mail from Ignatius Mpambani.

**MS CHOLOTA:** Yes ma'am.

**CHAIRPERSON:** Ms Rangata ...(intervenes).

**ADV BAITSENG RANGATA:** Chair.

**CHAIRPERSON:** It will go faster if you are referring to an e-mail if you

just tell her the gist of what that e-mail is about and then ask the question.

**ADV BAITSENG RANGATA:** Okay thank you Chair.

**CHAIRPERSON:** So she does not have to read.

**ADV BAITSENG RANGATA:** Thank you Chair.

**MS CHOLOTA:** I think we should try and finish her evidence as soon as possible. It is not a lot.

**ADV BAITSENG RANGATA:** Thank you.

**CHAIRPERSON:** That is required from her.

10 **ADV BAITSENG RANGATA:** Thank you.

**CHAIRPERSON:** *Ja.*

**MS CHOLOTA:** We will move with speed. Ms Moroadi we see on that page 20 that you are – there is an e-mail – that e-mail from yourself to Ignatius where you – you stating , kindly note.

**CHAIRPERSON:** To Mr Mpambani.

**ADV BAITSENG RANGATA:** Mr Mpambani you noting,

“Kindly note that the Proof of Payment is well received and appreciated.”

**MS CHOLOTA:** Correct ma’am.

20 **ADV BAITSENG RANGATA:** Will that serve to remind you as to what the payment was for?

**MS CHOLOTA:** If I receive the attachment and the Proof of Payment yes ma’am I would remember.

**ADV BAITSENG RANGATA:** You would have if you received the attachment for the Proof of Payment?

**MS CHOLOTA**: The attachment for the Proof of Payment and the list or whatever page that explains because normally when I send the e-mail I would send the attachment or what is the request for, who requested and where is it going with together with the banking details before I can even receive the Proof of Payment.

**ADV BAITSENG RANGATA**: Without the Proof of Payment or for the attachment that the payment was for would you be able to comment from your office in your Official capacity why would you have Mr Mpambani to pay for travel within the Office of the Premier?

- 10 **MS CHOLOTA**: It will be regarding all the requests that we receive in the Office of the Premier. As I explained previously if it has got nothing to do with the Premier travelling or Officials travelling. If the request comes to the Office of the Premier and the government is unable to assist the Premier would ask for businesspeople to assist hence it is a request for funding. So it was nothing related to the – either the students or anything that is covered by government. If my explanation is clear.

**CHAIRPERSON**: So is your evidence that where you asked a businessperson or somebody to make payment to a travel agent.

- 20 **MS CHOLOTA**: Yes Sir.

**CHAIRPERSON**: That payment would not be for the Premier? That payment would be for something else?

**MS CHOLOTA**: Yes for ...(intervenes).

**CHAIRPERSON**: But it would be done as a response to a request from the Premier?

**MS CHOLOTA**: Correct Chair.

**CHAIRPERSON**: And you would have been liaising with that businessperson on behalf of the Office of the Premier?

**MS CHOLOTA**: Correct Chair.

**CHAIRPERSON**: Yes. Okay. Are you able without the attachment are you able to remember what kinds of situations you handled where you may have asked or the Office of the Premier may have asked businesspeople to make payments to travel agents?

**MS CHOLOTA**: Yes Sir. In most if not all cases it will be regarding  
10 students' request.

**CHAIRPERSON**: Yes.

**MS CHOLOTA**: And for an example you would get a letter from a group of artists or a group of people saying that we have received an opportunity to go somewhere they will attach the invitation, the confirmation and stuff and say, we have organised the request from number 1 to 5 but we are struggling with the flights or the assistance – financial assistance in order for us to arrange accommodation and everything for us to attend the conference or whatever the case may be. Then they would write a request of funding to the Premier or – we  
20 kindly ask the Office of the Premier to assist us with attached. I would go to the – firstly in the absence of the Premier I would go to the Director-General and see if the government would help based on the financial implication or the availability of funds in government. If we can help as the government it will be handled by the Director-General. But if the Director-General says, unfortunately we will not be able to

help that is where I keep them for the attention of the Premier. He would say if we do not have money there is nothing we can do or he would say, see if there is any businessperson who can assist because this is very important. These people are travelling for a very valid reason that is going to – that is important for our province or whatever the case may be. That is when I have to communicate with businesspeople. I would send it to two or three different people and see who is available to assist Chair.

**CHAIRPERSON:** So this would occur when the Office of the Premier or  
10 government could not assist.

**MS CHOLOTA:** Correct Chair.

**CHAIRPERSON:** And then an approach would be made to businesspeople to see if they could assist?

**MS CHOLOTA:** Correct Chair.

**CHAIRPERSON:** And mostly was – did this relate to requests by or on behalf of students or also other groups in the community like music groups and maybe emerging businesspeople. What kind of groups really ...(intervenes).

**MS CHOLOTA:** Would request help?

20 **CHAIRPERSON:** Were helped through this kind of arrangement?

**MS CHOLOTA:** In most cases that I have dealt with 80% is students. The rest would be groups. It is either artists or a group of athletes going somewhere requesting for funding. Yes Sir.

**CHAIRPERSON:** Do you know why the Office of the Premier would not in such situations simply refer the people concerned to businesspeople

and let the business – no. This – the students or the people asking for help refer them to the businesspeople and then the businesspeople liaise with them directly without having to involve the Office of the Premier?

**MS CHOLOTA:** We would do that in most cases Chair. People would come before even we refer them to businesspeople direct. We would refer them to the relevant Departments. Like if you come as a group of music and stuff. We would tell you that go to the Department of Sports, Arts and Culture, but in most cases people would come to the Office of  
10 the Premier saying they have exhausted all those.

Like they have knocked at all doors. So every time you refer them back they will tell you I tried to meet with the HOD. I tried to meet with the MEC. Some of them would come with regret letters and stuff based – due to the fact that we do not have a budget. Unfortunately we will not be able to assist and stuff. So that is where they come to the Office of the Premier as the last resort, but we would do that Chair and try as much as we can to refer them to the people that we think they would assist.

**CHAIRPERSON:** Now you have looked at the e-mails that were sent to  
20 you or that you sent to certain businesspeople that are in the bundle. Is that correct?

**MS CHOLOTA:** Yes Sir.

**CHAIRPERSON:** Now are you able to say all those e-mails insofar as they involved payment of money by those businesspeople fell under that arrangement. Namely mostly assistance for students, but maybe



also assistance for other people.

**MS CHOLOTA**: Most of them Chair.

**CHAIRPERSON**: Most of them would be students and then the – but there could be other people who are not students who were also seeking help in terms of those that are here?

**MS CHOLOTA**: In terms of those that are – yes Chair. If my memory serves me well. It is students.

**CHAIRPERSON**: It is students?

**MS CHOLOTA**: Yes. If I recall.

10 **CHAIRPERSON**: *Ja*. You have said in your statement I think that the assistance that was being provided by the Office of the Premier related not only to students who were studying at universities and other institutions within the country, but also outside of the country. Is that correct?

**MS CHOLOTA**: Correct Sir.

**CHAIRPERSON**: But you also said there was a bursary scheme provided by the Government ...(intervenes).

**MS CHOLOTA**: Correct Sir.

20 **CHAIRPERSON**: And then there is financial assistance that was provided by the Office of the Premier. Now the financial assistance – I am saying provided by the Premier. Maybe that is not what you said in your statement. Were you talking about exactly what you are talking about? Namely the Office of the Premier trying to get people who can help and not itself paying. Giving that assistance – that financial assistance.

**MS CHOLOTA**: It would be – I am not sure how to explain it Chair.

**CHAIRPERSON**: Sometimes the Office of the Premier would pay if that ...*(intervenes)*.

**MS CHOLOTA**: That is where ...*(intervenes)*.

**CHAIRPERSON**: If they had money.

**MS CHOLOTA**: Sorry Sir. That is where we - we start Chair.

**CHAIRPERSON**: You start. *Ja*.

**MS CHOLOTA**: If it is financial assistance for students. We would engage with the Department of Education and say this is the list that  
10 we have. The Department of Education would say for this year we will only be able to cover 100 students. They would go through and check all the requirements and give us back the list of the ones that they can assist.

Then give us the rest that they can – they will not be able to assist. That is where the financial assistance gets included. After exhausting all other ...*(intervenes)*.

**CHAIRPERSON**: Departments.

**MS CHOLOTA**: Departments that are relevant – yes – that I – that can assist Chair.

20 **CHAIRPERSON**: Yes. So if the relevant Government Department did not have money to assist or could not assist for whatever reason and the Office of the Premier could itself not assist then businesspeople would be approached by the Office of the Premier?

**MS CHOLOTA**: Correct Sir.

**CHAIRPERSON**: Were you the Official in the Office of the Premier who

would make contact with the businesspeople to say there is somebody who needs this kind of assistance or there is a student who needs this kind of assistance. I will send you the paperwork. Can you see if you can assist or would the Premier have spoken to the businesspeople and you would just make a follow up?

**MS CHOLOTA:** It would be me and the colleagues that I work with. If after getting the list of the ones that are not being able to assist – to be assisted. We would have to engage with the Premier. We cannot take decisions without talking to the Director-General or the Premier by  
10 saying unfortunately these students cannot be – should we write regret letters or what should we do.

The Premier would advise. Did you try and – and find or source funds for them before. Then after that we would take that as a directive. That is when I and other colleagues from – mostly I would work with my colleagues from the Unit of Intergovernmental Relations, because most students will go to them and me. Then each time we get a chance we would just combine our notes and work together.

So after that that is the only time I can communicate with the businesspeople to assist, but it also depends on the availability of the  
20 Premier, because after dealing it with once Chair. If something comes and it is urgent. At some point I do not have to wait for the Premier to give me a directive. That is why I am there in his office to assist.

So I would approach one or two or three businesspeople. If they all say unfortunately we will not be able to help. Then I know I have tried my best. That is the only time I will write a regret letter, but

if I do get help from one or two of them. Then I know how I should go about by saying all the attachments are there, because if you send a request I would ask you to attach all the necessary documents.

Even if we have to communicate with the university or wherever you go. So that we confirm before we get included in your request. Then I would send everything that I found from the person who's requesting to the person who agrees to assist Chair. That is how it will go about.

**CHAIRPERSON:** And as you said I think you said that that was part of  
10 your official duties doing that.

**MS CHOLOTA:** For the request.

**CHAIRPERSON:** For the students and getting assistance for the students ...(intervenes).

**MS CHOLOTA:** Correct Chair.

**CHAIRPERSON:** And so on?

**MS CHOLOTA:** Correct Chair.

**CHAIRPERSON:** Yes. Yes. Okay. You want to proceed?

**ADV BAITSENG RANGATA:** Thank you Chair.

**CHAIRPERSON:** You may – if necessary you may direct her to the  
20 specific e-mails, but I wanted to get the general picture.

**ADV BAITSENG RANGATA:** Yes. Yes. I just want to take from – follow from that what Chair has - has asked. When you decide to contact the businesspeople ...(intervenes).

**MS CHOLOTA:** Huh-uh.

**ADV BAITSENG RANGATA:** Who would direct you to those people?

How do you identify them?

**MS CHOLOTA**: It is myself ma'am. Hence I am saying I will send it to different businesspeople. If I decide that there is Tata Igo. There is ma'am Ruwadi. There is ...(indistinct). No one is saying send it to Thandi or Sello ...(indistinct). I would decide if I send it to three different people and they regret. I move to the next three names or four and so forth, but I will be the one who is dealing with it direct.

**ADV BAITSENG RANGATA**: I think my question says who – how do you identify those people. For an example let us be particular  
10 ...(intervenes).

**MS CHOLOTA**: Huh-uh.

**ADV BAITSENG RANGATA**: Particular on this one.

**MS CHOLOTA**: Huh-uh.

**ADV BAITSENG RANGATA**: When you identify to send the request to Mr Mpambani how you have identified him identified him? Would you have relationship with him before? Would you know him from prior to that?

**MS CHOLOTA**: Not really ma'am. I would have a list of businesspeople. If you work in that kind of an environment that is  
20 where you get to know if the kind of request that you get. You would have to establish at some point on how you get to deal with them. So at – as time goes by I will know that there is a so, so, so gentleman who assisted a group of people blah, blah, blah.

I would just note it down in case next time I need help from you and I am not sure if you are aware that the establishment of this

request for funding for students has been there long before I even arrived. So when I got to the Office of the Premier I just continued with what I found. Either it is from the database or sometimes you would even go and check when – let us say there – there were invites of people for the State of the Province Address or anything related to that.

Then you would try and go out there and find help for them. That is how I get to ...(intervenes).

**ADV BAITSENG RANGATA:** Thank you.

**MS CHOLOTA:** Okay ma'am.

- 10 **ADV BAITSENG RANGATA:** I have noticed – I have gone through – I am sure you have gone through the e-mails. Ranging from e-mail 1 up to e-mail 13/14. I have noticed out of all the e-mails 80% if not 90% there was one particular person who was very helpful in terms of the requests for funding and that is Mr Mpambani. Any particular reason for that?

Was he the only one that was approached or was he the only who was eager to assist?

- MS CHOLOTA:** Mr Igo Mpambani was not the only businessperson I approached. According to this file that we received. It is the ones that  
20 – I do not know how were chosen to be printed out for this, but from my laptop that the gentleman took from me they had lists and lists of the businesspeople that I have contacted. Mr Mpambani is not the only business that I have contacted.

**ADV BAITSENG RANGATA:** I note that.

**CHAIRPERSON:** Well you are no longer in the Office of the Premier

now ...(intervenes).

**MS CHOLOTA**: Correct Sir.

**CHAIRPERSON**: But it would be good if the Commission could get as much information as possible of who the other businesspeople or companies were who used to be approached and to see payments that they made. I take it that for all payments that were made at the request of the Office of the Premier there would have been some written confirmation or receipt that payment has been made as requested or something like that. Is that right?

10 **MS CHOLOTA**: We do have such Chair. Hence I am saying the gentleman who met with me in the office ...(intervenes).

**CHAIRPERSON**: Yes.

**MS CHOLOTA**: They have those lists Chair.

**CHAIRPERSON**: Yes. So all that information can obtained as far as you are concerned?

**MS CHOLOTA**: Chair?

**CHAIRPERSON**: All that information as far as you are concerned can be obtained from the Office of the Premier?

**MS CHOLOTA**: They do have all the information.

20 **CHAIRPERSON**: All the information.

**MS CHOLOTA**: I am just not sure if it is still in – on the system ...(intervenes).

**CHAIRPERSON**: Yes.

**MS CHOLOTA**: Because I am not sure who is utilising the laptop ...(intervenes).

**CHAIRPERSON:** Yes.

**MS CHOLOTA:** At this present moment, but I am definitely sure that the gentleman had everything that was on my laptop ...(intervenes).

**CHAIRPERSON:** Yes.

**MS CHOLOTA:** Because we discussed most of them just not all of them are in this file.

**CHAIRPERSON:** *Ja. Ja.*

**MS CHOLOTA:** Sir.

**CHAIRPERSON:** And are you able to give an indication of more or less  
10 of about – more or less how many businesspeople would be asked over  
let us say a year or did you end up with your regulars? If I can call  
them that. Those that you normally sent to. Whether they were 10 or  
20, but you knew you would send to mostly some of those ones or there  
were always new ones on the list?

**MS CHOLOTA:** Not really Chair. It – I had different people. As I said  
as time goes by. If today I – like you get to information or you get to  
know that there is somebody that you can approach regarding that. I  
cannot say there are specific people that I refer to, because it is not  
fair that I can ask you something today and tomorrow and the third day.

20           Hence I am saying there were a number of businessmen and  
businesswomen that I could ask for. So no Chair it was not only a  
group of people that I keep repeating. It also depends on the nature of  
the request, because at some point we would even approach Pick 'n  
Pay and Checkers. Depending on what the request is for. So it was  
definitely not a certain group that I am based with or that I am dealing



with.

**CHAIRPERSON:** Well at some stage after you have finished giving evidence I would like you to, together with your legal team, to talk to the Legal Team. So that they can establish what they should ask for ...(intervenes).

**MS CHOLOTA:** Okay.

**CHAIRPERSON:** When they approach the Office of the Premier to obtain all of this information that you are talking about ...(intervenes).

**MS CHOLOTA:** Okay Chair.

10 **CHAIRPERSON:** Because you would know to say well they must just ask for this and that and that, because that is where the information will be.

**MS CHOLOTA:** Okay Chair.

**CHAIRPERSON:** Okay. Alright.

**MS CHOLOTA:** Noted.

**ADV BAITSENG RANGATA:** Thank you Chair.

**CHAIRPERSON:** Yes.

**ADV BAITSENG RANGATA:** Just to take from that Ms Cholota if you go to page 41 of the bundle there is a list of people that are compiled  
20 there. Is that part of the people that you will have utilised or identified at – as businesspeople?

**MS CHOLOTA:** Yes. Most of the people that I see here I have sent them regular – I mean the same requests.

**ADV BAITSENG RANGATA:** Okay. Alright and who would have compiled this list?

**MS CHOLOTA:** Myself. This was my own draft.

**ADV BAITSENG RANGATA:** Did you show it to the Premier at the time?

**MS CHOLOTA:** Not really. It was just my draft on my laptop ma'am.

**ADV BAITSENG RANGATA:** I see the subject there says:

“Guest to be Placed at the President and the Premier’s Table.”

**MS CHOLOTA:** Yes ma'am.

**ADV BAITSENG RANGATA:** That is the subject of this e-mail.

10 **MS CHOLOTA:** Yes ma'am.

**ADV BAITSENG RANGATA:** Were you instructed by the Premier to compile this list?

**MS CHOLOTA:** No ma'am. I should have – I would have taken this list of out of either a guest list of some sort of an event or so. Hence I am saying I was like getting names where – from the database – the previous databases. So this list was not done or compiled by the Premier. It is my own list.

**ADV BAITSENG RANGATA:** My understanding of the e-mail is these are the guests that were supposed to be placed at the table of the  
20 President as well as the Premier. So I would imagine that these people were going to sit with the Premier. Would he have been made privy of the people that he was going to sit with?

**MS CHOLOTA:** If my memory serves me well when I look at this e-mail. It is the e-mail that I was sending to the Department of Sports, Arts and Culture. I cannot remember what the event was for. So the list was

from me to the Sports, Arts and Culture. Not directly from the Premier.

**ADV BAITSENG RANGATA:** From the – from your Official address?

**MS CHOLOTA:** From the Official address. Yes ma'am.

**CHAIRPERSON:** Do you know whether some of the businesspeople or their companies who were approached with these requests for assistance by the Office of the Premier would have been people who were doing business with the Provincial Government?

**MS CHOLOTA:** Chair, I would not know.

**CHAIRPERSON:** You would not know?

10 **MS CHOLOTA:** I would not. No.

**CHAIRPERSON:** It may be so. It might not be so.

**MS CHOLOTA:** I would not know Chair.

**CHAIRPERSON:** *Ja.* Okay. Alright.

**ADV BAITSENG RANGATA:** Alright. Ma'am we are dealing with the issue of the scholarship.

**MS CHOLOTA:** Correct ma'am.

**ADV BAITSENG RANGATA:** We – I have gone through your statement in particular page 265 where you have given the background of the scholarship. How it was started and you have already in your evidence  
20 said you found this program already in motion when you joined the Office of the Premier.

**MS CHOLOTA:** Correct ma'am.

**ADV BAITSENG RANGATA:** Would you know when you left in June that the program is still proceeding?

**MS CHOLOTA:** Yes. I can confirm that ma'am.

**CHAIRPERSON:** I am sorry. What is the problem that is proceeding or program?

**ADV BAITSENG RANGATA:** The program.

**CHAIRPERSON:** Oh. The scholarship program?

**ADV BAITSENG RANGATA:** Yes. Yes Chair.

**CHAIRPERSON:** Oh. Okay.

**ADV BAITSENG RANGATA:** The program. It is still on. It is still ongoing.

**MS CHOLOTA:** Yes. It is still continuing ma'am.

10 **ADV BAITSENG RANGATA:** Even when Mr Magashule left office ... (intervenes).

**MS CHOLOTA:** Correct ma'am.

**ADV BAITSENG RANGATA:** It continued?

**MS CHOLOTA:** Correct ma'am.

**ADV BAITSENG RANGATA:** Are you aware of any payments or request that had been made since he left office in March?

**MS CHOLOTA:** I would not know of any payments, but I know of a couple of calls of people inquiring if we get a list who do we talk to – Department of Education. Who do we meet with FSTDI and stuff, but I  
20 would not know if there are any proof of payment that took place after that? Since I was not the one dealing with them direct after I left the office.

**ADV BAITSENG RANGATA:** Okay. I ... (intervenes).

**CHAIRPERSON:** I think she was talking about after Mr Magashule had left ... (intervenes).

**ADV BAITSENG RANGATA:** Thank you Chair.

**MS CHOLOTA:** When I was ...(intervenes).

**CHAIRPERSON:** But before you left.

**MS CHOLOTA:** Okay. Yes.

**CHAIRPERSON:** *Ja.*

**MS CHOLOTA:** I was – yes. I was still continuing.

**CHAIRPERSON:** H'mm.

**ADV BAITSENG RANGATA:** Would you be – would you be able to assist the Commission with that information? The requests that were  
10 made post March 2018 until the time that you had left in June. That will be the requests that were submitted to the Premier's Office as well as the requests that would have been made – funding requests that would have been made to businesspeople and that would be coupled with obviously if payments were actually received from the businesspeople or not.

**MS CHOLOTA:** Okay. I can check with them at the Department from the IT Section or who is using the laptop. Are we able to access the information?

**ADV BAITSENG RANGATA:** Thank you very much.

20 **MS CHOLOTA:** We will work on that immediately after this.

**ADV BAITSENG RANGATA:** Thank you.

**CHAIRPERSON:** I do not know what you might have Ms Rangata and you may still ask further questions if you have, but what was important for me is confirmation whether these transactions relating to requests for payment by people outside of Government were made in the course

of your performance of your official duties on behalf of the Office of the Premier which you have confirmed. Is that right?

**MS CHOLOTA**: I did not hear that Chair. Sorry.

**CHAIRPERSON**: Okay. I am saying what was important for me ...(intervenes).

**MS CHOLOTA**: Okay.

**CHAIRPERSON**: In relation to these transactions where your name is involved in requests for payment by people outside of Government of certain monies at the request of the Office of the Premier. That was  
10 part of your official duties.

**MS CHOLOTA**: Yes.

**CHAIRPERSON**: Which you have confirmed?

**MS CHOLOTA**: Correct Chair.

**CHAIRPERSON**: And to explain what the amounts were about and you say mostly they related to students?

**MS CHOLOTA**: Correct.

**CHAIRPERSON**: Some studying inside the country. Others studying outside of the country ...(intervenes).

**MS CHOLOTA**: Correct Chair.

20 **CHAIRPERSON**: And you have said that there is other – there are other documents that are not here which would have been attached to explain what the amount requested was for and you say those documents would explain and then you say there are many other businesspeople who – to whom similar requests were made and there would be documents which can show that.

There should be documents in the Office of the Premier which should show that. Is that right?

**MS CHOLOTA**: Correct Sir.

**CHAIRPERSON**: Yes. Yes. I can just say that some of the amounts appear to me to be quite high. You know. I think there is an amount of about close to half a million Rand. I think 470 000. I think there is R30 000 altogether. The two could have been half a million Rand. I think it was to be sent to the President – a President in Cuba.

**ADV BAITSENG RANGATA**: Yes. Alright.

10 **CHAIRPERSON**: If I am not mistaken. You remember that one?

**MS CHOLOTA**: Yes. I remember Chair.

**CHAIRPERSON**: *Ja*. Would you know why it was such a big amount? You have a businessperson being asked to pay half a million ...(intervenenes).

**ADV BAITSENG RANGATA**: Such an amount. Yes.

**CHAIRPERSON**: Rand to a student?

**MS CHOLOTA**: Yes Sir. When I read my e-mail Sir. It says as discussed telephonically with Ms Morake from the Intergovernmental Relations. I checked the dates and I believe there is a trip that  
20 happened to Cuba. I am just not sure of the dates Chair – and remembering my conversation with ma'am Morake I believe that they met with Mr Mpambani in Cuba and he committed – we had students who was studying medicine in Cuba and he committed to buy them laptops.

That is when ma'am Morake came back and said this is the

commitment we had. Can you kindly communicate with the businessperson and get the list of the students of those that we agreed to buy laptops for and see if Mr Mpambani would help as he committed. That is when I liaised with him and said you are following the discussion you had with Ms Morake.

This is the list of the students and we managed to get a quotation for this amount of 474. 200 pieces of laptops if my memory serves me well, but then according to the documents and if I try to remember correctly. Mr Mpambani did not buy those laptops for 470. I  
10 believe a lesser quotation was obtained as I have the proof of payment of the 200 000 plus the 100 000.

So I believe they bought 200 laptops to an amount of 300 000. So Chair answering your question I would say that amount was sent to him based on his commitment. If that makes sense Chair.

**CHAIRPERSON:** Okay. So that was your understanding?

**MS CHOLOTA:** Yes. That is my understanding.

**CHAIRPERSON:** That he had independently made that commitment?

**MS CHOLOTA:** A commitment that he would buy student laptops.

**CHAIRPERSON:** Yes. Yes.

20 **MS CHOLOTA:** Yes Chair.

**CHAIRPERSON:** There was also an amount about some ...(intervenes).

**MS CHOLOTA:** Of ...(intervenes).

**CHAIRPERSON:** Some event Africa Day or something.

**ADV BAITSENG RANGATA:** That is the 30 000 Chair.

**MS CHOLOTA:** Correct.



**ADV BAITSENG RANGATA:** Yes.

**CHAIRPERSON:** Oh that is the R30 000.

**ADV BAITSENG RANGATA:** Yes.

**MS CHOLOTA:** That is the R30 000.

**CHAIRPERSON:** Yes.

**MS CHOLOTA:** To the same students. The gentleman was the SRC President. Apparently they approached the Premier and told them that they have an event that is coming up to celebrate Africa. So they would need funds to prepare to buy all the things that they need for the event and the Premier agreed that he will try and assist.

**CHAIRPERSON:** Yes.

**MS CHOLOTA:** That is where the R30 000,00 comes from.

**CHAIRPERSON:** Yes. Okay. Okay. Well you may proceed, but it seems to me that there may be a need – when are you leaving South Africa? If you are able to say so. If you should not say so publically I will respect that. Maybe I should say where – when do you continue to – up to when are you available to assist the Commission with further investigation on this issue without saying whether – that means being out of the country or not?

20 **MS CHOLOTA:** Chair I would be available until – I was hoping until the 13<sup>th</sup> ...(intervenes).

**CHAIRPERSON:** Yes.

**MS CHOLOTA:** But it also depends on the things that I need to do before I leave. So my schedule is a bit ...(intervenes).

**CHAIRPERSON:** Tight.

**MS CHOLOTA**: Hectic. Yes. It is a bit tight, because I have not achieved even 60% of the things that I came here for.

**CHAIRPERSON**: Yes.

**MS CHOLOTA**: Yes Chair.

**CHAIRPERSON**: Well I will tell you what. It would be very helpful to the Commission if you could have some – a session with the Investigators and maybe member – a member of the Legal Team. Just to get as much information from you as possible to try and obtain documentation from the Premier's Office if possible before you leave.

10 **MS CHOLOTA**: Okay.

**CHAIRPERSON**: So that you are able before you leave to say okay what you have got is what I was talking about. You have got everything that I think explains these transactions and whatever else ...(intervenes).

**MS CHOLOTA**: Okay.

**CHAIRPERSON**: Because you have indicated – I think part of the problem is that there have been challenges as I understand the position about your availability and it maybe I am not sure. It may be that the legal team and the investigation team have not had a chance to sit  
20 down with you. Get this – some of this explanation and be able to follow up and check documents and so on.

So if at all possible I think that would be very helpful. If you could make time even within your tight schedule. You will try that?

**MS CHOLOTA**: I will do my best Chair.

**CHAIRPERSON**: Yes. Alright.

**MS CHOLOTA:** As I have explained previously I do not think it is going to be difficult, because the investigating team that used to – met with me previously.

**CHAIRPERSON:** Yes.

**MS CHOLOTA:** Have most of the documents. So I do not think it will be difficult Chair. We will work on that.

**CHAIRPERSON:** Okay. Okay. Alright.

**ADV BAITSENG RANGATA:** Thank you Chair.

**CHAIRPERSON:** Thank you.

10 **ADV BAITSENG RANGATA:** Your – there might be one or two issues that I just want to deal with.

**CHAIRPERSON:** *Ja.*

**ADV BAITSENG RANGATA:** Ms Cholota if you can just quickly page to page 38.

**MS CHOLOTA:** Page 30?

**ADV BAITSENG RANGATA:** 38. I will tell you ...(intervenes).

**CHAIRPERSON:** 28 or 38?

**ADV BAITSENG RANGATA:** 38 Chair.

**CHAIRPERSON:** Okay.

20 **ADV BAITSENG RANGATA:** 38. There is an e-mail there for – from Ashnee Settrade to penny@robsinvestment.co.za. The e-mail is sending of an invoice as requested between the two and the e-mail eventually finds its way into your Official e-mail address on the 2<sup>nd</sup> – on the – if you go backwards on page 37 of the same bundle. The bottom e-mail there is from Penny Mtentula to Ashnee and you are copied in

your capacity premier@fspremier.gov.za.

**MS CHOLOTA:** Okay.

**ADV BAITSENG RANGATA:** And on the top e-mail there from yourself to Penny where you say noted. My question there is very simple. I just want to understand this seems like a conversation between two individuals or two entities and eventually they find themselves communicating with the Premier Office. What would have been the reason for that?

**MS CHOLOTA:** If I read this clear ma'am. I am the one who  
10 communicated with Robs Investment and I got the proof of payment for Robs Investment. That is why I said noted, but I will not be able to respond for the communication between the two, because I communicated with the – Rob Investment. If...(intervenes).

**ADV BAITSENG RANGATA:** My question says on page 38  
...(intervenes).

**MS CHOLOTA:** Huh-uh.

**ADV BAITSENG RANGATA:** Ashnee is sending the invoice –  
Mr Ashnee sending an invoice to Mr Kennedy ...(intervenes).

**MS CHOLOTA:** Okay ma'am.

20 **ADV BAITSENG RANGATA:** And on the page 37 Kennedy is responding with a proof of payment.

**MS CHOLOTA:** Huh-uh.

**ADV BAITSENG RANGATA:** To the same person that sent the invoice  
...(intervenes).

**MS CHOLOTA:** Correct ma'am.

**ADV BAITSENG RANGATA:** But you get copied.

**MS CHOLOTA:** Yes. I am copied in.

**ADV BAITSENG RANGATA:** What would be the reason between two entities that have – are communicating about their own payments. Why would it end in the Premier's address?

**MS CHOLOTA:** I would not know ma'am.

**ADV BAITSENG RANGATA:** You have noted on the top e-mail you have noted.

**MS CHOLOTA:** I have noted to Robb Investment I believe that is  
10 where I forwarded my request, if I am answering your question now.

**CHAIRPERSON:** Your request being your request for what?

**MS CHOLOTA:** It should be for funding. It should be for funding Chair.

**CHAIRPERSON:** Yes, you can't off the top of your head remember the correspondence when you see it or you do remember it?

**MS CHOLOTA:** I don't remember the conversation but as I have seen for proof of payment it should be for the request for funding Chair.

**CHAIRPERSON:** Yes. Okay.

**ADV BAITSENG RANGATA:** Thank you, on the same line I am going  
20 to move to page 31.

**MS CHOLOTA:** 31?

**ADV BAITSENG RANGATA:** Yes, there is an e-mail there from Mr Mpambani sent to john.clux and copied Igo Mpambani, on that e-mail there's a discussion about the payment, there seems to be a little confusion, sorry if I can just on the bottom there, there is an e-mail

where it comes on the 3<sup>rd</sup> of February 2015, I am just not sure where it comes from but to Mr Mpambani:

“Good day Mr Mpambani, kindly forward your documents in PDF format and observe the following: invoice 1 for 51 must be dated 2 December 2014; invoice 2 for R31 must be dated 12 January 2015”

I am just going to complete the picture for you, on the same e-mail the one on top then gives more clarity, it says:

10 “There seems to be a little confusion invoice was for R51 million but it was paid in two parts, R20 million in December and R31 million in January. Therefore I cannot make an invoice for R51 million (40%) and then another for R31 million (part of the same 40%) unless that is what is required for administration purposes.”

This was found from your computer or your laptop. Would you mind to comment how it landed in your computer?

**MS CHOLOTA:** I have no knowledge of this e-mail ma’am.

**CHAIRPERSON:** Hmm.

**MS CHOLOTA:** It was not directed to me; I have no knowledge of this.

20 **ADV BAITSENG RANGATA:** Have you seen it before?

**MS CHOLOTA:** No ma’am I saw it on this attachment of the affidavit for Mr Dokwane, it was the first time I see this.

**ADV BAITSENG RANGATA:** So when you read it what was your understanding of this, did you ask yourself why ...(intervenes).

**MS CHOLOTA:** I did not even go through it and tried to think about it,

because it is not related to me and the e-mails that I have sent.

**ADV BAITSENG RANGATA:** So it was just in your computer, you were not aware of it, you don't know what is it for, you didn't ask anyone, you didn't ask Mr Mpambani what is going on and why am I seeing this in my e-mail.

**MS CHOLOTA:** No knowledge of it ma'am, it was not in part of e-mails that I was sending to Mpambani.

**CHAIRPERSON:** So you saw it for the first time in this bundle?

**MS CHOLOTA:** In this bundle, and if I remember correctly when I met  
10 with the ...(intervenes).

**CHAIRPERSON:** Investigators.

**MS CHOLOTA:** Investigators, but they did not give it to me, now that she is mentioning the name they ask me if I know so and so and I said no.

**CHAIRPERSON:** Yes.

**MS CHOLOTA:** Yes Sir.

**CHAIRPERSON:** Okay. I think the problem is the need for further investigation on some of these issues so that they can be looked into properly.

20 **ADV BAITSENG RANGATA:** Yes Chair, yes Chair. Chair I have got a last question for this witness.

**CHAIRPERSON:** Yes okay. I think Ms Cholota there will be a need for the discussion that I talked about.

**MS CHOLOTA:** Yes Sir.

**CHAIRPERSON:** Because some of the e-mails and some of the things

still need further investigation and discussion and interrogation. Ms Rangata you must just make sure it happens.

**ADV BAITSENG RANGATA:** Thank you Chair.

**CHAIRPERSON:** And Ms Cholota's legal representatives are here, I am sure they will try and assist but we need to make sure that there is no uncertainty about some of the things here.

**ADV BAITSENG RANGATA:** Thank you Chair.

**CHAIRPERSON:** But unless there is anything from your legal representatives, and I think there is nothing ...(intervenes).

10 **ADV BAITSENG RANGATA:** I have got one last question.

**CHAIRPERSON:** Oh okay.

**ADV BAITSENG RANGATA:** Yes Chair, sorry about that. Ms Cholota I want to ask you the bursary scheme that was set up it was, I read from your affidavit, your statement, that it was designed for the needy, those people who cannot afford, am I right?

**MS CHOLOTA:** You are correct ma'am.

**ADV BAITSENG RANGATA:** There is an e-mail that deals with a request for payment or for funding by Ms Raphaela Mogwena, I am sure you are aware of it, it is item one of the bundle.

20 **MS CHOLOTA:** I am aware of it ma'am.

**ADV BAITSENG RANGATA:** And I would imagine that the scheme is designed to help those who will be able to show neediness.

**MS CHOLOTA:** If you explain it that way, I will explain mine when I reply.

**ADV BAITSENG RANGATA:** How do you identify people that needs to



be funded, or needs assistance?

**MS CHOLOTA:** For me if it comes to a push for you to go out and seek help for me I would say you are in need of it, if it makes sense.

**ADV BAITSENG RANGATA:** So I can apply today and I will get funding for my children?

**MS CHOLOTA:** If we manage to assist you we will be able to assist you, it depends on your request ma'am.

**ADV BAITSENG RANGATA:** So the scheme is not based on indigenous, it is based on anybody who says can you assist me?

10 **MS CHOLOTA:** I was attending to all the requests that I received on my Official e-mails.

**ADV BAITSENG RANGATA:** It does not matter if their parents can pay, or if you have got the ability to pay for yourself so it is not indigent based, it is on request based?

**MS CHOLOTA:** When it comes to the ones that we were forwarding to the Department of Education they do that background check, but the other requests that comes to me I would believe that if I received something and the person is explaining and put it all the relevant attachments to me that person is in need of that whatever they  
20 requested on that document.

**ADV BAITSENG RANGATA:** As part of that request can you also add this one so we can be finished with the supporting documents that we made when this particular request was made?

**MS CHOLOTA:** I saw everything on your file ma'am, everything is attached from their request up until, I am not sure if you did put

...(intervenes).

**ADV BAITSENG RANGATA:** I am talking about Ms Raphaela Mogwena in particular when she applied for the funding for her child.

**MS CHOLOTA:** Okay yes.

**ADV BAITSENG RANGATA:** Can we be furnished with the supporting documents that showed that she was in need of assistance.

**MS CHOLOTA:** Okay ma'am I will give you what I have on the laptop there ma'am.

**ADV BAITSENG RANGATA:** Thank you. Chair that is all the questions  
10 that I have.

**CHAIRPERSON:** That is all. So are you saying that your understanding of the people who were supposed to be assisted by the Office of the Premier when Government Departments could not assist them did not have to be poor people, did not have to be people who could not afford the assistance themselves, as long as they made their request and you could look for some businessperson who could assist them?

**MS CHOLOTA:** If I put it correct Chair I would say the people who are poor and needy and could not afford was our priority, but in some  
20 instances I would say at some point people are asking for different, even if, I am just making an example, even if my father is a Chief Director raising seven kids, four of us are at the University, they are going through a divorce and stuff like that, we would consider such happening in other people's lives, but poor people, needy people were our priority.

**CHAIRPERSON:** Okay but I guess that in order to make sure that you put a request to businesspeople that are really deserving there ought to be some kind of screening because otherwise you don't want somebody who just wants to have a lot of pocket money when they are in Cuba or whatever to approach and say I am in need of money when actually they have got, they just want to have extra money.

**MS CHOLOTA:** You are correct.

**CHAIRPERSON:** You appreciate that?

**MS CHOLOTA:** I hear what you say Chair.

10 **CHAIRPERSON:** *Ja*, but are you able to say whether you had in place mechanisms to make sure that there was no abuse of that kind of the assistance?

**MS CHOLOTA:** Yes Sir, the investigation team can go through it, I truly believe that 90 if not 98% of the people that we assisted are people who are needy.

**CHAIRPERSON:** Yes.

**MS CHOLOTA:** Who were in need of that.

**CHAIRPERSON:** Yes, okay and I am sure also whatever documentation might be available you will do your best to try and make sure we've got  
20 it.

**MS CHOLOTA:** Correct.

**CHAIRPERSON:** *Ja*, okay, alright. Thank you. Unless your counsel has anything I am ready to release her.

**ADV LUISA MAKAPELA:** Chair I just have two quick points that I just wish to raise.

**CHAIRPERSON:** Okay, use the other mic.

**ADV LUISA MAKAPELA:** Thank you Chair.

**CHAIRPERSON:** Yes?

**ADV LUISA MAKAPELA:** The first is just to highlight I think what Ms Cholota had said about the fact that there was an International Governmental Relations Office that dealt with the international students and that her main priority was the fact that she dealt with the local students, and so I said that to get to the second point which is it might be somewhat difficult to get to the information that related to a  
10 separate component where she is concerned.

The other worry is the fact that Ms Cholota is no longer an employee of the Office of the Premier anymore, and my understanding was that upon receipt of the summons in June Investigators approached her and were able to mirror all her laptops and all her cell phone communication and so while she might be able to speak to the contents of that information I am not quite sure that she would be able to approach the Office of the Premier on any sort of official basis and obtain this information but she is very much willing to assist the Investigators in the interpretation of the information that they already  
20 have and in seeking to get individuals that may be able to provide that information so just to that extent that she might not legally be able to approach a government officer that she is no longer an employee of she is willing to do her best.

**CHAIRPERSON:** Yes, no, no I appreciate that she is no longer there and therefore she can't – she would have limitations but I think what I

have in mind is that she would arm the Investigators and the Legal Team with all the information that they might need to get any further documents or information that may be necessary but also before or during the days that she might be able to make time she can give whatever information or clarify whatever may need to be clarified to them just to make sure that we have got everything that we need.

**ADV LUISA MAKAPELA:** No that is in order Chair.

**CHAIRPERSON:** And we appreciate that she says that she will do her best.

10 **ADV LUISA MAKAPELA:** Yes.

**CHAIRPERSON:** And we don't expect to do what she cannot do.

**ADV LUISA MAKAPELA:** Indeed Chair and I think the correct procedure if I understand correctly where witnesses are summoned by the Commission is that the Evidence Leader team interviews the witness and that they have not had the opportunity to do that.

**CHAIRPERSON:** Yes, yes.

**ADV LUISA MAKAPELA:** To the extent that they would have liked to, so my understanding is that Ms Cholota is very much willing to co-operate with the Commission and the Evidence Leaders and to the  
20 extent that she hasn't been able to sit with them I think we do apologise for that and we do take responsibility on her behalf for that.

**CHAIRPERSON:** Okay, that is alright.

**ADV LUISA MAKAPELA:** Thank you Chair, thank you.

**CHAIRPERSON:** No thank you. Ms Cholota thank you very much for responding to the summons, you will as arranged then co-operate and

meet with the Legal Team and the Investigators so that you see what more, how else you can be of assistance to them and they can indicate what more they would like to get from you and in the weeks and the months to come wherever you are if the Commission wishes to have more information I am sure you will cooperate, is that right?

**MS CHOLOTA:** Yes Chair I will cooperate.

**CHAIRPERSON:** Within the constraints that you will have, you might have.

**MS CHOLOTA:** Anything in my ability to assist I will do so Chair.

10 **CHAIRPERSON:** Okay thank you. Thank you very much, you are excused.

**MS CHOLOTA:** Thank you Chair.

**ADV BAITSENG RANGATA:** Thank you Chair.

**CHAIRPERSON:** Okay we are going to adjourn this is the last witness we are hearing this year; the hearings will resume next year from the 13<sup>th</sup> of January. There might just be a hearing of some application or other in between if a need arises but in terms of witnesses giving evidence this is the last witness for this year.

We will then – we adjourn.

20 **REGISTRAR:** All rise.

**INQUIRY ADJOURNS TO 13 JANUARY 2020**

**TRANSCRIBER'S CERTIFICATE FOR COMMISSION OF INQUIRY INTO STATE  
CAPTURE**

HELD AT  
PARKTOWN, JOHANNESBURG

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