

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

17 NOVEMBER 2020

DAY 308



Gauteng Transcribers
Recording & Transcriptions

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TRANSCRIBERS:

B KLINE; Y KLIEM; V FAASEN; D STANIFORTH



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PROCEEDINGS RESUME ON 17 NOVEMBER 2020

CHAIRPERSON: Good morning Mr Pretorius, good morning everybody.

ADV PRETORIUS SC: Morning Chair.

CHAIRPERSON: Yes. Yesterday I hear argument on the recusal application and I indicated that I was hoping to give judgment this morning. I am not going to give a ruling or judgment this morning because I must – I am still working on it. I have got quite some documentation to go
10 through carefully. I am going to use today to work on that judgment.

So we are going to adjourn and resume tomorrow at ten by which time I hope to be ready to deliver my ruling/judgment on the recusal application. So we are going to adjourn and then we must resume tomorrow at ten. If for some reason I am not ready at ten o'clock communication will be sent to all concerned.

It might be eleven or twelve but I am going to aim for ten o'clock tomorrow. Okay. I have already
20 communicated this to counsel on both sides so they are aware of it. Okay alright.

ADV PRETORIUS SC: Thank you Chair.

CHAIRPERSON: Thank you. I think Mr Sikhakhane would like to say something. Somebody must just sanitise first.

ADV SIKHAKHANE: Chair thank you, thank you.

CHAIRPERSON: Yes.

ADV SIKHAKHANE: We – I have indicated yesterday that we were to look at the statement that you read.

CHAIRPERSON: Yes.

ADV SIKHAKHANE: In which I in jest said you have made yourself a witness.

CHAIRPERSON: Ja.

ADV SIKHAKHANE: We have consulted briefly with client
10 and our instructions are to put on record a statement that deals with your statement.

CHAIRPERSON: Ja.

ADV SIKHAKHANE: And may or may not put in dispute some of the things you have stated so I thought

CHAIRPERSON: Ja.

ADV SIKHAKHANE: It is convenient that it will happen – the judgment will happen to – the ruling will happen tomorrow which we hope we shall have given you the version of the relationship of yours with the former President.

20 **CHAIRPERSON:** Yes.

ADV SIKHAKHANE: Secondly he requests that he has an emergency and if he – with the leave of the Chairperson he is not here tomorrow it is not any disrespect he would like me to ask the Chair to excuse him – he has a funeral to attend – something has just happened he has to go there

and be...[intervenes]

CHAIRPERSON: Yes.

ADV SIKHAKHANE: Chair.

CHAIRPERSON: Okay and then he would be – depending on the outcome tomorrow he would be back on Thursday?

ADV SIKHAKHANE: Depending on the outcome tomorrow so we will have – we will communicate

CHAIRPERSON: Yes.

ADV SIKHAKHANE: The situation because he is going there
10 for a funeral. I do not know whether the funeral – it cannot be during the week.

CHAIRPERSON: Yes, yes.

ADV SIKHAKHANE: But a death has happened in the family and so...

CHAIRPERSON: Yes.

ADV SIKHAKHANE: But he is going to – whatever the Chair

CHAIRPERSON: Yes.

ADV SIKHAKHANE: Tells us to do but we will also try and give the Chair the version of the relationship the two of you
20 had from his perspective. And Chair may I say right here because it is because there may be things that he may have thought are not relevant.

CHAIRPERSON: Ja.

ADV SIKHAKHANE: But he will place them in – on record.

CHAIRPERSON: Ja.

ADV SIKHAKHANE: He needs to put his own version.

CHAIRPERSON: Yes.

ADV SIKHAKHANE: Thank you Chair.

CHAIRPERSON: No, no, no that is fine. Well he may attend the funeral tomorrow and on the understanding that if on Thursday he is required to be here he will be back.

ADV SIKHAKHANE: Thank you Chair I will communicate that with him.

CHAIRPERSON: Okay alright.

10 **ADV SIKHAKHANE:** Thank you Chair.

CHAIRPERSON: We adjourn.