

**COMMISSION OF INQUIRY INTO STATE CAPTURE**

**HELD AT**

**PARKTOWN, JOHANNESBURG**

10

**22 JANUARY 2019**

**DAY 38**

20

**PROCEEDINGS HELD ON 22 JANUARY 2019**

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

**ADV PAUL PRETORIUS SC:** Morning Chair.

**MR ANGELO AGRIZZI:** Morning, Chair, are you well?

**CHAIRPERSON:** Good morning Mr Agrizzi, I am well thank you. Mr Pretorius you ready to proceed?

**ADV PAUL PRETORIUS SC:** Yes, Chair.

**CHAIRPERSON:** Before you proceed I need to deal with the issue that I promised to deal with this morning first. On Sunday this past Sunday a number of – or certain  
10 newspapers carried articles concerning evidence that Mr Agrizzi who was already giving evidence before this Commission was yet to give. It would appear that certain newspapers had access to a copy of Mr Agrizzi's affidavit that is before the Commission.

In some cases it may be that they did not have access to the affidavit itself, but were given information relating to the contents of Mr Agrizzi's affidavit by certain people. Obviously there was no problem whatsoever with them publishing articles concerning evidence that Mr Agrizzi had already given before this Commission, but they went further or some of them and published evidence that he was yet to give in the Commission.

20 I want to start off by saying that I have the highest respect for many journalists and editors and newspapers who conduct their business professionally and in accordance with the law and with due regard to other people's rights, however, it seems to me that there are certain journalists, editors and newspapers who decided that they would publish information relating to Mr Agrizzi's affidavit about which he was still to testify and did so in breach of the regulation that I already told everybody about.

It was end of last year. That is Regulation 11(2) and (3) of the Regulations applicable to this Commission.

(2) of Regulation 11 reads:

"No person shall communicate to any other person any matter or information which may have come to his/her knowledge in connection with the inquiry or allow or permit any other person to have access to any records of the Commission, except insofar as it is necessary in the performance of his/her duties in connection with the functions of the Commission or by order of a competent court."

That relates to mainly the staff of the Commission, but it says no person.

And then (3) says:

"No person shall without the written permission of the Chairperson disseminate any document submitted to the Commission by any person in connection with the inquiry or publish the contents of any portion of the contents of such documents or peruse any document including any statement which is destined to be submitted to the Commission to the Chairperson or intercept such document whilst it has taken or forwarded to the Chairperson."

Portions of what Mr Agrizzi's statement says which he had not dealt with where the subject of articles that were published over the weekend and that was done without any approach to me as Chairperson to grant permission. I indicated last year that I would allow – grant permission and I was granting permission for publication after the witness has given evidence.

I do not know whether the journalists and editors and newspapers who did so believe that it was in the public interest that they publish what Mr Agrizzi was to testify about ahead of him giving evidence about it. I can see nothing that is in the public interest in the publication of what a witness is going to say a few days earlier, when he is going to testify about it and it will be in the public domain.

This is not a situation where a journalist thinks that information will not be made public and therefore it is in the public interest that, that information be published. This is a case where the journalist knows that this information is in an affidavit and the witness will testify about it and the witness is not going to be testifying *in camera*. The  
10 witness is testifying in open – in the open.

So there is absolutely no public interest supporting the decision to publish that information, because the information would in a few days' time be in the public domain after the witness has testified. So what is behind the publication of a witness evidence that is still to be testified about ahead of such testimony, it seems to me that it must be either, because a newspaper wants to make money or they just want to be the first one to tell the public what the witness will say. They see a scoop, but there is absolutely nothing in the public interest.

The nation must know that newspapers and journalists would do that, are not doing it in their interest. They are not serving public interest and they are serving their  
20 own interest. You know that this information will be made public in a legal forum, in a proper forum in due course, there is nothing hidden, but you want to publish it ahead, you want to be the first one. You are not serving the public, public interest. Whether you are an editor or a journalist.

Unfortunately I think that we have to look at this conduct in its proper context. The Commission was established in order to look into allegations of State

Capture and corruption. We have heard a lot of evidence about bribery and corruption since the commencement of the hearings of this Commission last year. People who engage in bribery and corruption do not do so, because they do not know what the law is. They know that what they are doing is against the law, but the law is for them an inconvenience for what they want to do.

They want money and they want a lot of it and sometimes they want power and they want a lot of it, and the law is standing in their way, it is an inconvenience, and because the law is an inconvenience they will disregard it and do something wrong and commit criminal acts. Where does it start? It starts with what some might think are not  
10 big issues.

I shared with the media and with the public last year what the law says in the Regulations. No newspaper, no journalist, no editor has gone to court if he/she thinks that the law that says they may not publish the way it is indicated in the rules in the Regulations, if they think it is unconstitutional they have not gone to court to have it declared unconstitutional, which would be the right thing, if you think you have good grounds.

It is not in accordance with the Rule of Law that any journalist or editor should decide, I do not care what the regulations say, I do not care what the law says, I want a scoop, I will publish anyway. It is wrong, it is unacceptable. It undermines the  
20 work of this Commission and for what? For a scoop. For making profits.

As I have said there are many journalists and editors for whom I have the highest respect. I thank them and commend them for the good work they do and for their professionalism, but it appears that there are some who find that they will not act in accordance with the law when the law stands in their way of what they want to do. I also want to say when the media have issues on which they want the Commission to

comment before they publish articles, they must give us enough time.

It has happened at least two times, and one of the times was the past few days when a journalist or media house plans to write a story and gives the Commission a few hours to comment or respond and before the Commission can respond they go ahead and publish. It happened last year as well. That is not a conduct of a journalist or newspaper or media house that is really interested in being fair to a body or a person about whom they want to publish.

It is somebody who does not care about the rights of the other person. Sometimes people have had a long time to do investigations on an issue and when  
10 they are supposed to write they give the affected people a few hours to respond, as if you have nothing to do, you are just ready, sitting ready to attend to their queries.

My understanding of the basic principles of journalism is that they include fairness to the people that you are going to write about and fairness must include that you give them a fair opportunity to respond to what you want to write about them. So I would appeal to the media, not just for the Commission only, but if you are going to write about people give them a fair opportunity to respond to what you are going to write about them.

We regard the work of this Commission as very important. We regard it as a national task. The Commission has men and women who are very committed to the  
20 work they do who as – some of whom as you know have been subjected to all kinds of insults in the media by certain people. They continue to wake up every morning and come to the Commission to do their work.

I think it is important that they be given support. We would like to focus on the national task we have been given. We would not like to have sideshows, to have to concern ourselves and spend time about what we do about media that is acting in

breach of the law. We would like to focus on the work at hand. This work is about our country. This work is about our nation and I would think that each and every journalist would bear that in mind, and that you would like that we be given space to focus on this work and one of the ways in which you do that is to please comply with the law.

Please do not publish information in circumstances where you are undermining the work of this Commission. Do not publish information in circumstances where you are acting in breach of the law. Support the work of this Commission. Support the people who are devoting themselves to the work of this Commission. Support the witnesses who come to this Commission at great cost, some of them to  
10 their safety and to the safety of their families, because they appreciate the work of this Commission.

There is no reason why you cannot wait for a few days for the witness to deal with his/her evidence without it having been published ahead and then after the witness has given evidence you can write your articles. You can do your analysis. So I take this opportunity to appeal once again to the media not to act in a manner that undermines the work of this Commission, but to support the Commission.

We obviously fully support the freedom of the media. There is no doubt about that, but we appeal that we all act in accordance with what is expected of us. The Commission will continue to give full cooperation to the media in regard to what  
20 they may ask us. We will continue to deal with their queries as quickly as we can in the mist of everything that we are doing, and we just once again ask that the law be respected and that you support the work of this Commission.

I hope that everyone will allow us space to just focus on this national task. Thank you. The one other matter I want to mention is that while the evidence is going on this morning a media statement will be issued and I am sure the journalists who are

present in the hearing will be given copies relating to the appointment of the acting secretary of the Commission. Thank you. Mr Pretorius?

**ADV PAUL PRETORIUS SC:** Thank you, Chair. Morning Mr Agrizzi?

**MR ANGELO AGRIZZI:** Good morning adv Pretorius, are you well?

**ADV PAUL PRETORIUS SC:** Yes, I am thank you.

**MR ANGELO AGRIZZI:** That is good.

**ADV PAUL PRETORIUS SC:** Mr Agrizzi we were dealing with the evidence in your affidavit...[intervenes]

**MR ANGELO AGRIZZI:** Yes.

10 **ADV PAUL PRETORIUS SC:** At page 52.

**MR ANGELO AGRIZZI:** That is correct.

**ADV PAUL PRETORIUS SC:** When we adjourned yesterday.

**MR ANGELO AGRIZZI:** That is correct.

**ADV PAUL PRETORIUS SC:** Can we start today at paragraph 27.1?

**MR ANGELO AGRIZZI:** Yes, we can.

**ADV PAUL PRETORIUS SC:** In that paragraph you deal with the matter preceding and ultimately the conclusion of a contract with the Department of Correctional Services relating to high security fencing?

**MR ANGELO AGRIZZI:** That is correct.

20 **ADV PAUL PRETORIUS SC:** Would you begin with the events of 2005 and your discussions with Mr Gavin Watson in this regard please?

**MR ANGELO AGRIZZI:** Thank you, Chair. In June 2005 I had informal discussions as we would always have, Chair, with Gavin Watson regarding various things and this specific morning it was about high security fencing at the Department of Correctional Facilities. And I remember that the discussions were initiated by him and it was evident



that he was aware that the department needed some specific solution in this regard and I was at that stage I did not know that they needed something, but it was mentioned to me and he saw it as a potential business opportunity for the company.

**ADV PAUL PRETORIUS SC:** Did you have the capacity within Bosasa to provide fencing?

**MR ANGELO AGRIZZI:** No.

**ADV PAUL PRETORIUS SC:** Security fencing at that stage?

**MR ANGELO AGRIZZI:** No, we had never done fencing before, Chair, it was something new to us. We have never ever put up a fence.

10 **ADV PAUL PRETORIUS SC:** Alright, did the discussion continue with more detail?

**MR ANGELO AGRIZZI:** Yes, we actually discussed it. We said, listen we do not have the capacity to do this. It was clear to me, sorry, does that answer your question?

**ADV PAUL PRETORIUS SC:** Yes. Just go into more detail please in relation to the discussion? In relation to paragraph 27.2.

**MR ANGELO AGRIZZI:** Okay, so it was clear that, you know, he had been thinking about it and I know that him and at that stage Danny Mansell was thinking about it, but anyway, he indicated to me that he had discussed the commercial viability with a gentleman by the name of Mr Michael Rodenburg from Beta Bastion.

**ADV PAUL PRETORIUS SC:** Is it Rodenburg?

20 **MR ANGELO AGRIZZI:** Rodenburg yes.

**ADV PAUL PRETORIUS SC:** Yes, sorry I interrupted you, please continue.

**MR ANGELO AGRIZZI:** Not a problem. It was at that stage Beta Bastion if I recall correctly and it then changed to Beta Fence during which the procurement of 26% shareholding of the South African branch of the company as a BEE was raised.

**ADV PAUL PRETORIUS SC:** Sorry, just before you go on Beta Bastion which later

became Beta Fence was that an international company?

**MR ANGELO AGRIZZI**: Correct.

**ADV PAUL PRETORIUS SC**: And who would buy 26% of the South African branch of that company?

**MR ANGELO AGRIZZI**: That would be, well that would be Gavin Watson.

**ADV PAUL PRETORIUS SC**: Alright. Was this proposal or contemplation processed?

**MR ANGELO AGRIZZI**: Yes, it was.

**ADV PAUL PRETORIUS SC**: Please tell the, Chair, what happened?

**MR ANGELO AGRIZZI**: Do you want me to talk about the BEE deal? Sorry, Chair, I  
10 just want clarity or can I take you through on what I say in my statement? On how the transaction was done?

**CHAIRPERSON**: He will clarify his question. Mr Pretorius?

**ADV PAUL PRETORIUS SC**: Yes, please just say what happened between Bosasa on the one hand and Beta Fence on the other.

**MR ANGELO AGRIZZI**: Okay, thank you, Chair, for the clarity. So Beta Fence, I was one day at the office and Beta sent some test panels, so I do not know if, Chair, knows what the fence looks like, but if you look at the clear view fence, that is maybe the better, the best example I can give and I got quite a few panels delivered to Bosasa. They were delivered there and I asked, you know, what are these for? And I was told,  
20 no, they – we need to look at how we can utilise them and are they up to the standard that I would put out in the facilities.

At the same time there was a taught wire system that was delivered to the facility and a taught wire system is basically a long box with barbed wire attached to it, at intervals strands, so if somebody tries to touch it, it triggers an alarm which goes through to the control centre.

So I had no clue what to do with it. I really just – they stood in storage for a while, but then I later became aware of the fact that there was actually an agreement that had been concluded already.

**ADV PAUL PRETORIUS SC:** Sorry, tell the, Chair, please what agreement was concluded? Between whom?

**MR ANGELO AGRIZZI:** The agreement between Beta Fence and Gavin Watson or Bosasa, I do not know, because it was actually Bopha and Parforgo which are trusts, but I will just use the word Bosasa. So alright, the agreement had been concluded between them for the 26% deal. So soon thereafter I attended a meeting with Watson  
10 was there, Mansell was there, Rodenburg was there, who is the Managing Director of Beta Fence. There was a gentleman an engineer called J P Hobbs and there is a gentleman called Riaan, but I cannot remember his surname, but he was also from the same company as J P Hobbs and during this meeting it appeared that J P Hobbs and Riaan were involved were involved in a company called Teqcon and Modutech. Those were the two companies and what they manufactured Chair was the taut wire systems as well as a sensor which went on the wired mesh which was a detection process system, a detection product for the system. What was interesting was I, I did not really know about it so I started reading up on it and I understood that the specifications that they used it for was high security applications. So if you go to a facility that has a fence  
20 you have the Bode Mesh from Beta Fence. Then inside of that you have the taut wire system from Modutech. So those were the two companies and then I started realising that this has been put together for a reason and this is why we are meeting.

**ADV PAUL PRETORIUS SC:** Just before you go on. At that stage had the Department of Correctional Services published any intention or made known any intention to issue a tender?

**MR ANGELO AGRIZZI:** No, there was absolutely no discussion of that. As a matter of fact at that stage they were actually under pressure financially, because they had used up their budgets and I was battling to get payments out of them.

**CHAIRPERSON:** Who is “they” now?

**MR ANGELO AGRIZZI:** The Department of Correctional Services.

**CHAIRPERSON:** Oh.

**ADV PAUL PRETORIUS SC:** Why would then this series of events that occurred? In other words can you explain why Mr Gavin Watson would make all these preparations?

**MR ANGELO AGRIZZI:** It becomes clear later that it was a, it was a ploy between  
10 Mansell, Rodenburg and Modutech, Riaan, J P bless him. He is not here, but the other people who were involved in it that was a ploy. It was a plan to capture what was left of the fencing business at Correctional Services.

**ADV PAUL PRETORIUS SC:** May I carry on Chair?

**CHAIRPERSON:** Yes, please.

**MR ANGELO AGRIZZI:** Alright. I think the discussion really went specifically about how companies can work together and especially on getting a project with Correctional Services and one of them raised it that well perhaps what should happen is that Sondolo should subcontract to one of the other bigger companies and later the two companies, I mean, between Modutech and Sondolo they then become the prime,  
20 became the primary suppliers. So Modutech did the taut wire and Sondolo did the installation of the cameras, the metal detectors, x-rays, screeners if it was necessary. They did the installation of alarm systems all that type of thing. So between the two companies they were the suppliers but at the, the third company was Beta Fence who would supply the welded mesh.

**ADV PAUL PRETORIUS SC:** Alright. Well whether by way of subcontract or whether

by way of cooperation or whether by way of simply of becoming a supplier to the main contractor there was an arrangement or a contemplated arrangement at least that there would be cooperation between various entities with the prospect of supplying fencing, security fencing to the Department of Correctional Services.

**MR ANGELO AGRIZZI:** That is correct. The additional thing is the beauty for ...[intervenes].

**ADV PAUL PRETORIUS SC:** Sorry, just before you go on. Sondolo at that stage was Sondolo IT (Pty) Ltd at Bosasa Group Company?

**MR ANGELO AGRIZZI:** That is correct.

10 **ADV PAUL PRETORIUS SC:** Right. Go on please at paragraph 27.6.

**MR ANGELO AGRIZZI:** Correct. At that stage there was a lot of controversy already about the Bosasa Group. So I was not directly involved, but I am giving you exactly as I know it. So Gavin, Gavin and Tony Perry and Danny Mansell negotiated with Michael Rodenburg and a lady called Jean Rodenburg, Michael Rodenburg's wife and a lady by the name of Gloria Josephs alright to buy a company which was owned by the Rodenburg's and Gloria Josephs called Phezulu Fencing. I do not know the specifics of the actual agreement, but what I do know is that the sale was destined only to go through once the contract had been awarded to Phezulu. That was made very clear to everybody. It was public knowledge at Bosasa that we had to avert any negativity at  
20 that stage towards Bosasa and the only way you would avert this, because this is massive contract one of the biggest fencing contracts ever done, you know, and because they did not want attention we said, they said alright. Phezulu is there. Award the contract to Phezulu and on top of that the sale would only go through of Phezulu once the contract had been awarded to Phezulu.

**ADV PAUL PRETORIUS SC:** So that is the sale in broad terms of the interest in

Phezulu Fencing (Pty) Ltd to Mr Watson or to ...[intervenes].

**MR ANGELO AGRIZZI:** [intervenes] let us rather use – let us not personalise it I think Chair. Let us use Bopa and Phafoga.

**ADV PAUL PRETORIUS SC:** Those are two trusts in the group of entities under the Bosasa ...[intervenes].

**MR ANGELO AGRIZZI:** Yes.

**ADV PAUL PRETORIUS SC:** Control or management?

**MR ANGELO AGRIZZI:** Correct and the sale would also only go through when the Duplo fencing, because we called it Duplo ...[intervenes].

10 **ADV PAUL PRETORIUS SC:** Yes.

**MR ANGELO AGRIZZI:** And it was called the Duplo fence.

**ADV PAUL PRETORIUS SC:** Hm.

**MR ANGELO AGRIZZI:** So this was – that was a fact. It was done to hide that that Bosasa Group would receive any more contracts.

**CHAIRPERSON:** Hm.

**ADV PAUL PRETORIUS SC:** Carry on please.

**MR ANGELO AGRIZZI:** Now during that period it was also agreed that Gloria Josephs who was heading the company and was a shareholder together with Michael Rodenburg's wife and Phezulu would be paid a nominal fee of a few million  
20 Rands for the company, but then they would be allowed to subcontractors Gordian (Pty) Ltd. Gloria would have only really to appear in meetings as the Kwazi CEO as Phezulu's CEO and she would basically just be there for name only, but the management of Phezulu was taken over from day one of the signing of the contract, but the shareholding would only come through later.

**CHAIRPERSON:** Alright ...[intervenes].

**ADV PAUL PRETORIUS SC:** That was maybe a bit confusing. Did you want so say something Chair?

**CHAIRPERSON:** Well if, if you say it is maybe confusing. I am sure you are going to ask what I wanted to ask. Go ahead.

**ADV PAUL PRETORIUS SC:** Let us take it step by step then.

**MR ANGELO AGRIZZI:** Okay.

**ADV PAUL PRETORIUS SC:** In order to carry out the arrangement that was now contemplated between these various role players. It was contemplated that a company would be bought called Phezulu Fencing (Pty) Ltd?

10 **MR ANGELO AGRIZZI:** That is correct.

**ADV PAUL PRETORIUS SC:** As I understand what you are saying it was contemplated to or decided that the shareholding in the company would only be transferred to the buyer the Bosasa Trusts once a contract had been awarded by the Department of Correctional Services?

**MR ANGELO AGRIZZI:** That is correct. It would be a process - to add an explanation – it would be a process that would be undertaken undercover very quietly so that nobody really knew about it and nobody would question it.

**ADV PAUL PRETORIUS SC:** But the management of Phezulu Fencing I understand was immediately taken over by interests within the Bosasa Group?

20 **MR ANGELO AGRIZZI:** That is correct Chair.

**ADV PAUL PRETORIUS SC:** One of the shareholders at the time – that is before the shareholding is transferred in terms of the agreement – was a, Ms Josephs?

**MR ANGELO AGRIZZI:** That is correct.

**ADV PAUL PRETORIUS SC:** Right and you say she was Rodenburg's wife?

**MR ANGELO AGRIZZI:** Incorrect. Chair Mr Rodenburg's wife was Jean Rodenburg

and she was a shareholder as was Gloria Josephs.

**ADV PAUL PRETORIUS SC:** Oh, I see. Ms Josephs and Mr Rodenburg's wife were both shareholders in Phezulu Fencing?

**MR ANGELO AGRIZZI:** That is correct.

**ADV PAUL PRETORIUS SC:** Before the shares were transferred?

**MR ANGELO AGRIZZI:** That is correct.

**ADV PAUL PRETORIUS SC:** Right.

**CHAIRPERSON:** Were they the only shareholders?

**MR ANGELO AGRIZZI:** Chair, no ...[intervenes].

10 **CHAIRPERSON:** Oh, there were other shareholders?

**MR ANGELO AGRIZZI:** There were other shareholders, but I cannot recall who they are.

**CHAIRPERSON:** Okay, but do you, was your understanding that together they formed, they held the majority of shares or not?

**MR ANGELO AGRIZZI:** Together Jean Rodenburg and Gloria Josephs held the majority shares.

**CHAIRPERSON:** Okay, thank you.

**ADV PAUL PRETORIUS SC:** And although their shareholding would in due course be transferred to interests within the Bosasa Group they would retain an interest in the arrangement I understand through another company Gordian (Pty) Ltd ...[intervenes].

20

**MR ANGELO AGRIZZI:** That is ...[intervenes].

**ADV PAUL PRETORIUS SC:** And that company would subcontract within the contractual arrangements.

**MR ANGELO AGRIZZI:** Yes. So the agreement was – just to recap Chair for clarity – Bosasa would pay a couple of million Rand for the shareholding in Phezulu as well as



agree to subcontract a large portion of the tender to Gordian. That was the arrangement that was made.

**CHAIRPERSON:** Yes, thank you.

**ADV PAUL PRETORIUS SC:** Right. Were there other contractual arrangements made at the time before there was any talk of the Department of Correctional Services issuing a tender?

**MR ANGELO AGRIZZI:** Correct.

**ADV PAUL PRETORIUS SC:** What were those arrangements?

**MR ANGELO AGRIZZI:** Well ...[intervenes].

10 **ADV PAUL PRETORIUS SC:** You deal with them in paragraph 27.8.

**MR ANGELO AGRIZZI:** Yes. At the same time we entered into a supply agreement with Beta Fence whereby Phezulu, where at the time when Phezulu Fencing be awarded, is awarded the contract for the Department of Correctional Services for the Duplo or the double fencing Beta Fence would supply all fencing material to Phezulu Fence and it would be at a lower cost. So it would be at base cost. Now the Duplo – if I can give a little bit of history to it – is a normal mesh fence and we put an extra strand on the outside of the fence which gives it slightly more rigidity, but what it does do is it changes the makeup of the actual product which is then patented. So in actual fact it was my idea Chair but Michael Rodenburg patented it and his idea. It did not worry me,  
20 but just so you know the detail. Nobody else could manufacture that fence because it was patented. So there was a premium price put onto it Chair so anybody could buy it, but they would have to pay the premium price. Whereas the tendering, the [indistinct] that put this together basically had a price advantage of 30 percent already.

**ADV PAUL PRETORIUS SC:** So that is because the agreement between Beta Fence and Bosasa and I use the latter term loosely was that Beta Fence would supply fencing

material to Phezulu Fencing at a lower cost than it would supply those materials to any other company?

**MR ANGELO AGRIZZI**: Correct.

**ADV PAUL PRETORIUS SC**: To any other competitor?

**MR ANGELO AGRIZZI**: That is correct.

**ADV PAUL PRETORIUS SC**: And was there any *quid pro quo* or any ...[intervenes].

**MR ANGELO AGRIZZI**: Ja.

**ADV PAUL PRETORIUS SC**: Benefit to Beta Fence?

**MR ANGELO AGRIZZI**: Well ...[intervenes].

10 **ADV PAUL PRETORIUS SC**: Or to ...[intervenes].

**MR ANGELO AGRIZZI**: Beta Fence ...[intervenes].

**ADV PAUL PRETORIUS SC**: Bosasa?

**MR ANGELO AGRIZZI**: Beta Fence at that stage was financially in trouble in South Africa. They were literally in a bad state. So they needed a massive transaction like this and at the same time they also needed empowerment. So they had another company called Syngenta and unfortunately as I mentioned yesterday I did not have time to put everything in, but this company gave up their 26 percent shareholding which was then given to Bopa and Phafoga so that they would have empowerment as well. Not a cent was paid for the shareholding.

20 **ADV PAUL PRETORIUS SC**: So as part of these complex arrangements Beta Fence and another entity you mentioned, spell it please.

**MR ANGELO AGRIZZI**: Syngenta. It was a group called Syngenta. S-A-G-E-N-T-A [spelt].

**ADV PAUL PRETORIUS SC**: Right, those two entities transfer 26 percent of shares in which entity?

**MR ANGELO AGRIZZI:** Into, in Beta Fence?

**ADV PAUL PRETORIUS SC:** Yes.

**MR ANGELO AGRIZZI:** In Beta Fence and it was transferred over to the two trusts that are held by Bosasa.

**ADV PAUL PRETORIUS SC:** Yes and those two trusts as you have told the Chair are Bopa, B-O-P-A and Phafoga, P-H-A-F-O-G-A?

**MR ANGELO AGRIZZI:** That is correct.

**ADV PAUL PRETORIUS SC:** Right. Now before we go on, you have told the Chair of a very complex series of agreements, understandings and intercompany share  
10 transfers.

**MR ANGELO AGRIZZI:** Yes.

**ADV PAUL PRETORIUS SC:** And you say this was done in contemplation of a tender to be awarded by or a tender to be awarded, yes by ...[intervenes].

**MR ANGELO AGRIZZI:** Yes.

**ADV PAUL PRETORIUS SC:** Correctional Services.

**MR ANGELO AGRIZZI:** That is correct.

**ADV PAUL PRETORIUS SC:** But at this stage there was no public announcement of any such tender being issued.

**MR ANGELO AGRIZZI:** Nobody even knew. I do not think Corrections knew  
20 themselves.

**ADV PAUL PRETORIUS SC:** Right. Continue please.

**MR ANGELO AGRIZZI:** After ...[intervenes].

**CHAIRPERSON:** I am sorry, I am sorry. Why do you say you do not even think Correctional Services knew themselves?

**MR ANGELO AGRIZZI:** Because it was a shock to them when the tender started

coming out. I remember attending meetings.

**CHAIRPERSON:** Oh, but then who issued the tender then?

**MR ANGELO AGRIZZI:** Well it was Corrections but maybe, maybe I should clarify. Maybe one or two individuals or three individuals who actually knew about it. It was done totally, because remember normally this Chair would go through Public Works.

**CHAIRPERSON:** Oh.

**MR ANGELO AGRIZZI:** Public Works is responsible. So ...[intervenes].

**CHAIRPERSON:** Oh, is that what would normally happen?

**MR ANGELO AGRIZZI:** Yes, ja.

10 **CHAIRPERSON:** Okay.

**MR ANGELO AGRIZZI:** Normally ...[intervenes].

**CHAIRPERSON:** Fences for Government departments?

**MR ANGELO AGRIZZI:** Correct. So if there was a need they would have to put a need in.

**CHAIRPERSON:** Yes.

**MR ANGELO AGRIZZI:** Public Works would attend to it, but I do not want to digress into that. I cannot talk about ...[intervenes].

**CHAIRPERSON:** Ja.

**MR ANGELO AGRIZZI:** That too much.

20 **CHAIRPERSON:** Ja, okay.

**MR ANGELO AGRIZZI:** Hm, but what I can tell you is that in 2005 Chair I went to Bloemfontein with Danny Mansell. We flew in. I remember it because we nearly crashed the plane, because they overloaded it. So it is vivid in my memory and we met with the Greylings at SA Fence & Gate and the goal of this meeting which I only found out when I walked into the offices of SA Fence & Gate from Danny Mansell that they

needed to become subcontractors to Phezulu Fencing after it had been awarded the Duplo fencing Correctional Services Contract for the installation of the fences and it was not the only one. That was the only one I attended, but other arrangements were made with a company called Live Wire, Gordian, Mavundla Ironclad and L & J Civils. L & J Civils was a company that was owned by Mr Danny Mansell and Jarryd Mansell, his son, and his other son was...[indistinct] Mansell, but I cannot recall if he was a shareholder and there was a gentleman by the name of Jaco Pitso who represented a company which I just cannot remember. This was over 14 years ago. So the arrangement was what they agreed which I will still - and I was there - the

10   aforementioned arrangement required each of them to submit separate tender applications for the Duplo fencing tender. So what I am trying to explain Chair is that the agreement was we are submitting as subcontractors for Phezulu, but at the same time we are also submitting as our own company. So ...[intervenes].

**CHAIRPERSON:** Oh, is that normal?

**MR ANGELO AGRIZZI:** Well, no it is not very normal.

**CHAIRPERSON:** Hm.

**MR ANGELO AGRIZZI:** It is not normal at all.

**ADV PAUL PRETORIUS SC:** Well when you say submitting as subcontractors, let us bear in mind that no tender or invitation to bid had been issued at this stage.

20   **MR ANGELO AGRIZZI:** Nothing whatsoever.

**ADV PAUL PRETORIUS SC:** Let me ask you why would all these complex and detailed arrangements be entered into if there was no tender on the horizon?

**MR ANGELO AGRIZZI:** The reason Chair is because – let us get our ducks in a row. This is the biggest fencing tender in the history of South Africa, Africa and probably the Southern Hemisphere.

**CHAIRPERSON:** The fencing was, what was contemplated was that the fencing would be done for Correctional Services throughout the whole country.

**MR ANGELO AGRIZZI:** Correct.

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

**MR ANGELO AGRIZZI:** Originally the plan was to start with Phase 1, Phase 2, Phase 3. Phase 1 would be the fence at 47 of the Centres of Excellence they call them to make sure that everybody sees them and at that stage as well there were quite a few escapes and that type of thing. So this fence would prove as the solution, the utopia of how to run a prison and it is being applied in, it is a very good system being applied  
10 internationally and South Africa's prisons would be the first in the world to have all of them using this technology, but it was also the monopolising of the fencing contracts with Correctional Services, because once you were in you were in for life. You controlled the source. You controlled the client and you could rape our country of as much as you wanted to, because you just start charging more and more and more. That is a fact.

**ADV PAUL PRETORIUS SC:** Let us just clarify one answer you have just given Mr Agrizzi. You spoke of the group of companies and entities who would act as subcontractors to Phezulu Fencing.

**MR ANGELO AGRIZZI:** That is correct.

20 **ADV PAUL PRETORIUS SC:** If there was to be any response to any bid to be issued in the future those subcontractors would be part of a bid on the part of Phezulu Fencing?

**MR ANGELO AGRIZZI:** That is correct.

**ADV PAUL PRETORIUS SC:** But you say there was also an arrangement that these various entities would bid separately for any tender that was to be issued by the

Department of Correctional Services?

**MR ANGELO AGRIZZI:** That is correct, but perhaps I failed to explain that. They would bid in a controlled manner.

**ADV PAUL PRETORIUS SC:** Yes, we will come to that in a moment.

**MR ANGELO AGRIZZI:** Okay.

**CHAIRPERSON:** Did you say those companies that you are talking about would be the ones listed in 27.9?

**MR ANGELO AGRIZZI:** Correct.

**CHAIRPERSON:** Live Wire (Pty) Ltd, Gordian (Pty) Ltd, Mavundla Ironclad (Pty) Ltd, L  
10 J Civils (Pty) Ltd and you say there was another company which was represented by somebody called Jaco Pitso. You cannot remember the name of the company.

**MR ANGELO AGRIZZI:** That is correct.

**CHAIRPERSON:** Okay, thank you.

**ADV PAUL PRETORIUS SC:** What you do not say in your statement and perhaps you can assist the Chair in this regard Mr Agrizzi. Did anyone in Bosasa have any knowledge of what the intentions of Correctional Services were in relation to issuing tenders for the provision of high security fencing?

**MR ANGELO AGRIZZI:** Are you; sorry Chair I want some clarity. Are you asking me  
20 did somebody in Correctional Services liaise with somebody in Bosasa and knew what they wanted out of this deal?

**ADV PAUL PRETORIUS SC:** There is the question, but let me just give you some background to the question.

**MR ANGELO AGRIZZI:** Yes.

**ADV PAUL PRETORIUS SC:** So you can understand why I am asking it.

**MR ANGELO AGRIZZI:** Yes, sir.

**ADV PAUL PRETORIUS SC:** There are two possible scenarios. The Bosasa decision makers could have been very confident that they would persuade Correctional Services to issue a tender and therefore it would be worthwhile to go to these great lengths to prepare for the provision of such services. Alternatively the decision makers and Bosasa could have known that such a tender was about to be issued. Do you know which, and the former situation would arise where there was a degree of influence exercised by Bosasa over Department of Correctional Services Officials, but you tell the Chair if you know anything about...[intervenes].

**MR ANGELO AGRIZZI:** Chair this was ...[intervenes].

- 10 **ADV PAUL PRETORIUS SC:** What was happening between Bosasa and Correctional Services before the tender was issued.

**MR ANGELO AGRIZZI:** Chair this, and I am being frank, because what you said this morning was so true. I did not come here to be crucified by the press. I came here to rid this country and to try and help free us of all the corruption that is killing us and is destroying our future of our kids. So the answer is very simply this was ...[indistinct] Correctional Service specifically Richmond Linda Mti and Patrick Gillingham would do as they were instructed as they had been captured by Gavin Watson, Danny Mansell and Bosasa including myself.

**CHAIRPERSON:** So ...[intervenes].

- 20 **MR ANGELO AGRIZZI:** Does that answer the question?

**CHAIRPERSON:** Yes. I am sure, I am sure if it does not Mr Pretorius will ask further questions if he wants you to give more. So basically what you are saying is there was a discussion involving Bosasa and Correctional Services in the form of Mr Linda Mti and Mr Gillingham that had preceded this arrangements being made.

**MR ANGELO AGRIZZI:** Correct and the rest of my affidavit ...[intervenes].



**CHAIRPERSON:** Yes.

**MR ANGELO AGRIZZI:** Will actually show on this specific topic ...[intervenes].

**CHAIRPERSON:** Yes.

**MR ANGELO AGRIZZI:** How it went about.

**CHAIRPERSON:** Yes, thank you.

**ADV PAUL PRETORIUS SC:** Thank you Chair. In regard to the tender about to be issued was anything done by anyone and Bosasa regarding specifications?

**MR ANGELO AGRIZZI:** Mr Mansell complied, compiled the specification documents for 47 of the Department of Correctional Services Facilities Chair. This was for the  
10 fencing and the security. He also did the specification for the taut wire. So what he did was he got the companies who would do the taut wire virtually to provide specification and print them and put them into the specification. He personally sat and did them. I know that. I attended one or two of the meetings. At that stage he was staying at the Cedar Lodge in Krugersdorp and he had quite a large room and he had often asked me to come over there and just have a chat with him in the evenings and I would go there and we would just talk generally, but I think he was lonely and he needed to talk. Just like I do right now.

**ADV PAUL PRETORIUS SC:** Did you have an opportunity to look at that specifications document?

20 **MR ANGELO AGRIZZI:** Yes, I did.

**ADV PAUL PRETORIUS SC:** And again just to confirm, did this occur before any tender was issued?

**MR ANGELO AGRIZZI:** This happened before any tender was issued and I can add to this if you need me Chair.

**CHAIRPERSON:** Yes, do so if it is relevant to what we are talking about.

**MR ANGELO AGRIZZI:** It is.

**CHAIRPERSON:** Yes.

**MR ANGELO AGRIZZI:** It is part of my statement.

**CHAIRPERSON:** Yes.

**MR ANGELO AGRIZZI:** So he also informed me at one of these meetings that his son was already working on the various correctional sites already now this is before a tender is even promulgated and he was doing surveys with a specific ...[indistinct] light that we had bought and an engineer who we had employed unbeknown to myself and he was pointing out the various Correctional Centres already. It was disturbing  
10 because how can you go and work on the site and rather let them do it, let them do the spec and this happened long before the tender documents were even issued. So those ...[indistinct] light plans and that were ready before the tender specification was always, ever put out. It is ...[intervenes].

**ADV PAUL PRETORIUS SC:** But not only, let us just summarise not only did Bosasa personnel compile specifications, but also had access to Correctional Services Sites in order to survey those sites in order to assist in the preparation of the specifications and any bid documents that would be submitted in the future.

**MR ANGELO AGRIZZI:** That is correct Chair. If I can give you an example.

**CHAIRPERSON:** Ja.

20 **MR ANGELO AGRIZZI:** It takes you on average two days to do say Johannesburg Management Area. We had 47 sites to do. Take 47 times about two that tells you how long before the time more or less it was done.

**ADV PAUL PRETORIUS SC:** Well you say, well the other potential...[intervenes].

**CHAIRPERSON:** I am sorry, I am sorry Mr; I think he has not finished. Yes.

**MR ANGELO AGRIZZI:** I am just giving you, I am just giving you how long

**CHAIRPERSON:** Yes.

**MR ANGELO AGRIZZI:** Before it was.

**CHAIRPERSON:** Yes.

**MR ANGELO AGRIZZI:** Because if you take 47 sites it will take you at least let us say just a day to do a site.

**CHAIRPERSON:** Hm.

**MR ANGELO AGRIZZI:** Say we are working really hard. 47 sites ...[intervenes].

**CHAIRPERSON:** Hm.

**MR ANGELO AGRIZZI:** Times a day gives you 47 days

10 **CHAIRPERSON:** But you are saying what is more likely is much more than that.

**MR ANGELO AGRIZZI:** Correct.

**CHAIRPERSON:** Yes and if it took two days to do each one of them you are looking at probably more than 100 days ahead and probably much more than that.

**MR ANGELO AGRIZZI:** You are 100 percent correct.

**CHAIRPERSON:** Yes.

**ADV PAUL PRETORIUS SC:** Would you explain to the Chair what advantage that gave the Bosasa Enterprise in relation to this bid, in relation to the position other potential bidders would be in once tenders were issued?

20 **MR ANGELO AGRIZZI:** Chair the regulations are very clear that the bid must be advertised and there is a period of time that it must lay and the response must be in by a period of time. So I cannot recall exactly when the response was of the top of my head. We can get to that later in my statement, but the benefit is that if I had done the surveys with the ...[indistinct] light at all the facilities that would come out and tender. By the time the tender is put out I have done all the work. The other people have to run around like mad to try and measure the sites and get the distances and all that

accurately. The advantage is here that the Bosasa Group through Phezulu and Bopa and Phafoga had the advantage. We had headway before everybody else could even see the spec.

**CHAIRPERSON:** Just to confirm what I think you said already. So the idea as you came to understand it was that for this particular tender that was going to be advertised in due course Bosasa did not want to be the ones who would submit a bid. Phezulu would submit the bid and then Bosasa would benefit it effect and in reality through the arrangements that it would have made with Phezulu and with everybody else that you have told us about?

10 **MR ANGELO AGRIZZI:** That is correct Chair.

**CHAIRPERSON:** Thank you. And that was because the negative publicity about Bosasa had already started, is that right?

**MR ANGELO AGRIZZI:** That is correct Chair.

**CHAIRPERSON:** Thank you.

**ADV PAUL PRETORIUS SC:** So the idea as I understand it was that Phezulu Fencing would be awarded the bid and as soon as that occurred the shares would be transferred to Bosasa?

**MR ANGELO AGRIZZI:** Well to the two entities Phafoga and Bopa yes.

**ADV PAUL PRETORIUS SC:** Within Bosasa?

20 **MR ANGELO AGRIZZI:** Within – indirectly Bosasa. It is all these various names and that Chair is...

**CHAIRPERSON:** So technically the shares would transferred to the trust? I think you said two trusts?

**MR ANGELO AGRIZZI:** That is right.

**CHAIRPERSON:** Two trusts which fall under Bosasa or the Watson family, is that right or Mr Gavin Watson?

**MR ANGELO AGRIZZI:** You are hundred percent – you are hundred percent correct.

**CHAIRPERSON:** Yes. Technically that is what they would be – the shares would be transferred to those trusts and then what those trusts did with them then it was up to them and – but that was – they were – those trusts were part basically for all intents and purposes of Bosasa?

**MR ANGELO AGRIZZI:** You said it Chair.

**CHAIRPERSON:** Thank you.

- 10 **ADV PAUL PRETORIUS SC:** In paragraph 27.12 you deal with you particular tasks in the bidding process. You talk about the bidding process. Of course we know from your evidence that there was no bidding process at this stage. But what tasks were you asked to perform?

**MR ANGELO AGRIZZI:** Okay I was asked Chair to oversee the bid – the bidding process. Normally in the group of companies I would be personally involved with every single bid that went out of the company through the bid office. So I was asked to put a team together to draft the tender bid and the submission thereof. I requested that I was at that ...[intervenes].

**CHAIRPERSON:** For Phezulu now?

- 20 **MR ANGELO AGRIZZI:** On behalf of Phezulu.

**CHAIRPERSON:** Ja on behalf of Phezulu?

**MR ANGELO AGRIZZI:** That is correct.

**CHAIRPERSON:** Okay.

**MR ANGELO AGRIZZI:** So I requested that you know another team be put on the project because there were people available that were not busy. That I was extremely

busy it was a time when we were extremely busy operationally I was spending weeks away on the various catering sites and on the Sondolo Security installation sites. So for me to get into the office to do the research to write up on fencing and especially because I knew nothing about fencing I actually did not enjoy it. I did not want to get involved with it. So they agreed. It was agreed and – but it was told to me that from the management and directorate that I must still keep oversight. They would release me from it but I need to be there for oversight and to make sure that the quality of the product put down at the end of the day was suitable. So from my side I just maintained oversight and then what happened was I then learnt later on that the team that had  
10 been put together which compromised of certain people that had been recently employed from a fleet management company that worked with Transnet I think it was called HAS. So there was a team that we employed from them, put them in there, they then did the tender and the bid submission and it was done in conjunction with various of the representatives from the various other fencing companies. Because remember by now the agreements had been tied up with the various companies to do that.

**ADV PAUL PRETORIUS SC:** So the preparations for the response to the invitation to bid were made in collaboration with various other entities that were to bid separately?

**MR ANGELO AGRIZZI:** That is correct.

**ADV PAUL PRETORIUS SC:** Right and did you see anything in this regard yourself?  
20 You deal with that in paragraph 27.1.3.

**MR ANGELO AGRIZZI:** Interesting. I attended the office and if you know where – if you had been to my office you would know that my office was on the right hand side in the executive block but the executive block does not have nice toilet facilities and I always liked to go through to the main boardroom where I would utilise the facilities there and make myself a coffee and then go back to work. So one evening I was there

working late and I walked through to the boardroom and I saw every single one of the companies as listed there – they were all working on the bid. So in one of the boardrooms everybody was seated around the boardroom and they were busy working on the bid document and the submission of the bid itself. I then raised a concern. Two reasons number 1 is I asked “did you switch off the camera systems?” I remember this vividly and it is not in my statement. But I asked “did you switch off the camera systems? Because if that is happening in the boardroom there was at that stage a camera in the boardroom. I said it is not a good thing to show everybody, everybody sitting around the same table doing figures and I raised this concern with both Danny  
10 Mansell and Mr Watson. But I – like everything else I was always told “do not worry we have it all under control.” Does that answer ...[intervenes].

**CHAIRPERSON:** Were the two also there or they were not at – in that boardroom on that occasion? That is Mr Mansell.

**MR ANGELO AGRIZZI:** They were not in the boardroom. They were not in the boardroom at that stage. They were outside the boardroom. And then they actually came and sat in my office and they were in and out of my office as well.

**CHAIRPERSON:** Did you say this was in the evening?

**MR ANGELO AGRIZZI:** Yes it was one evening at seven o'clock, eight o'clock.

**CHAIRPERSON:** Okay.

20 **ADV PAUL PRETORIUS SC:** Just say again I might have missed it Mr Agrizzi who was in the boardroom at that stage to which you refer?

**MR ANGELO AGRIZZI:** In the boardroom were representatives. I cannot – no I actually can – there were representatives of each of the companies that were part of the bid submission. So it was Phezulu, Gordian, Life Wire. It was Bosasa people who were in there?

**CHAIRPERSON:** Mavundla?

**MR ANGELO AGRIZZI:** Sorry?

**CHAIRPERSON:** Mavundla as well?

**MR ANGELO AGRIZZI:** Mavundla Ironclad and Jaco Pitso's company as well was there.

**ADV PAUL PRETORIUS SC:** And was this ...[intervenes].

**CHAIRPERSON:** I am sorry Mr Pretorius. At that stage what was Beta Fence's roll or had it fallen by the wayside?

**MR ANGELO AGRIZZI:** No Beta Fence was there as well Mr Michael Rondenburg.

10 **CHAIRPERSON:** Oh Beta Fence was there okay.

**MR ANGELO AGRIZZI:** But he was interacting more with Mansell and Watson.

**CHAIRPERSON:** Okay but they were going to be – that is Beta Fence they were also part of the companies that – they were one of the companies that were going to be part of the bid?

**MR ANGELO AGRIZZI:** They were one of the companies' part of the bid but they would not submit a bid.

**CHAIRPERSON:** Ja, ja.

**MR ANGELO AGRIZZI:** Because they were only a manufacturer.

**CHAIRPERSON:** Ja, ja, thank you.

20 **MR ANGELO AGRIZZI:** Correct.

**ADV PAUL PRETORIUS SC:** So present as I understand it were companies that would form part of the Phezulu Fencing bid?

**MR ANGELO AGRIZZI:** That is correct.

**ADV PAUL PRETORIUS SC:** But would also – some of whom would also bid separately?



**MR ANGELO AGRIZZI:** Yes. It had to look authentic Chair.

**CHAIRPERSON:** Which one was that?

**MR ANGELO AGRIZZI:** Some of the other companies would bid separately so they would put in a bid but then they would be told to put in a separate bid in their own companies' name at a different price so that it would not look obvious that it is only Phezulu bidding.

**CHAIRPERSON:** Yes. Those that were going to be sub-contractors I would imagine that Phezulu would disclose them in their bid to say in order to be able to execute this project properly and efficiently we will use the following companies as sub-contractors.

10 So my question is, was your understanding that their role as sub-contractors was going to be made known to Correctional Services and to whoever in terms of it being public?

**MR ANGELO AGRIZZI:** Chair I cannot recall that.

**CHAIRPERSON:** You cannot recall that?

**MR ANGELO AGRIZZI:** I cannot recall it at all sorry.

**CHAIRPERSON:** Ja, ja okay but is my understanding correct that normally if you bid for a tender you would normally disclose whoever you will use as a sub-contractor or is that only sometimes?

**MR ANGELO AGRIZZI:** It is only in the times of bonafide tenders and bids. This was caucused. This was corrupt. They did not have to follow any rules really. It just  
20 needed to appear real.

**CHAIRPERSON:** Well I thought that Phezulu being the ones that would put in the bid may have wanted to be able to answer certain questions. Maybe they might not have bothered about them being asked any questions in the circumstances like do you have capacity to do A,B,C,D if so how do you show us you have got the capacity? So if they are going to sub-contract they then say we ourselves do not have that capacity but we

are bringing on board a sub-contractor which has that capacity so if you give us the tender we will be fine. I thought that then the whole scheme might still have contemplated that sub-contractors would be made public on that understanding but you are not sure?

**MR ANGELO AGRIZZI:** It was not normal.

**CHAIRPERSON:** Ja, okay, alright.

**ADV PAUL PRETORIUS SC:** Before we move on to the next phase of your evidence in regard to the fencing tender let us just summarise. At the beginning of the process you have told the Chair that Bosasa had no capacity to provide high security fencing?

10 **MR ANGELO AGRIZZI:** That is correct we would never.

**ADV PAUL PRETORIUS SC:** Certainly on the scale that was contemplated at the time?

**MR ANGELO AGRIZZI:** Correct.

**CHAIRPERSON:** Not just a lack of capacity actually lack of experience as well in this kind of job?

**MR ANGELO AGRIZZI:** You are hundred percent right Chair and I will substantiate that by saying they had asked me to put up a test panel and it was a flop. We could not even do ten meters of it, it was an absolute flop. I had a maintenance guy by the name of Hennie Viljoen who is mentioned in the statement try and put it up it was a gemors of  
20 note.

**CHAIRPERSON:** Yes.

**ADV PAUL PRETORIUS SC:** You then described to the Chair an elaborate and detailed set of corporate arrangements in order to build capacity?

**MR ANGELO AGRIZZI:** Yes.

**ADV PAUL PRETORIUS SC:** And you have also told the Chair that there were persons

who attended at sites to measure and calculate what would be required in relation to fencing quantity and perhaps quality as well?

**MR ANGELO AGRIZZI:** That is correct Chair.

**ADV PAUL PRETORIUS SC:** My question is simply, over what period of time did this take place?

**MR ANGELO AGRIZZI:** As I indicated earlier I mean just look at the number of sites and times it by the days at minimum two, three months before a tender even was promulgated.

10 **ADV PAUL PRETORIUS SC:** Right and this was all before the tender was promulgated?

**MR ANGELO AGRIZZI:** Far before.

**ADV PAUL PRETORIUS SC:** Alright.

**MR ANGELO AGRIZZI:** Correct.

**ADV PAUL PRETORIUS SC:** Perhaps after the break we will explain the relevance of that to the Chair. May we take the short adjournment?

**CHAIRPERSON:** Yes thank you we will take the tea adjournment and we will resume at half past eleven. We adjourn.

**MEETING ADJOURNS**

**MEETING RESUMES**

20 **CHAIRPERSON:** Yes Mr Pretorius.

**ADV PAUL PRETORIUS SC:** Thank you Chair. You have told the Chair of the history of the preparations made in relation to the Correctional Services contract for security fencing?

**MR ANGELO AGRIZZI:** Yes Chair.

**ADV PAUL PRETORIUS SC:** And what you have told the Chair that took place over

several months was all before the fencing tender was eventually advertised? When was ...[intervenes].

**MR ANGELO AGRIZZI**: That is – that is correct Chair.

**ADV PAUL PRETORIUS SC**: When was the fencing tender advertised? You deal with that in paragraph 27.14.

**MR ANGELO AGRIZZI**: I am just trying to find my space Chair. 25, 26, 27.14. Sorry Chair I am taking my time.

**CHAIRPERSON**: No that is fine.

**MR ANGELO AGRIZZI**: Chair if I can just mention I remember the other company now  
10 Mr Jaco Pitso's company.

**CHAIRPERSON**: Yes.

**MR ANGELO AGRIZZI**: It seems to be jogging my memory.

**CHAIRPERSON**: Yes.

**MR ANGELO AGRIZZI**: Just for the record it was called Siyaya Fencing.

**CHAIRPERSON**: Siyaya Fencing?

**MR ANGELO AGRIZZI**: Correct.

**CHAIRPERSON**: Okay that would be S-i-y-a-y-a Fencing?

**MR ANGELO AGRIZZI**: Correct.

**CHAIRPERSON**: Thank you.

20 **ADV PAUL PRETORIUS SC**: Right when was the fencing tender advertised?

**MR ANGELO AGRIZZI**: Well the fencing tender was advertised on the 14 November 2005.

**ADV PAUL PRETORIUS SC**: Sorry just check that date please.

**MR ANGELO AGRIZZI**: 27.14?

**ADV PAUL PRETORIUS SC**: Yes.

**MR ANGELO AGRIZZI:** 14 October 2005 it was advertised.

**ADV PAUL PRETORIUS SC:** Right by whom?

**MR ANGELO AGRIZZI:** By the Department of Correctional Services.

**ADV PAUL PRETORIUS SC:** Was the contract eventually awarded?

**MR ANGELO AGRIZZI:** Chair the contract was awarded to Phezulu on the 29 November 2005.

**ADV PAUL PRETORIUS SC:** That is roughly six weeks after the fencing tender was first advertised?

**MR ANGELO AGRIZZI:** Correct.

- 10 **ADV PAUL PRETORIUS SC:** So advertised 14 October, awarded six weeks later. How long would each bidder have to prepare documents and submit?

**MR ANGELO AGRIZZI:** Depends Chair if they would have to visit the sites. Because when the tender is advertised they normally have a site briefing session that takes a day. Then normally what happens is the bidders would have to go to site and understand the site itself, the 47 sites. Now with the electronic GPS theodolite you can do it in maybe 47 days. If you do not have a GPS theodolite it is going to take you pretty much longer. So they were given six weeks to do it. I can tell you now it was virtually impossible for anybody to put in a bid that was of substantial value like this in that period of time.

- 20 **CHAIRPERSON:** Your – the bid documents the information that any company that wanted to bid for this tender would have had to include information about all of these sites?

**MR ANGELO AGRIZZI:** That is correct.

**CHAIRPERSON:** And would that be information that would be difficult to get unless you visited the sites or is it information that could be obtained by use of technology in one way or another?

**MR ANGELO AGRIZZI:** The only technology that could have perhaps been used was the theodolite. I do not think Google Maps was really working well at that stage so in today's time you could perhaps do it with Google Maps.

**CHAIRPERSON:** Yes.

**MR ANGELO AGRIZZI:** But that would still be a stretch.

**CHAIRPERSON:** But that was 2005?

10 **MR ANGELO AGRIZZI:** That was 2005 there was no Google Maps then.

**CHAIRPERSON:** So whereas Bosasa we know that on paper their name was not going to appear in regard to this tender?

**MR ANGELO AGRIZZI:** Correct.

**CHAIRPERSON:** But in effect Bosasa and that was – that may have been intended – maybe I should say was on your evidence intended by certain individuals within Correctional Services to ultimately effectively benefit from this? There Bosasa was given a number of months before even the tender was advertised or the bid – or bids were invited?

**MR ANGELO AGRIZZI:** Chair that is correct.

20 **CHAIRPERSON:** Yes and then anyone else would have had – or had only about six weeks to submit their bid, is that right?

**MR ANGELO AGRIZZI:** That is correct.

**CHAIRPERSON:** Ja thank you. Do you know or do you not know whether this short period that was given to everyone else was deliberately intended to minimise the chances of anybody else putting up any tender that would really compete with

effectively Bosasa's tender although in the name of Phezulu? Or was this the period that was normal to be given for tenders?

**MR ANGELO AGRIZZI:** Chair it was not the normal period because everybody knew that this was very tight timing. They could have given them – there are some tenders out at the moment I am busy working on one where you have a three month's response time. This was specifically made six weeks. Not the normal thirty days but six weeks to say no but we have made it longer than normal.

**CHAIRPERSON:** But with special reference to Correctional Services are you able to say what the normal period they normally allowed to bidders to put in their bids in  
10 regard to other tenders at that time?

**MR ANGELO AGRIZZI:** At that time I do not want to speculate Chair but let me give you an example. The PPP's we had up to a year to put in a bid document. On the catering tender I think it was thirty days on the one. On another one there was sixty days so it varies from each one.

**CHAIRPERSON:** Ja okay.

**MR ANGELO AGRIZZI:** You can see in this one there was specifically the time was limited for a reason.

**CHAIRPERSON:** Okay thank you.

**ADV PAUL PRETORIUS SC:** You refer to the PPP's what were those?

20 **MR ANGELO AGRIZZI:** Those are Public Private Partnerships. I headed up a consortium to submit tenders for the building of the private prisons previously that was cancelled.

**ADV PAUL PRETORIUS SC:** Let us just go back to this six week time period. One does not have to go into too much detail in relation to the tender process but a invitation to bid would be advertised?

**MR ANGELO AGRIZZI:** That is correct.

**ADV PAUL PRETORIUS SC:** Which you say happened on the 14 October 2005?

**MR ANGELO AGRIZZI:** That is correct Chair.

**ADV PAUL PRETORIUS SC:** There would then as you have already mentioned be a process of interaction between the various bidders and the Correctional Services?

**MR ANGELO AGRIZZI:** That is correct.

**ADV PAUL PRETORIUS SC:** There would then be the submission of the bid?

**MR ANGELO AGRIZZI:** That is correct.

**ADV PAUL PRETORIUS SC:** And then the bid would still have to be evaluated?

10 **MR ANGELO AGRIZZI:** That is correct.

**ADV PAUL PRETORIUS SC:** Go through several committees and finally be awarded?

**MR ANGELO AGRIZZI:** That is correct Chair.

**ADV PAUL PRETORIUS SC:** So given the process that normally takes place in relation to tenders that six week period from advertisement to award is not the period for the submission of the tender or the response to the bid – invitation to bid?

**MR ANGELO AGRIZZI:** Correct it is actually...

**ADV PAUL PRETORIUS SC:** That is a lesser period than six weeks.

**MR ANGELO AGRIZZI:** Chair he is actually correct.

20 **CHAIRPERSON:** And what was the period for the submission of the – of the bids from the time of advertising or inviting bids?

**MR ANGELO AGRIZZI:** Chair I do not have that information available. I was not intricately involved with this bid.

**CHAIRPERSON:** Oh okay.

**MR ANGELO AGRIZZI:** But what Advocate Pretorius just mentioned is a hundred percent correct. There were four weeks literally left.



**CHAIRPERSON:** Yes.

**MR ANGELO AGRIZZI:** They must have used the minimum time. So it was not six weeks it was four weeks.

**CHAIRPERSON:** Yes. Okay alright thank you. And then of course if it is four weeks – if it was four weeks then on your evidence there is simply objectively speaking no way that any bidder would have been able you say to visit all these 47 sites?

**MR ANGELO AGRIZZI:** Impossible.

**CHAIRPERSON:** Ja.

**MR ANGELO AGRIZZI:** Thank you Chair.

10 **CHAIRPERSON:** And it is not as if Correctional Services would not have appreciated this, is that so?

**MR ANGELO AGRIZZI:** Correct Chair.

**CHAIRPERSON:** Thank you.

**ADV PAUL PRETORIUS SC:** And the value of this contract was what?

**MR ANGELO AGRIZZI:** It was R486 937 910,00.

**ADV PAUL PRETORIUS SC:** Half a billion rand?

**MR ANGELO AGRIZZI:** Well that was not the total value. Eventually it – I mean it grew and grew and grew. I cannot recall but that half a billion rand that is correct.

20 **CHAIRPERSON:** That – was that half a – more or less half a billion was that the value that was known to everybody at the time of bidding?

**MR ANGELO AGRIZZI:** That was the submission value.

**CHAIRPERSON:** Ja okay.

**MR ANGELO AGRIZZI:** You will recall earlier I also eluded to the fact that there is like with the other tender, with the catering tender I was not involved with the pricing of this one but basically you know there is ways and means that you get variation orders and

you grow the tender. And I cannot recall who the accountant was at that stage but he was – I remember they – a bright person but they manipulated figures as well if I recall correctly and I actually caught them out at one stage. I will recall the name later on.

**CHAIRPERSON:** Thank you.

**ADV PAUL PRETORIUS SC:** You say in paragraph 27.15 that this project ran its course but there was a further contract awarded. Tell the Chair about that please?

**MR ANGELO AGRIZZI:** Well there was a maintenance contract. So after you have implemented the fence you need a maintenance contract. Like when you implement CCTV you need a security guard, control room contract. So there was a maintenance  
10 contract which was supposed to run I think it was for three years thereafter and it was billed separately.

**ADV PAUL PRETORIUS SC:** And to whom was that contract awarded?

**MR ANGELO AGRIZZI:** It was internally awarded from Phezulu to Sondolo IT.

**ADV PAUL PRETORIUS SC:** Did this contract award go through a tender process?

**MR ANGELO AGRIZZI:** No.

**ADV PAUL PRETORIUS SC:** Were you involved in the execution of the contract after it had been awarded to Phezulu Fencing PTY LTD?

**MR ANGELO AGRIZZI:** Chair I would – I would give oversight when I had to but it was not – I was not interested in it, I really was not.

20 **ADV PAUL PRETORIUS SC:** Right did you have anything to do with Beta Fence PTY LTD?

**MR ANGELO AGRIZZI:** Yes unfortunately I would have to attend on behalf of the BEE shareholders. I would have to go to meetings occasionally I would take one or two of the directors with me so that we appeared as a company to be BEE.

**ADV PAUL PRETORIUS SC:** Right and did you have anything to do with dividends

arising out of the finances of Beta Fence PTY LTD?

**MR ANGELO AGRIZZI:** Yes I did.

**ADV PAUL PRETORIUS SC:** What role did you play there?

**MR ANGELO AGRIZZI:** Chair when you have a shareholder and they are entitled to dividends the dividends are normally paid into the bank account. Correct. The problem comes in when you have played games with the dividends – with the shareholding and where does the shareholding now – the dividends now get paid to because you talking considerable amounts of money? So the instruction to me was to instruct the attorney that the dividends for – that would come to Bopa and Phofoga would basically be paid

10 into the trust account of the attorneys which is Mr Brian Biebuyck.

**ADV PAUL PRETORIUS SC:** Well he might have held that trust account on behalf of the shareholders?

**MR ANGELO AGRIZZI:** Well that is – no that is not true Chair.

**ADV PAUL PRETORIUS SC:** And we know that the two trusts were 26 % shareholders of Beta Fence at that time?

**MR ANGELO AGRIZZI:** That is correct.

**ADV PAUL PRETORIUS SC:** And did it eventually transpire that the shares of Phezulu Fencing PTY LTD were transferred after the contract had now been awarded by Correctional Services into the names of the trusts Bopa and Phofoga?

20 **MR ANGELO AGRIZZI:** That is correct Tony Perry was the company secretary at the time and he arranged that.

**ADV PAUL PRETORIUS SC:** Alright. So Phezulu Fencing is awarded the contract and in terms of a prior arrangement Bosasa in its most general sense takes control and ownership of Phezulu Fencing?

**MR ANGELO AGRIZZI:** Well in terms – that is correct to put it that way.

**CHAIRPERSON:** Do you – do you know who were the trustees in the two trusts that you have told about?

**MR ANGELO AGRIZZI:** Chair I cannot give you the trustee's names I am sure they are on record.

**CHAIRPERSON:** But you know some of them? Would you not – was Mr Gavin Watson not one of the trustees or not really?

**MR ANGELO AGRIZZI:** No I – Chair what I can tell you is there is normally about ten people that sits on various boards and that would have been one of those people because they get swopped around a lot.

10 **CHAIRPERSON:** Yes.

**MR ANGELO AGRIZZI:** So it suited them they would move around and this month it would be Joe Gumede next month it will be Carol Makele the month after that it would be Muneride or Livera and it would change so I cannot remember.

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

**MR ANGELO AGRIZZI:** Exactly and unfortunately Chair I do not have documents available I rely on what I have got.

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

20 **ADV PAUL PRETORIUS SC:** Well on paper we have as the real beneficiaries of the Correctional Services Fencing contract Phezulu Fencing and its shareholders, Bopa and Phafoga Trusts.

**MR ANGELO AGRIZZI:** Correct.

**ADV PAUL PRETORIUS SC:** From your own knowledge who was the real beneficiary of the contract?

**MR ANGELO AGRIZZI:** Well Gavin Watson and his family ultimately that is how it worked.

**ADV PAUL PRETORIUS SC:** Let us move on then to page 57 and paragraph 28 of your statement. You speak there of a meeting with Mr Gillingham in late 2005?

**MR ANGELO AGRIZZI:** That is right.

**ADV PAUL PRETORIUS SC:** What happened there? We are now dealing with a new contract?

**MR ANGELO AGRIZZI:** Chair, what happened was, it was in 2005 I was at the office and I bumped into Mr Gillingham for about the fourth time and Day Masso[?] was with him as a matter of fact and we were having a five minute informal discussion and one of the things that he raised was that the televisions were problematic in correctional  
10 facilities, because offenders are not there, because they are stupid, and they are there because they are very clever. So they would get TV agreements with these Early Bird and those high ring companies, who would put a TV in their cell and they just do not pay.

It is very difficult for someone to come and fetch it, but there were major issues with TV's and TV programmes that were watched at night and that was basically what he discussed with us and he said can I design a system where you have a centrally distributed TV management program that – let me try and explain that.

So in other words, what would happen is, they wanted a system where each cell, right around the country had a TV screen that would be able to be programmed so  
20 that you could decide as the head of prison what they would watch, what volume you would set it and what would be distributed to that television. They wanted it a bit further, take it a step further to network all of these together and create a system whereby, for instance if the Minister who at that stage would want to speak to every offender, he could stand in one place and we would be able to stream over IP nationally.

So I designed a system like that for them.

**CHAIRPERSON:** You designed it?

**MR ANGELO AGRIZZI:** Well together with assistance yes.

**CHAIRPERSON:** Yes, okay.

**MR ANGELO AGRIZZI:** But the, can I continue?

**CHAIRPERSON:** Yes.

**ADV PAUL PRETORIUS SC:** Just deal with the rating requirement please?

**MR ANGELO AGRIZZI:** Okay, so the rating of the system would have to be an IP65 which is Ingress Protection 65, which means that the unit had to be waterproof and  
10 vandal resistant, so it was a unit that we needed to make sure that nobody could break it, nobody could tamper with it and nobody could splash water on it, because it will become very expensive to repair.

Can I continue?

**ADV PAUL PRETORIUS SC:** Yes, and would you just tell the, Chair, when you continue how it came about that you received instructions to design this system?

**MR ANGELO AGRIZZI:** Well Mansell and Gavin Watson indicated to me that that department, because obviously they were talking a lot with Richmond Mti who was the Commissioner, Patrick Gillingham who was then made the CFO. So they said that Correctional Services had surplus funds in their budget and they needed to use it  
20 quickly and the problem with that is, if they do not use their funding, this is what I was told, it goes back to Treasury and it goes back into the big pot and somebody else will get to it.

So what needed to happen was, they said to me I need to go ahead with the design of the television system and I must make sure that it has to incorporate a network that is interfaced, because in the future we can use that network. So set up

the infrastructure, the network infrastructure there and later on you can use that network infrastructure to – that you put in, to transmit the data on TV, which you can then use where you can at a later stage, you can then sell, on sell extra products that you cannot – sorry, to the system. Sorry, I am born in South Africa, but I talk with my hands. So unless I sit on my hands. Sorry, Chair.

So they wanted a network in there so that you could then plug in other value adds for instance, cell phone detection. One of them was video, thermal imaging, because sodomy was a major problem. We have been experiencing the same problem at the youth centres and you are allowed to, according to our law you are not allowed to  
10 put cameras where people change or sleep, but you may put thermal imaging in, because you are not getting a clear picture, you are getting thermal imaging pictures. So that was one of the future plans as well.

So the whole idea was to create this network using the TV camera systems and create it so that we could plug in other internet protocol devices. Does that answer the question sir?

**ADV PAUL PRETORIUS SC:** Yes, thank you. Were there talks at the time about computerising the offender management system?

**MR ANGELO AGRIZZI:** Correct, at that stage as well one of the biggest problems in, because we were working daily with Correctional Services, we understood their issues.  
20 One of the things that they had, needed, was an integrated computerised offender management system. So we were given the documents to design a system on what basis, on all the Correctional Services forms. I think Gillingham actually spent time with some of our people in the IT division, actually designing a system.

I do not know if it has been implemented yet, but it was a fully encompassing system that designed from the offenders court appearances right the way through to

what to do with his body if he needed to be buried or repatriated.

**ADV PAUL PRETORIUS SC:** Alright. You have told the, Chair, that you, in conjunction with others did in fact design such a system?

**MR ANGELO AGRIZZI:** That is correct.

**ADV PAUL PRETORIUS SC:** Your design I presume was incorporated in a single document?

**MR ANGELO AGRIZZI:** That is correct.

**ADV PAUL PRETORIUS SC:** What did you do with that document?

**MR ANGELO AGRIZZI:** That document was given to Danny Mansell and was –  
10 became part of a tender specification.

**ADV PAUL PRETORIUS SC:** Was it given to anyone else?

**MR ANGELO AGRIZZI:** It was, if I remember correctly, sorry I just want to catch up with my notes, you are going a bit fast.

**ADV PAUL PRETORIUS SC:** Paragraph 28.3?

**MR ANGELO AGRIZZI:** Sorry, it was given – after the design was done it was given to Mansell and to Gillingham, the same process, but by then they had realised that I knew about it, so I would put it on a disc and just hand it over to them.

**ADV PAUL PRETORIUS SC:** Did you then receive an instruction from Gavin Watson?

**MR ANGELO AGRIZZI:** Yes.

20 **ADV PAUL PRETORIUS SC:** What was that instruction?

**MR ANGELO AGRIZZI:** Well the instruction was that the specifications I had to draw up the actual nitty gritty specifications and the diagrams and the component level diagrams for the tender specification. So I asked one of the manufacturers who is actually innocent in this, but I asked them to assist me in drafting the actual – because they are diagrams, they are plans, that type of thing, and that was Elandre Fourie from



Pinnacle Micro at that stage.

**ADV PAUL PRETORIUS SC:** Alright.

**CHAIRPERSON:** You told us earlier on when we were dealing with the fencing...[intervenes]

**MR ANGELO AGRIZZI:** Yes, Chair?

**CHAIRPERSON:** Projects that at that time the National Commissioner of the Department of Correctional Services was Mr Richmond Mti, is that right?

**MR ANGELO AGRIZZI:** That is correct sir.

**CHAIRPERSON:** When this one was happening that you are now testifying about was  
10 he still the National Commissioner of Correctional Services?

**MR ANGELO AGRIZZI:** That is correct sir.

**CHAIRPERSON:** Thank you.

**ADV PAUL PRETORIUS SC:** Now what you have related to the, Chair, in relation to the discussions that took place involving amongst others Mr Gillingham in regard to the design of a system?

**MR ANGELO AGRIZZI:** Yes sir.

**ADV PAUL PRETORIUS SC:** Which you have described and in regard to a preparation of a specifications document, when all this occurred had an invitation to bid been advertised?

20 **MR ANGELO AGRIZZI:** The invitation to bid was only advertised after the planning had gone into it, but ...[indistinct] to the fencing won the bid. Document was only issued out, advertised on 14 October 2005.

**ADV PAUL PRETORIUS SC:** And at that time everything that you have narrated to the, Chair, about this contract had already taken place?

**MR ANGELO AGRIZZI:** That is correct.

**ADV PAUL PRETORIUS SC:** Did you receive an instruction to respond to the invitation to bid?

**MR ANGELO AGRIZZI:** Everything I did was based on instruction, Chair, that is correct.

**ADV PAUL PRETORIUS SC:** And did a Bosasa company respond to the invitation?

**MR ANGELO AGRIZZI:** No, it was done through Sondolo IT which was a recently established company that was set up.

**ADV PAUL PRETORIUS SC:** Now when you say Bosasa did not and Sondolo IT did, you already told the, Chair, about Sondolo IT, but let us just remind him. Did Sondolo It  
10 have any relationship with Bosasa?

**MR ANGELO AGRIZZI:** It is one and the same, Chair. The easiest way for me to explain it, Chair, is to say that every single company in the group has one bank account and that is a singular bank account. So it all filters from all this, filters into one central bank account.

**ADV PAUL PRETORIUS SC:** So Sondolo IT Pty Ltd was part of the Bosasa stable?

**MR ANGELO AGRIZZI:** That is correct.

**ADV PAUL PRETORIUS SC:** Alright. Did you know when you received the instruction from Gavin Watson what the likelihood was of Sondolo IT being awarded the contract?

**MR ANGELO AGRIZZI:** It was a given.

20 **ADV PAUL PRETORIUS SC:** Alright, how do you know that?

**MR ANGELO AGRIZZI:** Because it was prepped before the time, it was – everybody knew that this was going to happen. You know the famous words were do not worry about it my mate, I have got it under control we will get it. That is how it went.

**ADV PAUL PRETORIUS SC:** And was Sondolo IT Pty Ltd ultimately awarded the contract?

**MR ANGELO AGRIZZI**: On 3 March 2006.

**ADV PAUL PRETORIUS SC**: That is about five months in this case after the advertisement of the invitation to bid.

**MR ANGELO AGRIZZI**: Correct.

**ADV PAUL PRETORIUS SC**: Alright.

**CHAIRPERSON**: Let me just go back a bit to the issue of one account. As I understand you, you were saying there may have been a number of companies under Bosasa, but they shared one account, bank account, is that right?

**MR ANGELO AGRIZZI**: Correct, Chair.

10 **CHAIRPERSON**: That bank account who was the holder of that account, or which company has its name on that account?

**MR ANGELO AGRIZZI**: If I recall correctly and I am sure I am right it was Bosasa Operations Pty Limited. I never had access to that account, but I recall that was the account.

**CHAIRPERSON**: Okay, thank you.

**ADV PAUL PRETORIUS SC**: The initial contract value of the contract in relation to the television services, what was that value?

**MR ANGELO AGRIZZI**: It was R224 364 480.

**ADV PAUL PRETORIUS SC**: Alright. Was that the annual amount or is that the total  
20 amount certainly at that stage?

**MR ANGELO AGRIZZI**: That was as I mentioned earlier, Chair, where it all started. It then needed to grow.

**ADV PAUL PRETORIUS SC**: Alright, let us move on then to a different topic. You deal with in paragraph 29 of your affidavit and it concerns Mr Mti and what occurred during 2006, would you tell the, Chair, please of what happened?

**MR ANGELO AGRIZZI**: Well in 2006 I remember it was actually very comical, because poor Tony Perry had to subject himself to prayer meetings every morning and he did not enjoy it and he would complain excessively, but he was asked by Gavin Watson to register Mti's company called Leonora Investments. Leonora is basically Richmond Mti's mother's or late mom's name, but I remember it vividly, because of the fact that poor Tony Perry was an elderly man would have to come in and get on his knees and he complained that his knees would get very sore in the prayer meeting.

**ADV PAUL PRETORIUS SC**: Tony Perry was the company secretary?

**MR ANGELO AGRIZZI**: That is correct.

10 **ADV PAUL PRETORIUS SC**: Do you know why the company was to be registered?

**MR ANGELO AGRIZZI**: I do not know why.

**ADV PAUL PRETORIUS SC**: Alright. Alright, and then you deal in paragraph 29.2 with events that took place during July 2007 in relation to the catering tender.

**MR ANGELO AGRIZZI**: Correct.

**ADV PAUL PRETORIUS SC**: Is that the catering tender of which we have spoken?

**MR ANGELO AGRIZZI**: Correct.

**ADV PAUL PRETORIUS SC**: What happened?

20 **MR ANGELO AGRIZZI**: Well the catering tender, the one that started in July – during July 2007, the catering tender was extended for a further year, as it was about to expire in September of 2007, so it was then also then further extended by another six months. The person that ensured that it got extended was a lady by the name of Nontsikelelo Jolingana and she was the acting head at that stage of the bid adjudication committee of DCS.

**ADV PAUL PRETORIUS SC**: That name Nontsikelelo would you spell it please?

**MR ANGELO AGRIZZI**: Nontsikelo[spelt].

**ADV PAUL PRETORIUS SC:** Jolingana.

**MR ANGELO AGRIZZI:** That is correct.

**ADV PAUL PRETORIUS SC:** Do you know which position she held?

**CHAIRPERSON:** Sorry, I thought you were spelling Nontsikelelo?

**MR ANGELO AGRIZZI:** Nontsikelelo.

**CHAIRPERSON:** Oh, the name is here, I am sorry I did not see that. Nontsikelelo. It is in 29.2.

**MR ANGELO AGRIZZI:** Correct.

**ADV PAUL PRETORIUS SC:** Are you sure of that spelling?

10 **MR ANGELO AGRIZZI:** I am not sure of the spelling.

**ADV PAUL PRETORIUS SC:** I am instructed that you may be correct, Chair, it may be Nontsikelelo.

**CHAIRPERSON:** It may be Nontsikelelo that is a normal name rather than Nontsikelo.

**ADV PAUL PRETORIUS SC:** We will check that.

**MR ANGELO AGRIZZI:** My apologies if the name is incorrect.

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

**MR ANGELO AGRIZZI:** But I actually you know when one starts to read through this, Chair, sorry...[intervenes]

**CHAIRPERSON:** Yes?

20 **MR ANGELO AGRIZZI:** One starts to remember things and it reminds you.

**CHAIRPERSON:** Yes?

**MR ANGELO AGRIZZI:** I actually recall in the meeting when this was extended that there was an objection at the time from the Jennie Schreiner and there was another person that objected and there was a big feral about this. So perhaps, I do not know if the investigation team just wants to check up, there are minutes to that.

**ADV PAUL PRETORIUS SC:** Let us just deal with that in a little more detail then. You say there was an objection from amongst others Jennie Schreiner?

**MR ANGELO AGRIZZI:** Yes.

**ADV PAUL PRETORIUS SC:** What position did she hold at the time?

**MR ANGELO AGRIZZI:** She was at a senior level, I do not know exactly what position she held, but I do recall getting a call saying that this whole thing is not going down very well with everybody to have the extension and they should have put it out on tender, which is correct.

**CHAIRPERSON:** Was she within Bosasa or from within Correctional Services?

10 **MR ANGELO AGRIZZI:** No, she was in Correctional Services. Sorry, it just jogged my memory now.

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

**MR ANGELO AGRIZZI:** But she assisted, well not assisted, she was against going against the protocol that should have been followed.

**CHAIRPERSON:** Yes.

**MR ANGELO AGRIZZI:** So I recall that. Sorry.

**CHAIRPERSON:** But she was raising that objection in a meeting?

**MR ANGELO AGRIZZI:** Yes.

**CHAIRPERSON:** In a meeting?

20 **MR ANGELO AGRIZZI:** Yes, it was in the actual meeting.

**ADV PAUL PRETORIUS SC:** Let us just clarify your evidence then in that regard, because we do not want to get it wrong. You have not mentioned Ms Schreiner's name before. You say, if I heard you correctly she was against the protocol that should have been implemented?

**MR ANGELO AGRIZZI:** Correct.

**ADV PAUL PRETORIUS SC:** And then you say she objected to the improper extension of the contract. Please clarify?

**MR ANGELO AGRIZZI:** She was not happy that the contract would be extended like this. It needed to go out to tender again.

**ADV PAUL PRETORIUS SC:** Alright.

**MR ANGELO AGRIZZI:** I remember that.

**ADV PAUL PRETORIUS SC:** So the two extensions that you have referred to in paragraph 29.2?

**MR ANGELO AGRIZZI:** Yes.

10 **ADV PAUL PRETORIUS SC:** I understand your evidence to be these extensions should have gone out for further tender?

**MR ANGELO AGRIZZI:** That is correct, Chair.

**ADV PAUL PRETORIUS SC:** They did not and the contract was merely extended for the benefit of the Bosasa stable?

**MR ANGELO AGRIZZI:** Chair, that is correct. I do not want to confuse issues by just giving this information right now, but it came to my memory and I thought let me just give it to you so that you can – the team can collaborate that what we are putting before you is the truth.

**ADV PAUL PRETORIUS SC:** No, that is in order.

20 **CHAIRPERSON:** Now, I am sorry Mr Pretorius. So are you saying that the decision to extend that contract was taken in a meeting and you must – can you just say who was at that meeting if you are able to remember?

**MR ANGELO AGRIZZI:** Chair, ...[intervenes]

**CHAIRPERSON:** Or at least some of the people?

**MR ANGELO AGRIZZI:** Chair, there were two/three – there were two people at the

meeting that I know of.

**CHAIRPERSON:** *Ja.*

**MR ANGELO AGRIZZI:** And then the other members of the bid adjudication committee would have been there, but the record is there. We can pull the record.

**CHAIRPERSON:** Oh, okay.

**MR ANGELO AGRIZZI:** And we can verify it.

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

**ADV PAUL PRETORIUS SC:** And you say that at that meeting, well there must have been more than one meeting, because the contract was extended twice?

10 **MR ANGELO AGRIZZI:** Correct.

**ADV PAUL PRETORIUS SC:** But at one meeting several members of the Correctional Services bid adjudication committee were present?

**MR ANGELO AGRIZZI:** That is correct.

**ADV PAUL PRETORIUS SC:** And indeed the contract was extended on two occasions?

**MR ANGELO AGRIZZI:** Correct.

**ADV PAUL PRETORIUS SC:** First for a year and then for a further six months?

**MR ANGELO AGRIZZI:** That is correct.

20 **ADV PAUL PRETORIUS SC:** And that at some stage during that whole process an objection was lodged by Ms Schreiner?

**MR ANGELO AGRIZZI:** The objection was lodged for the record on the first extension which was a year extension.

**ADV PAUL PRETORIUS SC:** Alright.

**CHAIRPERSON:** But you might need just to be careful with the word lodged, because Mr Pretorius had just used the word lodged in his question. You had simply said that



she objected now?

**MR ANGELO AGRIZZI**: Yes.

**CHAIRPERSON**: Now if you talk about lodging that implies there was a document containing the objection, is that what happened?

**MR ANGELO AGRIZZI**: I do not know about that. I know that she raised an objection.

**CHAIRPERSON**: She raised an objection?

**MR ANGELO AGRIZZI**: Yes, and I think let us stick to that.

**CHAIRPERSON**: Yes, okay.

**ADV PAUL PRETORIUS SC**: But this matter was investigated.

10 **CHAIRPERSON**: Yes.

**ADV PAUL PRETORIUS SC**: But...[intervenes]

**CHAIRPERSON**: You base it on knowledge?

**ADV PAUL PRETORIUS SC**: I understand the point you are making.

**CHAIRPERSON**: Yes, on knowledge that you have. Okay, alright, yes?

**ADV PAUL PRETORIUS SC**: I am not sure, I must stress it.

**CHAIRPERSON**: Okay, but at least as far as Mr Agrizzi is concerned Ms Schreiner raised an objection.

**ADV PAUL PRETORIUS SC**: Correct.

**CHAIRPERSON**: In what form might be another issue.

20 **ADV PAUL PRETORIUS SC**: Yes, let us ignore the word that I used, Chair.

**CHAIRPERSON**: Yes, okay.

**ADV PAUL PRETORIUS SC**: Did Mr Mti eventually resign as Commissioner of Correctional Services?

**MR ANGELO AGRIZZI**: That is correct.

**ADV PAUL PRETORIUS SC**: Do you know when that occurred?

**MR ANGELO AGRIZZI**: I think, Chair, that was in November 2006.

**ADV PAUL PRETORIUS SC**: Alright. Until then had you had any direct contact with Mr Mti?

**MR ANGELO AGRIZZI**: No, I had not.

**ADV PAUL PRETORIUS SC**: Did you have any indirect dealings with him?

**MR ANGELO AGRIZZI**: I just assisted with things that I was told to do by Mr Watson, assistance in terms of documents or if he needed some information or research done I would do it for him.

**ADV PAUL PRETORIUS SC**: Alright. Now you have told the, Chair, that  
10 from...[intervenes]

**CHAIRPERSON**: Okay, I am sorry Mr Pretorius. I am just looking at 29.5 with regard to Mr Mti's resignation and what you said. You have just told us that he resigned you think around November 2006. The first line of sentence of 29.5 says after Mti's resignation, during approximately 2007, I met Mti. So the one idea that came to my mind is that the approximately 2007 related to the resignation, but it is possible that you – it is there to say when you met Mti for the second time?

**MR ANGELO AGRIZZI**: Yes, so it is November 2006 and then in 2007 of the new year that is when I met him.

**CHAIRPERSON**: That was the second meeting.

20 **MR ANGELO AGRIZZI**: So what I mean by that is during approximately 2007 it was the second meeting.

**CHAIRPERSON**: But what I am saying is that period that you are talking about?

**MR ANGELO AGRIZZI**: Yes.

**CHAIRPERSON**: Approximately 2007 does not relate to the resignation?

**MR ANGELO AGRIZZI**: No.

**CHAIRPERSON:** It relates to your second meeting with Mr Mti?

**MR ANGELO AGRIZZI:** Correct.

**CHAIRPERSON:** Okay, alright.

**MR ANGELO AGRIZZI:** Yes, so it should have read after 2006 during 2007, that is what it should say.

**CHAIRPERSON:** Okay, okay.

**ADV PAUL PRETORIUS SC:** Let us go back one paragraph, we have not dealt with that. You have told the, Chair, that from time to time there would be negative publicity concerning Bosasa and its activities and in particular its relationship with government departments?  
10

**MR ANGELO AGRIZZI:** That is correct, Chair.

**ADV PAUL PRETORIUS SC:** Do you recall more or less when the first media publication of this nature occurred?

**MR ANGELO AGRIZZI:** It happened in about 2005, Chair. That is where it really started and it was predominantly the Beeld and Die Burger, it was Karien du Plessis and Adriaan Basson and it is marked in my bundle as Annexure K.

**ADV PAUL PRETORIUS SC:** Yes, let us go then to page 345 of the bundle. At page 346 there is a collation on that page through to page 348 of the content of various press articles.

20 **MR ANGELO AGRIZZI:** That is correct.

**ADV PAUL PRETORIUS SC:** And if one took time to read them they are revelations in the press of the relationship between Correctional Services on the one hand and the Bosasa group of companies on the other.

**MR ANGELO AGRIZZI:** That is correct.

**ADV PAUL PRETORIUS SC:** And mentioned by name in those articles are amongst

other persons Mr Gavin Watson, Mr Mti and Mr Patrick Gillingham.

**MR ANGELO AGRIZZI:** That is correct.

**ADV PAUL PRETORIUS SC:** Alright. Did these sorts of exposures of the Bosasa group of companies' activities continue?

**MR ANGELO AGRIZZI:** Most definitely. It was perpetual.

**ADV PAUL PRETORIUS SC:** And it was obviously a matter of some concern to Bosasa and its officials?

**MR ANGELO AGRIZZI:** Most definitely it was uncomfortable.

**ADV PAUL PRETORIUS SC:** Alright, then would you – the relevance of that will  
10 become apparent later, but would you then go on to talk of the meeting with Mr Mti during 2007? You have highlighted this for the, Chair, already.

**MR ANGELO AGRIZZI:** Chair, during 2007 it was – I cannot remember exact dates and that. I met Mr Mti for the second time so I would, it was in the morning sometime I went with Mr Watson to Richmond Mti's house in Savannah Hills Estate and I was informed, we sat outside waiting, because he had gone on a morning walk I think and we sat outside waiting and Gavin said you see this beautiful house, he was actually being vicarious and said you build for this politician meaning that you know he was being, he was saying that we worked and we earned the money and he would say that you actually build it, because it was an expensive house.

20                So I was also informed that all the furnishings in the house had been done and later on the scheme when the SIU report broke and that and everything started coming out I was then only really informed of the scheme that happened. Until that time I did not know how they had done it. I suspected that there was bribery in terms of Richmond Mti and the house and all that, but I did not have a clue who had organised it, how it had been done, it was very secretive.

**ADV PAUL PRETORIUS SC:** Well you provide detail on page 59 and perhaps you should place that on record.

**MR ANGELO AGRIZZI:** Well there is a company called Riekele Construction.

**ADV PAUL PRETORIUS SC:** Riekele[spelt].

**MR ANGELO AGRIZZI:** That is the correct spelling there Riekele. Riekele[spelt] which is operated by a gentleman of the name of Riaan Hoeksma. He did not only build that house, but he also was involved with the building of the house for Gillingham and Gillingham's house was at Midstream Estates. It was I think Hartengate, I cannot remember, obviously I am not going to give out the actual addresses, because that  
10 would put them at risk and that type of thing.

So, at this stage Riekele Construction had been given a lot of work by Bosasa. He was busy revamping certain parts of Lindela. Then we bought up two hostels, the old hostels, one is – one was called Two North and so they were doing a lot of work and there was a lot of building taking place. So all the payment of these costs of these houses the construction of them was done via Bosasa through Riekele or whatever, but the payment of these costs of the houses done by Bosasa was done via a company which Danny Mansell had set up to handle this type of thing and was called Prande Four Pty Limited.

**ADV PAUL PRETORIUS SC:** Prande Four[spelt]?

20 **MR ANGELO AGRIZZI:** Grande[spelt], okay, is that fine?

**ADV PAUL PRETORIUS SC:** Yes, thank you.

**CHAIRPERSON:** Yes, yes.

**MR ANGELO AGRIZZI:** Subsequently false invoices were submitted then by Grande Four to Bosasa. So the reason I know about Grande Four is, because when we had to do a clean-up we had to specifically go look for Grande Four and we had to

take the invoices out, we had to change them manually as well.

So they then submitted these false invoices into the books with the original ones were destroyed when the SIU report started coming out.

**CHAIRPERSON:** I am sorry just repeat that about the invoices being changed?

**MR ANGELO AGRIZZI:** So what happened was when we got wind of the SIU Report coming out we had to look for every single aspect that could be used to nail Bosasa especially Gavin and Danny Mansell. So what had to happen was we had to drill down - the computerised system is called Great Plains Dynamics. So we would have to drill down. You would do a search, Gillingham. So you type in Gillingham in searches and  
10 it would show up certain invoices. Those invoices the detail on them would say this was for Richmond Mti. He wanted his room a little bit bigger. So we built an extra 400 m<sup>2</sup> onto the house so that he had his own private swimming pool inside and all that detail was there. So that detail had to be removed and a dummy invoice put in its place which said work at Lindela. We built a stadium for the detainees to play soccer in. So we swopped the invoice, because your reference cannot be taken off the Microsoft System at that stage. So that is why there were fraudulent invoices going around, but it would need really forensic work and I mean that is why I have tendered my assistance to assist there.

**CHAIRPERSON:** Yes.

20 **MR ANGELO AGRIZZI:** Does that clarify it for you Chair?

**CHAIRPERSON:** Yes, thank you. Thank you, it does. Thank you. You may proceed or ...[intervenes].

**ADV PAUL PRETORIUS SC:** Was another method used to conceal expenses? You referred to that in the last sentence of paragraph 29.5.1.

**MR ANGELO AGRIZZI:** Yes. So what would happen is and there was one specific

example with a mezzanine floor that needed to be built and concrete needed to be thrown where our ...[intervenes].

**ADV PAUL PRETORIUS SC:** Where?

**MR ANGELO AGRIZZI:** Sorry.

**ADV PAUL PRETORIUS SC:** Where was this mezzanine floor?

**MR ANGELO AGRIZZI:** This was at, at one of the construction sites at Leopards Vlei.

If you want the detail I can give you the detail Chair.

**ADV PAUL PRETORIUS SC:** No, it is not necessary.

**MR ANGELO AGRIZZI:** Okay.

10 **ADV PAUL PRETORIUS SC:** Sorry, you were going to talk of a method of invoicing that was used to ...[intervenes].

**MR ANGELO AGRIZZI:** Okay. Sorry you ...[intervenes].

**ADV PAUL PRETORIUS SC:** To conceal costs of the construction on of the houses.

**MR ANGELO AGRIZZI:** Okay. So basically they inflated those costs and then put some of the house costs through there.

**ADV PAUL PRETORIUS SC:** So for work being done by Bosasa by the Bosasa stable for a Government entity invoices would be inflated and the monies used to pay for the building of the houses of Messieurs Mti and Gillingham?

**MR ANGELO AGRIZZI:** That is correct.

20 **ADV PAUL PRETORIUS SC:** Then at 29.5.2 you talk about the registration of the Mti house in the name of a particular company. Would you tell the Chair about that please?

**MR ANGELO AGRIZZI:** Well it was a very, I do not think this does it justice at all and, and quite simply it cannot be explained. You know, one needs to do it forensically, but basically the house was registered in a company called Autumn Storm Investments which was a company which Riekeley Construction had an interest in. That is how it

was registered. The whole idea was that there was a tender out, put out, for the accommodation of the National Commissioner at that stage. Riekele bid for it, got it and then just basically moved him into the house. So the tender came out – I would prefer if we do a forensic on that, but to put it in a nutshell a tender was promulgated and Riekele got the business. The house had been already built and all that happened then was Public Works entered into a rental agreement with Riekele and the department paid the rent every month for that property.

**ADV PAUL PRETORIUS SC:** And the name of that company as you record it here was Autumn Storm Investments 119 (Pty) Ltd.

10 **MR ANGELO AGRIZZI:** Correct.

**ADV PAUL PRETORIUS SC:** In regard to the furnishing and décor at what we have referred to as the empty house what were the arrangements?

**MR ANGELO AGRIZZI:** You know I am commenting Chair on this, because I found this out afterwards. I did not know what had actually happened there, but Bosasa paid for the furnishings of both the houses and Mark and Sharon Taverner owned and operated a company. I think it was ...[indistinct] or something like that which then sought to the furnishing and the decor and invoiced Bosasa for that.

**ADV PAUL PRETORIUS SC:** And did Bosasa pay for the furnishing and décor?

**MR ANGELO AGRIZZI:** Yes.

20 **ADV PAUL PRETORIUS SC:** You then refer in paragraph 29.5.4 to the rental arrangements in regard to the empty house. You have told the Chair what you say here that the house was rented by the Department of Correctional Services pursuant to some sort of tendering process as you put it.

**MR ANGELO AGRIZZI:** Chair that is correct.

**ADV PAUL PRETORIUS SC:** Right and you say that rent was paid by the Department



of Correctional Services to the company called Autumn Storm Investments 119 (Pty) Ltd?

**MR ANGELO AGRIZZI:** Yes. That is correct.

**ADV PAUL PRETORIUS SC:** And what happened to that rental monies to your knowledge?

**MR ANGELO AGRIZZI:** The agreement, the agreement according to Mti was that rental would accumulate and accumulate and eventually once Mti was out of politics and out of Government then he would be able to say it was a growing investment. He would be able to then access the funds.

10 **ADV PAUL PRETORIUS SC:** Who would access the funds?

**MR ANGELO AGRIZZI:** Mti.

**ADV PAUL PRETORIUS SC:** Do you know whether this ever happened or not?

**MR ANGELO AGRIZZI:** It would not have happened, because in 2009 with the release or 2007 with the release of the SUI Report they would not, I mean it would be too obvious.

**ADV PAUL PRETORIUS SC:** Right, so that was the agreement that was never implemented according to your evidence?

**MR ANGELO AGRIZZI:** That is correct, but it can be corroborated by the investigators.

20 **ADV PAUL PRETORIUS SC:** Was there also any agreement about the final fate of the ownership of the house?

**MR ANGELO AGRIZZI:** Well yes, the house was supposed to be transferred over to him. That never happened. I believe that, you know, the gentleman Riaan Hoeksma took advantage of the situation and sold the house.

**ADV PAUL PRETORIUS SC:** You have told the Chair that Mr Mti resigned as Commissioner in November 2006.

**CHAIRPERSON:** I am sorry before that, so after the house had been built and furnished that is Mr Mti's house is your evidence that the building, the building and the furnishing was never really paid for by Mti himself, but it was paid for by Bosasa?

**MR ANGELO AGRIZZI:** You are 100 percent.

**CHAIRPERSON:** Or he may have paid some portions or you do not know?

**MR ANGELO AGRIZZI:** Everything was paid by Mark and Sharon Taverner. The building was paid by Riekele Construction and there was rental paid by Correctional Services.

**CHAIRPERSON:** Okay. Okay, thank you.

10 **ADV PAUL PRETORIUS SC:** Thank you Chair. Mr Agrizzi you say that Mr Mti resigned as National Commissioner in November 2006?

**MR ANGELO AGRIZZI:** If I can correctly correct.

**ADV PAUL PRETORIUS SC:** Did he leave the house then?

**MR ANGELO AGRIZZI:** No, he did not leave straightaway. He left a while later. He, he relocated to another house, but he continued to pay the rent, because he thought he was getting the money back from Riaan Hoeksma.

**ADV PAUL PRETORIUS SC:** Right. Do you know for how long he remained in what we have referred to as the Mti house, the first house?

20 **MR ANGELO AGRIZZI:** I refer to my statement and I say in 29.5.5 it was approximately 18 months.

**ADV PAUL PRETORIUS SC:** Yes and then in 29.5.6 of your affidavit you say:

"He then relocated to another house owned by him."

**MR ANGELO AGRIZZI:** Correct, but just a correction. It was not at Savannah Hills. It was close to Savannah Hills. There is another estate just down the road.

**CHAIRPERSON:** So we should just abandon that to a house close to ...[intervenes].

**MR ANGELO AGRIZZI:** Savannah Hills.

**CHAIRPERSON:** [Indistinct], so we delete in and put close to, thank you.

**MR ANGELO AGRIZZI:** Okay. So that was an oversight Chair.

**CHAIRPERSON:** No that is fine, thank you.

**ADV PAUL PRETORIUS SC:** Did Mr Mti receive any benefit from Bosasa in relation to this house and I am talking about the Bosasa stable here?

**MR ANGELO AGRIZZI:** Yes, most definitely.

**ADV PAUL PRETORIUS SC:** And what was that?

**MR ANGELO AGRIZZI:** Well furniture, repairs, maintenance a variety of things that,  
10 you know. There are certain things that I know of and certain things I will not know of.

**ADV PAUL PRETORIUS SC:** Right and then you say in relation I do not know to which house, because the house close to Savannah Hills you say was owned by Mti, but then you talk about a potential transfer. Please explain what you say in paragraph 29.5.7.

**MR ANGELO AGRIZZI:** So later when Riaan Hoeksma was supposed to actually transfer the house to Mti we actually said to him, I went to a meeting with Andries van Tonder and we said well everything had kind of quietened down a little bit. We were ...[indistinct] so we said, we went to go and see Riaan Hoeksma and said you need to transfer the house now. That was the agreement you had made with Gavin and Mansell and Mti, because they us told us that was the agreement and Hoeksma said,  
20 look sorry guys I have registered a bond over the house and I used the rent to pay the bond.

**ADV PAUL PRETORIUS SC:** Alright.

**CHAIRPERSON:** [Intervenes].

**ADV PAUL PRETORIUS SC:** But which house are we talking of now?

**MR ANGELO AGRIZZI:** We are talking about the Savannah Hills house.

**ADV PAUL PRETORIUS SC:** But you say in paragraph 29.5.6:

“Mti then relocated to a house close to Savannah Hills owned  
by him.”

**MR ANGELO AGRIZZI:** Yes.

**ADV PAUL PRETORIUS SC:** But why was it necessary to transfer the house to him if  
it was already owned by him?

**MR ANGELO AGRIZZI:** No, no there are two houses. There are two different houses.

**ADV PAUL PRETORIUS SC:** Which house are you talking about?

**MR ANGELO AGRIZZI:** So the first one in 29.5.6 is the Savannah Hills he, where he  
10 relocated to Savannah Hills. That is a complex and we actually drove past it this  
morning. It is a complex right next door to Savannah Hills. Remember I said in 259.5.6  
it should read:

“Mti then relocated to a house close to Savannah Hills.”

**ADV PAUL PRETORIUS SC:** I see.

**MR ANGELO AGRIZZI:** Savannah Hills is a complex.

**ADV PAUL PRETORIUS SC:** Yes. You, you have told the Chair that in relation to, let  
us refer to it as the first house, there was an arrangement or an agreement that it would  
ultimately be transferred to Mr Mti.

**MR ANGELO AGRIZZI:** Correct.

20 **ADV PAUL PRETORIUS SC:** Let us refer to that as the first house. Are you saying  
that house was actually in Savannah Hills?

**MR ANGELO AGRIZZI:** Correct Chair.

**ADV PAUL PRETORIUS SC:** Okay.

**CHAIRPERSON:** Well was one in Savannah Hills another one close to Savannah  
Hills?

**MR ANGELO AGRIZZI:** The complexes are right next to each other.

**CHAIRPERSON:** Okay.

**MR ANGELO AGRIZZI:** One is a high end complex, Savannah Hills.

**CHAIRPERSON:** Yes.

**MR ANGELO AGRIZZI:** And then there is a slightly middle class/upper class complex next door to it.

**CHAIRPERSON:** Yes.

**MR ANGELO AGRIZZI:** Which he also owned a property, but that one was registered in his name.

10 **CHAIRPERSON:** Yes.

**MR ANGELO AGRIZZI:** So we then went, if you look at the chronology that I have put on page 60 is quite simply:

“Mti relocated to the new house.”

**CHAIRPERSON:** Huh-uh.

**MR ANGELO AGRIZZI:** “He then was living in the, the new town house.”

**CHAIRPERSON:** Hm.

**MR ANGELO AGRIZZI:** Alright.

**CHAIRPERSON:** Ja.

**MR ANGELO AGRIZZI:** “In the, in the estate close to Savannah Hills.”

20 I say in 29.5.7:

“Later on...”

So the house stood empty, the Savannah Hills House was empty.

“Later on when Riaan Hoeksma was supposed to transfer the house things had gone quiet and Richmond Mti actually asked us at one stage what is happening with the house. So we went

to go and see Riaan Hoeksma. When we spoke to  
Riaan Hoeksma he said that he had registered a bond over  
the house and he was using the rent money to pay the bond.”

So in other words where that house should not have been bonded Hoeksma because  
the company was in his name went and registered the bond. He saw it as a cash cow.

**CHAIRPERSON:** Hm, ja. Well I was about to ask you. You said Riekele Construction  
had an interest in Autumn Storm Investments 119 (Pty) Ltd. Who else had an interest  
in Autumn Storm Investments, if you know?

**MR ANGELO AGRIZZI:** I do not know.

10 **CHAIRPERSON:** You do not know. Okay, but your understanding is that Riekele held  
the majority of shares in that, in Autumn Storm Investments?

**MR ANGELO AGRIZZI:** That is correct.

**CHAIRPERSON:** Okay, thank you.

**MR ANGELO AGRIZZI:** So if I can just clarify.

**CHAIRPERSON:** Yes.

**MR ANGELO AGRIZZI:** I want to just explain. So you had Autumn Storm Investments.

**CHAIRPERSON:** Hm.

**MR ANGELO AGRIZZI:** That company should have been transferred over to  
Richmond Mti.

20 **CHAIRPERSON:** Yes.

**MR ANGELO AGRIZZI:** That was the agreement.

**CHAIRPERSON:** Yes.

**MR ANGELO AGRIZZI:** There should be no bond there or anything like that.

**CHAIRPERSON:** Yes.

**MR ANGELO AGRIZZI:** Riaan Hoeksma must have got himself into cash flow

problems.

**CHAIRPERSON:** Hm, hm.

**MR ANGELO AGRIZZI:** So he went to register a bond.

**CHAIRPERSON:** Hm.

**MR ANGELO AGRIZZI:** Because then he got four/five million or R6 million out on the property.

**CHAIRPERSON:** Hm, him.

**MR ANGELO AGRIZZI:** And he then says, we asked him but you are supposed to have this pot of money.

10 **CHAIRPERSON:** Hm.

**MR ANGELO AGRIZZI:** Where every month the rent was paid into and you are supposed to not have a bond there. Now you do not have the pot of money and you do not have the house, because it is bonded up, but of course he has got a beautiful game farm and all those type of things.

**CHAIRPERSON:** Now when this happened or when you discovered this was it during Mr Mti's time as Commissioner or was it after he had resigned?

**MR ANGELO AGRIZZI:** It was after.

**CHAIRPERSON:** It was after.

20 **MR ANGELO AGRIZZI:** Because that was specifically why everything had calmed down.

**CHAIRPERSON:** Yes.

**MR ANGELO AGRIZZI:** And we went to go and see Riaan Hoeksma to move the property into his name, because he was asking for it.

**CHAIRPERSON:** Hm, hm. Okay, thank you.

**MR ANGELO AGRIZZI:** Does that clarify?

**ADV PAUL PRETORIUS SC:** Thank you. Let us move on. Did you have occasion to meet with Mr Mti together with Gavin Watson at some stage after his resignation? I am referring to the meeting at 29.6.

**MR ANGELO AGRIZZI:** Correct.

**ADV PAUL PRETORIUS SC:** Who attended that meeting?

**MR ANGELO AGRIZZI:** Just repeat the question sir. I did not hear that clearly.

**ADV PAUL PRETORIUS SC:** Who attended that meeting?

**MR ANGELO AGRIZZI:** The meeting was attended by Gavin Watson, myself and Mti.

**ADV PAUL PRETORIUS SC:** Right and what occurred at that meeting?

10 **MR ANGELO AGRIZZI:** Well he wanted a proposal to be presented that he could utilise for presentation on the 2010 World Cup Security.

**ADV PAUL PRETORIUS SC:** And were you given any tasks?

**MR ANGELO AGRIZZI:** Chair I was given a task to prepare a security plan and assist him wherever possible in doing the presentation that he would at a later stage present.

**ADV PAUL PRETORIUS SC:** In relation to the 2010 World Cup?

**MR ANGELO AGRIZZI:** Correct.

**ADV PAUL PRETORIUS SC:** Right, did anything else of note happen at that meeting?

**MR ANGELO AGRIZZI:** Yes, Mr Mti got his monthly fees paid over by Gavin Watson.

**ADV PAUL PRETORIUS SC:** What did you see?

20 **MR ANGELO AGRIZZI:** I saw the grey bag being given to Mr Mti.

**ADV PAUL PRETORIUS SC:** The grey security bag?

**MR ANGELO AGRIZZI:** Correct.

**CHAIRPERSON:** And when was this meeting and where was it?

**MR ANGELO AGRIZZI:** It was at Mti's house.

**CHAIRPERSON:** The one close to Savannah?



**MR ANGELO AGRIZZI**: No this one, this one was actually at Savannah still.

**CHAIRPERSON**: Oh, the one okay.

**MR ANGELO AGRIZZI**: Correct.

**CHAIRPERSON**: Yes, ja and when was it if you are able to remember?

**MR ANGELO AGRIZZI**: It was just before the World Cup presentation.

**CHAIRPERSON**: Oh, okay.

**MR ANGELO AGRIZZI**: I would say about two/three months before they did the World Cup presentation Chair.

**CHAIRPERSON**: Thank you.

- 10 **ADV PAUL PRETORIUS SC**: Right, how did you learn of this payment? Apart from seeing the grey security bag being handed over. I am referring to a discussion that you say you had with Gavin Watson.

**MR ANGELO AGRIZZI**: No, I am not aware of it.

**ADV PAUL PRETORIUS SC**: In other words what did he tell you?

**MR ANGELO AGRIZZI**: On the way back, I would drive the car normally. What happened was Gavin Watson jokingly said you see we pay monopoly money, but this man delivers on his promises. That, he called him that fat man, delivers on his promises. He would always call fat people fat, but I am just giving you, he said that man delivers on his promises. If he promises something he gets it done.

- 20 **CHAIRPERSON**: Joking about Mr Mti?

**MR ANGELO AGRIZZI**: Yes.

**CHAIRPERSON**: Yes, but now as at the date of this meeting that you deal with in paragraph 29.6 Mr Mti had already resigned from, from Correctional Services is that?

**MR ANGELO AGRIZZI**: That is correct.

**CHAIRPERSON**: Yes. Now since he had already resigned from Correctional Services

what was Bosasa or Mr Gavin Watson seeking? What benefit did they seek to get from him in giving him more money in these grey security bags? What could he still give Bosasa or was it arrears from earlier?

**MR ANGELO AGRIZZI:** This was because, I mean as long as the contract lasted the agreement with him and, and Watson was as long as the agreement last, the contract lasted he would be paid.

**CHAIRPERSON:** Well I think yesterday you told us that I think I do not know if, if it was Mr Magagula one of the members of the Portfolio Committee on Correctional Services, I think you told us that when he I think left the Portfolio Committee or left Parliament I  
10 am not sure payments to him stopped, but with regard to Mr Mti payments did not stop when he resigned from Correctional Services.

**MR ANGELO AGRIZZI:** Correct and I mentioned the other lady as well Ms Winnie Ngwenya.

**CHAIRPERSON:** Ja.

**MR ANGELO AGRIZZI:** And Ruben Pillay.

**CHAIRPERSON:** Yes.

**MR ANGELO AGRIZZI:** So with the junior people.

**CHAIRPERSON:** Hm.

**MR ANGELO AGRIZZI:** That is what happened.

20 **CHAIRPERSON:** Hm.

**MR ANGELO AGRIZZI:** But because Mti was instrumental, he and Gillingham were instrumental in Correctional Services that is why to today they are still being looked after.

**CHAIRPERSON:** Hm.

**MR ANGELO AGRIZZI:** Because those contracts are still in place

**CHAIRPERSON:** I am sorry.

**MR ANGELO AGRIZZI:** Because those contracts are still in place.

**CHAIRPERSON:** Did you just say till today or till to...?

**MR ANGELO AGRIZZI:** Well till ...[intervenes].

**CHAIRPERSON:** Up to the ...[intervenes].

**MR ANGELO AGRIZZI:** Chair up to the time I left.

**CHAIRPERSON:** Yes.

**MR ANGELO AGRIZZI:** Which was on 15 December 2016.

**CHAIRPERSON:** He was still getting paid?

10 **MR ANGELO AGRIZZI:** Correct.

**CHAIRPERSON:** Monthly?

**MR ANGELO AGRIZZI:** Correct.

**CHAIRPERSON:** Okay, thank you and that would have been, this was now you left Bosasa at the end of 2016.

**MR ANGELO AGRIZZI:** 15 December 2016.

**CHAIRPERSON:** Yes.

**MR ANGELO AGRIZZI:** Was my last working day.

**CHAIRPERSON:** So that that, that actually was almost 10 years to the dot from when Mr Mti resigned from Correctional Services. You said he resigned in November 2006.

20 **MR ANGELO AGRIZZI:** Yes, you are right ...[intervenes].

**CHAIRPERSON:** So for about at least 10 years thereafter he continued to be paid.

**MR ANGELO AGRIZZI:** That is correct.

**CHAIRPERSON:** Money.

**MR ANGELO AGRIZZI:** As a matter of fact Chair.

**CHAIRPERSON:** Hm.

**MR ANGELO AGRIZZI:** And I think it is further on you will see in my statement. I will not go there now I had actually refused to do a delivery and Gavin Watson came to fetch at, at my house and he did the delivery.

**CHAIRPERSON:** Okay.

**MR ANGELO AGRIZZI:** But I will get into it later.

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

**ADV PAUL PRETORIUS SC:** Alright. You have referred the Chair to a conversation that took place between yourself and Gavin Watson.

**MR ANGELO AGRIZZI:** Yes.

10 **ADV PAUL PRETORIUS SC:** On the way back from the visit to Mr Mti.

**MR ANGELO AGRIZZI:** Yes.

**ADV PAUL PRETORIUS SC:** And during that conversation mention was made of “monopoly money” paid to Mr Mti, because Mr Mti always delivered on his promises.

**MR ANGELO AGRIZZI:** Correct.

**ADV PAUL PRETORIUS SC:** Right. The words used by you here and it may be important because Mr Mti had always delivered on his promises.

**MR ANGELO AGRIZZI:** Correct. He always delivered on his promises. I do not understand question.

**ADV PAUL PRETORIUS SC:** No, hm.

20 **CHAIRPERSON:** I, I think Mr Pretorius was simply looking at the tense.

**MR ANGELO AGRIZZI:** Okay.

**CHAIRPERSON:** You exactly had always, you know that is ...[intervenes].

**MR ANGELO AGRIZZI:** Had an ...[intervenes].

**CHAIRPERSON:** Up to that stage what you were, your understanding or what Mr Gavin Watson’s exact words prior to that he had always delivered. So there was no

reason to ...[intervenes].

**MR ANGELO AGRIZZI**: But ...[intervenes].

**CHAIRPERSON**: To doubt that he would deliver.

**MR ANGELO AGRIZZI**: Yes.

**CHAIRPERSON**: Whenever he was, he had made a promise.

**MR ANGELO AGRIZZI**: Correct.

**ADV PAUL PRETORIUS SC**: Did you learn anything about the frequency of payments and the amount of payments from Mr Watson during that conversation?

**MR ANGELO AGRIZZI**: No, it was only later after the conversation that I learnt that it  
10 was a monthly amount and there was a monthly fee of R65 000 a month, but from then  
on I would start accompany to more and more meetings.

**ADV PAUL PRETORIUS SC**: Did you actually see transfers of grey security bags to  
Mr Mti?

**MR ANGELO AGRIZZI**: Yes, I did.

**ADV PAUL PRETORIUS SC**: On how many occasions approximately?

**MR ANGELO AGRIZZI**: Well every month from 20, when he was released from the  
World Cup and even before, but every month that Gavin Watson would go through to  
Mti I would accompany him. So it is phenomenal. I mean at least for 24/30 times.

**CHAIRPERSON**: And that is over what period more or less ...[intervenes].

20 **MR ANGELO AGRIZZI**: From when he left Correctional Services, because that is  
when I really got to know him.

**CHAIRPERSON**: Yes. So from around end of 2006 up the time that you left Bosasa in  
November 2016.

**MR ANGELO AGRIZZI**: Correct.

**CHAIRPERSON**: There were a number of times maybe 30 or thereabout.

**MR ANGELO AGRIZZI:** Yes.

**CHAIRPERSON:** When you accompanied Mr Watson to Mr Mti.

**MR ANGELO AGRIZZI:** That is ...[intervenes].

**CHAIRPERSON:** And on some of those occasions there would either you or Mr Watson would carry a grey security bag with money to hand over to him. Is that what, is that more or less what you are saying?

**MR ANGELO AGRIZZI:** Spot on.

**CHAIRPERSON:** Thank you.

**MR ANGELO AGRIZZI:** Can I just ask you Chair when the Polokwane elections was,  
10 because there is a timeline there as well that I can refer back to then? I am just thinking now when.

**CHAIRPERSON:** Hm.

**MR ANGELO AGRIZZI:** What year was it? It was in December.

**CHAIRPERSON:** Well Polokwane Conference was, I think was in 2007.

**MR ANGELO AGRIZZI:** Yes. No, just.

**CHAIRPERSON:** Yes.

**MR ANGELO AGRIZZI:** Sorry it just ties up with, with what I was saying. Sorry.

**CHAIRPERSON:** Okay. Alright, Mr Pretorius.

**ADV PAUL PRETORIUS SC:** Thank you Chair. Did you become aware at that time of  
20 any other benefits which the Mti family enjoyed at the expense of Bosasa with the Bosasa stable?

**MR ANGELO AGRIZZI:** Yes, I did. I became aware of travelling costs that were paid for. I became aware that apparently a holiday was arranged by Gavin Watson's brother-in-law Mark Taverner at the Bushman's River, but I would be often tasked as well to do, arrange flights for the whole family. I was instructed to just make sure that

everything went well. So I had to open up an account with Blakes Travel and the account's name was in JJ Venter's name. There were payments for some of the studies of the kids and from the previous marriage his son actually worked at Bosasa and there would be various other ways that we could assist and, and try and make him feel good.

**CHAIRPERSON:** So after Mr Mti had left Correctional Services is the position that there was nothing new that he was delivering to, to Bosasa? It was simply that the contract that Bosasa had obtained or maybe I should say contracts that he had, Bosasa had obtained during Mr Mti's time at Correctional Services was still going on and the,  
10 the arrangement was that as long as that contract was still going one should be paid.

**MR ANGELO AGRIZZI:** Of course.

**CHAIRPERSON:** Hm, okay.

**ADV PAUL PRETORIUS SC:** Who is JJ Venter?

**MR ANGELO AGRIZZI:** He was actually my later father-in-law.

**ADV PAUL PRETORIUS SC:** And did you say that that account was used to invoice and pay for travel expenses incurred by Mr Mti?

**MR ANGELO AGRIZZI:** That is correct and other people as well. Other politicians as well would use that account.

**ADV PAUL PRETORIUS SC:** Right.

20 **CHAIRPERSON:** Was your father-in-law alive at the time this account was used?

**MR ANGELO AGRIZZI:** No, we just used the name.

**CHAIRPERSON:** Oh, you just used the name.

**MR ANGELO AGRIZZI:** It was not registered or.

**CHAIRPERSON:** Oh.

**MR ANGELO AGRIZZI:** There was no, Brian Blake from Blakes Travel knew me

exceptionally well and he was not interested in being, I just used the name JJ.

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

**ADV PAUL PRETORIUS SC:** Let us just clarify that in case it is a subject of further investigation. Were there tickets booked in the name of JJ Venter or was an account registered in the name of JJ Venter?

**MR ANGELO AGRIZZI:** I submitted all the documentation to the team and with the accounts as well. There are accounts in JJ Venters name, but the tickets and the names on the tickets. For example at the Jazz Festival and that is in the person's name who actually did the travelling.

10 **ADV PAUL PRETORIUS SC:** So in cases relevant to him, Mr Mti?

**MR ANGELO AGRIZZI:** Correct.

**ADV PAUL PRETORIUS SC:** Right and then you have told the Chair the information recorded in paragraph 29.8 that Bosasa paid for the studies of two children.

**MR ANGELO AGRIZZI:** Yes.

**ADV PAUL PRETORIUS SC:** Of Mr Mti.

**MR ANGELO AGRIZZI:** That is correct.

**ADV PAUL PRETORIUS SC:** Were any other services provided at the home of Mr Mti at a later stage after the World Cup?

**MR ANGELO AGRIZZI:** Well there was a security official put there to look after him by  
20 Bosasa. Joe Gumede arranged it. There was an incident one evening I recall where Mr Mti pulled out a gun and there was an issue there and there was driving under the influence. So those are the type of things. Is that the answer you are looking for?

**ADV PAUL PRETORIUS SC:** No, I am just asking whether security services were provided at the home.

**MR ANGELO AGRIZZI:** That is correct.



**ADV PAUL PRETORIUS SC:** At the home of Mr Mti?

**MR ANGELO AGRIZZI:** That is correct. The answer is that is correct Chair.

**ADV PAUL PRETORIUS SC:** Aright and what services were those you say the provision of a guard?

**MR ANGELO AGRIZZI:** Correct.

**ADV PAUL PRETORIUS SC:** Alright.

**CHAIRPERSON:** Mr Pretorius I am looking for paragraph which deals with the payments of – payments for Mr Mti's childrens studies?

**ADV PAUL PRETORIUS SC:** Yes paragraph 29.8.

10 **CHAIRPERSON:** Okay thank you.

**ADV PAUL PRETORIUS SC:** Right you then relate in paragraph 29.8 an incident relating to a criminal charge brought against Mr Mti and please if you would deal with the information you provide and tell the Chair how you come to know of what you are going to tell him?

**MR ANGELO AGRIZZI:** Well I was not involved in the sense that I had to go to court and sort out the thing. But Mr Gumede requested money once, cash money to – he needed to bribe an official at one of the courts and it was to pay – to make a payment for – to get rid of a drunken driving charge.

20 **ADV PAUL PRETORIUS SC:** Do you know – that is why Mr Gumede requested the money according to yourself you know of that obviously?

**MR ANGELO AGRIZZI:** That is true.

**ADV PAUL PRETORIUS SC:** And you know what he told you obviously.

**MR ANGELO AGRIZZI:** Chair that is true.

**ADV PAUL PRETORIUS SC:** But are you able to confirm that the money was actually paid for the purpose you related?

**MR ANGELO AGRIZZI:** I cannot confirm that Chair I can only confirm what I gave Mr Gumede.

**ADV PAUL PRETORIUS SC:** So you are telling the Chair that the reason you gave Mr Gumede the money that he requested was the reason related to you by Mr Gumede you have no further evidence?

**MR ANGELO AGRIZZI:** That is correct.

**ADV PAUL PRETORIUS SC:** Alright. And would you tell the Chair please of the further circumstance referred to in paragraph 29.8 regarding the submission of invoices?

10 **MR ANGELO AGRIZZI:** Well Chair my ...[intervenes].

**CHAIRPERSON:** Maybe before he does that Mr Pretorius are you able to recall how much money you gave Mr Joe Gumede for the purpose that he told you the purpose of getting rid of the criminal charge against Mr Mti?

**MR ANGELO AGRIZZI:** Chair I cannot recall but it would have been more than just pocket change. It would have been considerable – it would have been between R10 000,00 and R20 000,00.

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

**MR ANGELO AGRIZZI:** I cannot remember the exact amount let me rather not say.

20 **CHAIRPERSON:** Okay no that is fine. Mr Pretorius you can maybe repeat your question.

**ADV PAUL PRETORIUS SC:** Yes. In the last five lines of paragraph 29.8 you refer to certain circumstances which allowed money to be raised and paid to Mr Mti, how was that done?

**MR ANGELO AGRIZZI:** Chair and it is not the only one I have to refer to another issue

as well that happened and that was with – that involved a business school Ndlala which my – I was – I started off with son but there were two – there were two issues and sorry my apologies Advocate Pretorius as I said this was done very quickly. The issue with regards to my brother was that my brother Watson said – I happened to be in the car with Watson when I went to go and visit a business started by my brother. The business Watson tried to get us to pay Mti because Mti at that stage was complaining that he was not getting a salary and the banks were starting to get suspicious and he could not deposit the cash. So he needed to filter money through my brother and put it through his business. My brother was very uncomfortable about it. I think he did one

10 transaction and he terminated it. He said listen this is not how I was brought up and he is not going to do it. So he was very annoyed with me about it. And basically what it was was to pay Mti money and then Bosasa would be invoiced for electrical work or whatever work he did for them. So he was very uncomfortable about that. And a similar situation happened with my son where he started a consulting business and what happened was I was asked by Gavin because the son of Mti was not – he was going through a rough patch and he needed to be paired up with somebody who would motivate him and encourage him. So unfortunately Watson said well there is Angelo he has got a son and my son was doing very well and why do you not set up the two. So I asked my son please can you work with this guy you know develop him, see what can

20 happen? Maybe there is something in the future. Because he was having phenomenal problems with this boy. So he needed a role model, he needed somebody to guide and aspire him so – and I am sorry this is not in the affidavit but I will follow up in writing. So what actually happened was my son got involved with – through me I made the mistake. So there was a meeting held I think we had it at Clearwater Mall at a restaurant. I tried to motivate the kid. Well my son was there, Richmond Mti was

there, I was there and my son was there and the youngster was there his name is Vukani and we – we had a chat but nothing happened of it because my son also turned around and said look I think he registered the company and then he just canned it. It did not trade a day. So it was those type of situations that we were always subjected or I was subjected to. You got to speak to this one, you have got to help that kid, you got to do this, you got to do that and it started to have a toll on me and on my family because my brother who I had raised started looking at me and saying well why? My own son was being brought into this thing. It was – you know it was terrible. I mean I recall – I recall – sorry I am diverting sorry. Sorry Advocate Pretorius.

- 10 **ADV PAUL PRETORIUS SC:** Yes perhaps as you have undertaken you could take your time record that evidence.

**MR ANGELO AGRIZZI:** Yes I will.

**ADV PAUL PRETORIUS SC:** And if and when appropriate we will deal with that by handing in a supplementary statement up.

**MR ANGELO AGRIZZI:** My apologies.

**ADV PAUL PRETORIUS SC:** But I would like to clarify what you referred to in paragraph 29.8. Your brother would render fictitious invoices for electrical services rendered to Bosasa?

**MR ANGELO AGRIZZI:** Correct.

- 20 **ADV PAUL PRETORIUS SC:** The money which was then paid by Bosasa was handed over to Mr Mti?

**MR ANGELO AGRIZZI:** Chair that is correct.

**ADV PAUL PRETORIUS SC:** And your brother as you say here became uncomfortable with this arrangement and the practice was terminated?

**MR ANGELO AGRIZZI:** That is correct.

**ADV PAUL PRETORIUS SC:** Right.

**CHAIRPERSON:** Did you not say your brother only did one invoice?

**MR ANGELO AGRIZZI:** I cannot remember exactly I think it was one or two invoices.

**CHAIRPERSON:** Oh okay.

**MR ANGELO AGRIZZI:** And he just canned it he was unhappy with it.

**ADV PAUL PRETORIUS SC:** Chair I am about to move to a new topic. Oh no I am not sure of what the arrangements should be. I am told that lunch will only be served at 13:30 and not 13:00 but I am not sure that is relevant to whether we take the adjournment now or not and I am not sure of what today's arrangements are. Are we  
10 going to sit until five?

**CHAIRPERSON:** Yes today we will sit until five in terms of the arrangement yesterday but I know nothing about – about that.

**ADV PAUL PRETORIUS SC:** Yes, no it should not influence any decision now.

**CHAIRPERSON:** Yes carry on.

**ADV PAUL PRETORIUS SC:** I am about to move to a new topic, would now be a convenient time?

**CHAIRPERSON:** Yes. From my side I do not mind if we adjourn at half past one if that is going to be convenient for catering and lunch purposes for the legal team but I am – I do not mind if we adjourn now either.

20 **ADV PAUL PRETORIUS SC:** Yes I think in this case my feet should take priority Chair.

**CHAIRPERSON:** Okay alright. We are going to take the lunch adjournment we will resume at two o'clock. We adjourn.

**ADV PAUL PRETORIUS SC:** Thank you Chair.

**HEARING ADJOURNS**

**HEARING RESUMES**

**CHAIRPERSON:** Yes Mr Pretorius you may proceed.

**ADV PAUL PRETORIUS SC:** Thank you Chair.

**MR ANGELO AGRIZZI:** Excuse me Chair.

**CHAIRPERSON:** Yes Mr Agrizzi.

**MR ANGELO AGRIZZI:** Can I just for completeness just clarify something before Mr – Advocate Pretorius begins.

**CHAIRPERSON:** Yes do that.

**MR ANGELO AGRIZZI:** I just would like to clarify 27.17.

**CHAIRPERSON:** One second. Yes.

10 **MR ANGELO AGRIZZI:** In terms of the payment of the dividends into the trust account of the attorney.

**CHAIRPERSON:** Yes.

**MR ANGELO AGRIZZI:** I just want to clarify that. So the dividends from Beta Fence would be paid into the trust account of the attorneys and it would then on instruction be transferred into the bank account of Bosasa Operations and that would be the flow.

**CHAIRPERSON:** As is.

**MR ANGELO AGRIZZI:** As a transfer of dividends.

**CHAIRPERSON:** Yes.

20 **MR ANGELO AGRIZZI:** So the – there was no need to open up an account for Bopa and Phofoga.

**CHAIRPERSON:** Yes.

**MR ANGELO AGRIZZI:** Okay just for completeness.

**CHAIRPERSON:** Are you able to say why it was necessary for the dividends to go to the attorney's trust account first before they were transferred as they were to Bosasa's account?

**MR ANGELO AGRIZZI**: I am – I am willing to tell you Chair.

**CHAIRPERSON**: Ja.

**MR ANGELO AGRIZZI**: And the reason is simple because the shareholders would have normally had to receive the dividends. In this instance the shareholders who were reflected on paper were actually not shareholders. So they did not get the dividends.

**CHAIRPERSON**: Yes.

**MR ANGELO AGRIZZI**: And a simple search and a request you would be able to verify that the dividends were never actually paid to the shareholders they were paid to Bosasa Operations.

10 **CHAIRPERSON**: Yes.

**MR ANGELO AGRIZZI**: Every single time.

**CHAIRPERSON**: Okay thank you.

**MR ANGELO AGRIZZI**: Sorry Mr – Advocate Pretorius.

**ADV PAUL PRETORIUS SC**: We also omitted to refer to paragraph 29.5.8. If you would go there please and just tell the Chair about the meeting referred to in that paragraph.

**MR ANGELO AGRIZZI**: Sorry could you repeat the paragraph number please?

**ADV PAUL PRETORIUS SC**: 29.5.8.

**MR ANGELO AGRIZZI**: Sorry I am just looking.

20 **CHAIRPERSON**: That is on page 60 of your affidavit.

**MR ANGELO AGRIZZI**: Ah there we go sorry, sorry I did not see that.

**CHAIRPERSON**: Paragraph 29.5.8.

**MR ANGELO AGRIZZI**: Chair I together with Andries Van Tonder on instruction from Gavin Watson then had to attend to a meeting that was held with Riaan Hoeksma and the reason why was that we needed to make sure that he did not present a version to

events – of events if he was questioned during an investigation that might incriminate any of the parties. And at that stage and I believe to date he has still not been interviewed by anybody from the SIU.

**CHAIRPERSON:** Yes.

**MR ANGELO AGRIZZI:** So we attended a meeting to say to him please cover up in short.

**CHAIRPERSON:** And he agreed?

**MR ANGELO AGRIZZI:** He agreed.

**CHAIRPERSON:** Thank you.

- 10 **ADV PAUL PRETORIUS SC:** And the events which are referred to in that paragraph are the events related to the house of Mr Mti?

**MR ANGELO AGRIZZI:** The one in Savanna Hills that is correct.

**ADV PAUL PRETORIUS SC:** And it might clarify matters a little. Savanna Hills is not a suburb it is a townhouse complex I understand?

**MR ANGELO AGRIZZI:** Chair it is a townhouse complex situated if you coming from Johannesburg side – if you driving towards the Protea Hotel it is on that road. It is on your left hand side Savannah Hills. If you need details of the actual I can provide that.

**CHAIRPERSON:** Now that reminds me the house that was built by Riaan Hoeksma's company for Mr Mti do you have a recollection of what its value was more or less?

- 20 **MR ANGELO AGRIZZI:** It was on the market for about R6 million if I am not mistaken at one stage but that was quite a while back, about ten years ago. And so the value of the property if I compare it for instance to my property I mean it is much more elaborate and my property is only valued at about R10 million. That property would be valued at closer to about R18 million, R16 million between there.

**CHAIRPERSON:** As of now or as at the time when it was built?



**MR ANGELO AGRIZZI**: No, no as of now.

**CHAIRPERSON**: As of now.

**MR ANGELO AGRIZZI**: Yes.

**CHAIRPERSON**: Okay so it would be your estimate is that it would be around R18 million in value?

**MR ANGELO AGRIZZI**: R18.

**CHAIRPERSON**: 18.

**MR ANGELO AGRIZZI**: Correct.

**CHAIRPERSON**: Okay thank you.

10 **ADV PAUL PRETORIUS SC**: If you go please to paragraph 29.9 Mr Agrizzi.

**MR ANGELO AGRIZZI**: 29.9. During 2007 Mr Vernie Petersen was appointed as the National Commissioner and on numerous occasions I tried to communicate with him – with him about possible ventures but he would have nothing to do with the Bosasa Group of Companies.

**CHAIRPERSON**: Ja just before you proceed on that let me just complete the picture with regard to what we have referred to as Mr Mti's house.

**MR ANGELO AGRIZZI**: Yes.

**CHAIRPERSON**: Is your evidence that ultimately Mr Mti lost out on that house. It never got registered in his name as had been planned initially?

20 **MR ANGELO AGRIZZI**: That is correct.

**CHAIRPERSON**: Even to this day?

**MR ANGELO AGRIZZI**: Even to this day.

**CHAIRPERSON**: He may have enjoyed the benefits of living in it but he paid rent which he – he thought would be returned to him but ultimately it was never returned, is that correct?

**MR ANGELO AGRIZZI**: That is correct.

**CHAIRPERSON**: So he lost out?

**MR ANGELO AGRIZZI**: He lost out. He walked out with only the furniture.

**CHAIRPERSON**: Yes and that was mainly because the SIU had started working – investigating is it why he lost out?

**MR ANGELO AGRIZZI**: That is correct.

**CHAIRPERSON**: And there was fear that if it was transferred to him it would just spell trouble?

**MR ANGELO AGRIZZI**: He was given an option of either staying in the house and  
10 staying in jail or moving out of the house so it could be covered up.

**CHAIRPERSON**: Ja thank you.

**ADV PAUL PRETORIUS SC**: Who paid the rent for that house?

**MR ANGELO AGRIZZI**: At one stage we increased his payment from R65 000,00 a month in cash to R100 000,00 in cash. That was when he left the department. Because the department originally was paying for his rent of the property which Bosasa had built.

**CHAIRPERSON**: So, so before he – before he left Correctional Services the department was paying his rent?

**MR ANGELO AGRIZZI**: That is correct.

20 **CHAIRPERSON**: And after he had left the department Bosasa paid the rent by way of increasing his monthly payment or it just increased his monthly payment and he would then pay the rent himself?

**MR ANGELO AGRIZZI**: We increased the monthly payments so that he could pay the rent.

**CHAIRPERSON**: Thank you.

**MR ANGELO AGRIZZI:** Thank you Chair.

**ADV PAUL PRETORIUS SC:** Mr Agrizzi you say during mid 2007 Vernie Petersen was appointed as National Commissioner, National Commissioner of which department?

**MR ANGELO AGRIZZI:** Of the Department of Correctional Services.

**ADV PAUL PRETORIUS SC:** You say you attempted to communicate with him about possible future ventures but he would have nothing to do with any of the companies in the Bosasa Group?

**MR ANGELO AGRIZZI:** That is correct.

**ADV PAUL PRETORIUS SC:** Right. At around that time was a further meeting held  
10 with officials of the Department of Correctional Services?

**MR ANGELO AGRIZZI:** Correct.

**ADV PAUL PRETORIUS SC:** Could you please tell the Chair of that meeting?

**MR ANGELO AGRIZZI:** Chair a meeting was co-ordinated I was called into the meeting it was the – it was not the first meeting, it was the second meeting and at the same meeting it was arranged between myself, Gavin Watson, there was a gentleman by the name of Khulekani Sitole who used to be the previous chairman – Commissioner of Correctional Services. Another person that was...[intervenes].

**CHAIRPERSON:** He had been – okay maybe let me ask this.

**MR ANGELO AGRIZZI:** Yes Chair.

20 **CHAIRPERSON:** In terms of time or year where are we now in regard to that meeting?

**MR ANGELO AGRIZZI:** 2007 Chair.

**CHAIRPERSON:** 2007?

**MR ANGELO AGRIZZI:** Correct.

**CHAIRPERSON:** Okay so if you say Mr Khulekani Sitole used to be Commissioner of the Department of Correctional Services that would have been before Mr Mti or even

before that?

**MR ANGELO AGRIZZI:** I am not too sure when he was.

**CHAIRPERSON:** Ja but you will.

**MR ANGELO AGRIZZI:** But it was before.

**CHAIRPERSON:** Okay alright thank you. You may proceed.

**MR ANGELO AGRIZZI:** There was another gentleman by the name of Sbu or I cannot recall his surname. At the time I was told he was the I think the General Secretary of Popcru.

**ADV PAUL PRETORIUS SC:** That is a trade union?

10 **MR ANGELO AGRIZZI:** Yes. I cannot verify that I was told that Chair. At that stage you know I was not really interested in the process.

**ADV PAUL PRETORIUS SC:** What was the subject matter of that meeting?

**MR ANGELO AGRIZZI:** Well the subject meeting was to discuss how they could swing Vernie Petersen and get to a solution where he would start communicating with Bosasa.

**CHAIRPERSON:** Did you finish telling us the people who attended the meeting?

**MR ANGELO AGRIZZI:** The one person was Sbu, it was Khulekani Sitole those were the people that attended with Watson and myself.

**CHAIRPERSON:** Okay thank you.

20 **MR ANGELO AGRIZZI:** I cannot recall if there were other Bosasa directors at the meeting.

**ADV PAUL PRETORIUS SC:** You say that the subject matter of the meeting was an attempt to find a solution to Mr Petersen's refusal to communicate with Bosasa?

**MR ANGELO AGRIZZI:** Correct.

**ADV PAUL PRETORIUS SC:** Yes what happened?

**MR ANGELO AGRIZZI:** Well it was agreed that they which included Mr Mxele who was the Regional Commissioner of the Department of Correctional Services would be paid a million rand per month.

**CHAIRPERSON:** Regional Commissioner of Department of Correctional Services in Gauteng?

**MR ANGELO AGRIZZI:** No, no in KZN.

**CHAIRPERSON:** Oh okay.

**ADV PAUL PRETORIUS SC:** When you say it was agreed that they including Mr Nxele would paid a million rand per month what is the detail? Was that for all, some, who  
10 were the they?

**MR ANGELO AGRIZZI:** That was for the team. How they were going to distribute it I have not got a clue I was not involved in that. It was an invoice that they would provide us.

**ADV PAUL PRETORIUS SC:** Who would provide you?

**MR ANGELO AGRIZZI:** Well it would normally come from Sitole would get somebody to email it to us and I would then receive it and pass it on to accounts. Get Gavin Watson to approve it and put it through for payment.

**ADV PAUL PRETORIUS SC:** Who would produce the invoices?

**MR ANGELO AGRIZZI:** I cannot recall my – I do not have my laptop anymore that is in  
20 possession of African Global but the invoices would be sent to me and I would then process the invoices and it was from – on a company letter – invoice which was called Vleissentraal.

**CHAIRPERSON:** So is what you are saying this that the purpose of the meeting was to discuss what was to be done about Mr Petersen's refusal to have anything to do with Bosasa, is that right?

**MR ANGELO AGRIZZI**: The group of companies you are correct.

**CHAIRPERSON**: Ja, ja and you say it was agreed at that meeting that the – is it two or three correctional services people Khulekani Sitole, M Nxele is it – it was those two?

**MR ANGELO AGRIZZI**: It was those two that were there from the previous correctional services.

**CHAIRPERSON**: Ja that they would be paid an amount of R1 million which they would distribute among themselves or it would be paid in certain amounts that and you do not know what amounts but the amount for them was R1 million. Was that R1 million per month?

10 **MR ANGELO AGRIZZI**: R1 million a month.

**CHAIRPERSON**: Yes.

**MR ANGELO AGRIZZI**: And at that stage Chair and I think I go into it later on. There was even a dispute in terms of the VAT payment.

**CHAIRPERSON**: Yes. But – oh I think Mr Pretorius is still going to come to it let me allow him to do that.

**ADV PAUL PRETORIUS SC**: Perhaps I will thank Chair. You say that invoices were produced, fictitious invoices on behalf of the team for R1 million per month and these would be paid by Bosasa?

**MR ANGELO AGRIZZI**: That is correct.

20 **CHAIRPERSON**: Okay maybe I will ask this before because I want to know it now.

**MR ANGELO AGRIZZI**: Yes Chair.

**CHAIRPERSON**: But in terms of the agreement reached at that meeting what were the two people going to do in order to – what were they going to do for Bosasa because the National Commissioner was Mr Petersen and he wanted to have nothing to do with Bosasa, what were they going to do? He was the top man, is it not?

**MR ANGELO AGRIZZI:** That is correct. Chair my and once more it is my thinking from what I heard in the meeting was that they would put undue pressure on the department and on Vernie Petersen through the associations with Popcru and with the unions and the people.

**CHAIRPERSON:** Oh so what was thought was that they would do whatever was necessary to put pressure on Mr Petersen I guess to make sure that the attitude towards Bosasa changed?

**MR ANGELO AGRIZZI:** Correct.

**CHAIRPERSON:** Okay thank you.

10 **ADV PAUL PRETORIUS SC:** Yes and you refer in the last sentence of 29.10 to that very quick pro qua?

**MR ANGELO AGRIZZI:** Correct.

**ADV PAUL PRETORIUS SC:** What was the intention of the payment?

**MR ANGELO AGRIZZI:** Correct.

**ADV PAUL PRETORIUS SC:** What was the intention of the payment?

**MR ANGELO AGRIZZI:** Well the intention was to utilise that to get influence against Vernie Petersen and to get him to either agree to work with us or to feel the wrath of Popcru.

20 **ADV PAUL PRETORIUS SC:** And what was the purpose of obtaining Mr Petersen's co-operation?

**MR ANGELO AGRIZZI:** At that stage he was the decision maker he was the accounting officer for Correctional Services.

**ADV PAUL PRETORIUS SC:** But it may be obvious in the light of your earlier evidence but let us be express here what was the purpose of obtaining his co-operation?

**MR ANGELO AGRIZZI:** Well because obviously we wanted more business and new

opportunities. I mean all the opportunities had now dried up. All the effort and the money that had been spent before it all disappeared.

**ADV PAUL PRETORIUS SC:** Alright were these payments made?

**MR ANGELO AGRIZZI:** Yes they were.

**ADV PAUL PRETORIUS SC:** On a monthly basis you say?

**MR ANGELO AGRIZZI:** That is correct.

**ADV PAUL PRETORIUS SC:** And for how long did they continue?

**MR ANGELO AGRIZZI:** I cannot recall exactly how long they – or what period they were at but what I do recall is that at one stage there was an issue with regards to the  
10 VAT which I said was their baby and their responsibility and at one stage we lost the staffing of the control rooms at Correctional Services. And so we reduced the amount from R1 million to R700 000,00.

**ADV PAUL PRETORIUS SC:** I understand your evidence to be that the recipients of the payments were unhappy that the R1 million included VAT?

**MR ANGELO AGRIZZI:** Yes.

**ADV PAUL PRETORIUS SC:** Alright.

**CHAIRPERSON:** The money that the two got Mr Khulekani Sitole and Mr M Mxele do you know what Mr Mxele's full name is or was?

**MR ANGELO AGRIZZI:** Chair I cannot pronounce it but it is I can provide you with it  
20 later. Well it is in the record somewhere.

**CHAIRPERSON:** Oh okay. So this R1 million was for the two of them as far as you understood or were they to share it with other people?

**MR ANGELO AGRIZZI:** No we were told that they were the leaders of the pack and they would share it with the other hungry – what do you call them people.

**CHAIRPERSON:** Does that mean that it was hoped that part of it would – that they



would try and use it to try and get Mr Petersen to change his attitude or it was clear that Mr Petersen was not that type of person?

**MR ANGELO AGRIZZI**: Mr Petersen was not that type of person. I do not know how they – they would have tried to do it.

**CHAIRPERSON**: Yes so but.

**MR ANGELO AGRIZZI**: And I did not ask.

**CHAIRPERSON**: Yes but what you are saying is they would use it for themselves but they would or could use it to help other – to get other decision makers within – within Correctional Services or to get other people who could put pressure to put pressure?

10 **MR ANGELO AGRIZZI**: Correct.

**CHAIRPERSON**: Okay. Yes Mr Pretorius.

**ADV PAUL PRETORIUS SC**: Was that amount of R1 million amended at any stage?

**MR ANGELO AGRIZZI**: It was Chair it was dropped down to R700 000,00 per month and purely because there was one contract that Sondolo lost so it was taken down to R700 000,00. And then eventually I think we had realised and I went to Mr Watson and I said look we wasting our time with these guys just stop it, we wasting money.

**ADV PAUL PRETORIUS SC**: And the contract that you lost specify that please?

**MR ANGELO AGRIZZI**: That was the staffing of the control rooms if I am not mistaken.

**ADV PAUL PRETORIUS SC**: At Correctional Services facilities?

20 **MR ANGELO AGRIZZI**: Correct.

**ADV PAUL PRETORIUS SC**: You have spoken about that contract earlier, have you?

**MR ANGELO AGRIZZI**: That is correct.

**CHAIRPERSON**: So you say that you ultimately you said to Mr Watson you were wasting money on these people, is it the two that you have talked about in the previous paragraph that you are talking about?

**MR ANGELO AGRIZZI**: Correct.

**CHAIRPERSON**: Is your evidence that they were not delivering?

**MR ANGELO AGRIZZI**: At the end of the day it was just they were not delivering anything to us.

**CHAIRPERSON**: Yes.

**MR ANGELO AGRIZZI**: We were just paying money out to them every month on an invoice.

**CHAIRPERSON**: Yes and by the, and did Mr Watson agree that...[intervenes]

**MR ANGELO AGRIZZI**: No.

10 **CHAIRPERSON**: He did not agree.

**MR ANGELO AGRIZZI**: No.

**CHAIRPERSON**: So you continued paying them?

**MR ANGELO AGRIZZI**: It continued for months and then it was cancelled and he agreed to cancel it and he offered them an option, an optional alternative.

**CHAIRPERSON**: Okay.

**ADV PAUL PRETORIUS SC**: Alright, well what happened during 2008 in this regard?

**MR ANGELO AGRIZZI**: Well it seized.

**ADV PAUL PRETORIUS SC**: What seized?

20 **MR ANGELO AGRIZZI**: The payment of the R700 000 and what happened was it continued, but because Nxele was the Commissioner of KZN and he made life very difficult if he did not pay on time.

**ADV PAUL PRETORIUS SC**: Right let us just stop there, because it may be confusing. It could not seize and continue. Just be a bit more particular.

**MR ANGELO AGRIZZI**: Just repeat your question please?

**ADV PAUL PRETORIUS SC**: So what happened to the arrangement in 2008?

**MR ANGELO AGRIZZI:** It seized.

**ADV PAUL PRETORIUS SC:** Completely?

**MR ANGELO AGRIZZI:** It seized with Sithole and Sbu.

**ADV PAUL PRETORIUS SC:** And in relation to Mr Nxele?

**MR ANGELO AGRIZZI:** Well it continued, they continued but on a different basis.

**ADV PAUL PRETORIUS SC:** Well will you tell the, Chair, about that please?

**MR ANGELO AGRIZZI:** Yes, so let us say that agreement stopped, but we realised that and there was enough pressure and at that stage I never even met Nxele. I am just giving you as it was. He put a lot of pressure, he would phone up Gavin Watson all  
10 hours of the day. I remember one day strangely enough that he sent a message to Gavin Watson and to all the other Directors to say *abakathi* I do not know what that means, but I got it as well. Angelo, he mentioned my name *abakathi* something like that. I do not know, I do not know what the word means.

**CHAIRPERSON:** Okay, well do you know how it was spelt?

**MR ANGELO AGRIZZI:** I probably got the message here. I will find it.

**CHAIRPERSON:** Oh, okay.

**MR ANGELO AGRIZZI:** Sorry, these things are coming back to me, Chair.

**CHAIRPERSON:** Yes, okay.

**MR ANGELO AGRIZZI:** But what happened was it was agreed that an amount of  
20 R57 500 would be given Nxele on a monthly basis for his influence.

**CHAIRPERSON:** To Nxele?

**MR ANGELO AGRIZZI:** Yes.

**CHAIRPERSON:** Yes.

**MR ANGELO AGRIZZI:** For in the KZN region of the Department of Correctional Services.

**ADV PAUL PRETORIUS SC:** Was Mr Nxele happy about that amount?

**MR ANGELO AGRIZZI:** No, he was extremely unhappy about it.

**ADV PAUL PRETORIUS SC:** What did he want?

**MR ANGELO AGRIZZI:** Well it was about the same time and I accompanied Mr Johannes Gumede to a meeting with Nxele. So whenever they did not want to pay somebody they will always take me with and I will have to explain about the auditors that are all over us and we cannot do it anymore and that type of thing. So I went to the meeting and the meeting was held at the Intercontinental Hotel at O R Tambo in the Quills, I think it is called, restaurant.

10                   Down at the bottom in the furthest left hand side and the meeting started very cordial. As a matter of fact Mr Nxele was in his full regalia, full uniform and I commented...[intervenes]

**CHAIRPERSON:** The Correctional Services uniform?

**MR ANGELO AGRIZZI:** Correct, yes and I commented on how smart he looked and he was getting on a plane back to KZN so he had limited time to meet with us. Or he was on his way to Johannesburg, I cannot remember what the – if he was leaving or coming.

**CHAIRPERSON:** *Ja.*

20                   **MR ANGELO AGRIZZI:** But he was at the restaurant with us in uniform. This was my very first meeting with him. I never met him before. Now prior to that meeting Mr Gumede and myself were in the fault when Gavin Watson was briefing us on what to say to him and also packing the money for him in one of the security envelopes. So I specifically looked at the amount and I asked what the amount was and I checked that it was packed in properly and it was R57 500 and the bag was sealed...[intervenes]

**CHAIRPERSON:** R57 500?

**MR ANGELO AGRIZZI:** That is correct. The bag was sealed and the bag was placed – Mr Gumede took the bag and then during lunch we actually sat with him. He was very cordial.

**CHAIRPERSON:** At the hotel now?

**MR ANGELO AGRIZZI:** At the hotel. So I am just telling you about the packing of it, because it has got relevance and he said that he was unhappy with the amount that was paid to him and I explained to him that Bosasa at that stage was not in a position to increase the agreed upon amount and the security bag was handed over across the table from – actually it was handed to him by Mr Gumede.

10                   And then during lunch everything was fine, but after lunch he actually – sorry during lunch everything was fine. When it got to the end of lunch he said that he was unhappy and he would convey this dissatisfaction to Gavin Watson. Alright, he said that the money that was in the bag was not the money that was promised to him. So I thought and I confronted Joe Gumede that maybe he had taken out some money.

                  It was not the case. He did not take out anything. Joe would not lie to me about something like that and we found out that it was actually the amount and that he was just unhappy with it. So he phoned Joe and he left messages for Joe Gumede.

**ADV PAUL PRETORIUS SC:** Before you go on, who was present at that lunch?

**MR ANGELO AGRIZZI:** Myself, Johannes Gumede were present at that lunch.

20   **ADV PAUL PRETORIUS SC:** And Mr Nxele?

**MR ANGELO AGRIZZI:** Yes.

**CHAIRPERSON:** And those were the people who were at the meeting as well?

**MR ANGELO AGRIZZI:** Correct.

**CHAIRPERSON:** So it was three people?

**MR ANGELO AGRIZZI:** Correct.

**CHAIRPERSON:** Thank you.

**ADV PAUL PRETORIUS SC:** Well do I understand that the meeting and the lunch were the same occasion or am I incorrect?

**MR ANGELO AGRIZZI:** No, no, you are 100% right. That is the meeting at the Quill's lunch and then there is a second one that was held.

**ADV PAUL PRETORIUS SC:** Are you still to come to that?

**MR ANGELO AGRIZZI:** Yes.

**ADV PAUL PRETORIUS SC:** Yes, alright well let us get there.

**MR ANGELO AGRIZZI:** Okay.

10 **ADV PAUL PRETORIUS SC:** You deal with it in paragraph 29.15.

**MR ANGELO AGRIZZI:** That is right. So Nxele was still not happy and satisfied and he conveyed this dissatisfaction to Gavin Watson. Numerous messages. As a matter of fact it got so bad that eventually he would be passed from one handler to the next. So first Ishmael would handle him, then Joe will try and handle him, then Joe will give up and then Trevor had to handle him. So Trevor Mathenjwa was now given the responsibility of handling Mr Nxele.

**CHAIRPERSON:** So this is now in the months after that meeting.

**MR ANGELO AGRIZZI:** It is two weeks later, it is three weeks later, Chair.

**CHAIRPERSON:** Okay, alright.

20 **MR ANGELO AGRIZZI:** Okay, so, Chair, what happened was I was then told to once more accompany Trevor Mathenjwa who was at that stage a Director of Sondolo, Managing Director to the Beverly Hills Hotel in Umhlanga.

**CHAIRPERSON:** In Durban.

**MR ANGELO AGRIZZI:** Oh, okay, Durban, right next to the Oyster Box.

**CHAIRPERSON:** Okay.

**MR ANGELO AGRIZZI:** Okay, and so we went through to the – I went through to Beverly Hills Hotel, because I had my own vehicle down there and we had a meeting with Mr Nxele and it was a long meeting, it was about two hours and at the meeting I explained to him that we were not – that Bosasa was not in the position to increase the amounts.

They were not in the position to give him any more and he was not happy with it at all. He was not happy. He said he would deal with it in his own way and he left with the explanation, he was not happy. He just said I am leaving, he was not happy with the explanation, he got up and stormed out and he left without taking the  
10 grey security bag. He left that with Mr Mathenjwa.

So I was sitting...[intervenes]

**CHAIRPERSON:** Oh, so you went to this meeting at Beverly Hills with a security bag containing money for him?

**MR ANGELO AGRIZZI:** Yes, R57 500.

**CHAIRPERSON:** Yes, *ja*.

**MR ANGELO AGRIZZI:** This is the second one.

**CHAIRPERSON:** Yes.

**MR ANGELO AGRIZZI:** So what happened was comical, because we sat in the Beverly Hills lounge, we offered to give him the bag, he said he is not taking it and he  
20 stormed out and about ten minutes later he then phoned Mr Mathenjwa up and he said where is my bag, can I come back and fetch my bag? So it was a bit comical at this stage and he then told Trevor to make arrangements for the collection thereof.

**CHAIRPERSON:** Trevor being Mr Mathenjwa?

**MR ANGELO AGRIZZI:** Correct.

**CHAIRPERSON:** Okay.

**MR ANGELO AGRIZZI:** So he got his bag at the end of the day. I was with Trevor when he phoned him to ask where Trevor was so that Trevor could still give him back the bag.

**ADV PAUL PRETORIUS SC:** Alright.

**CHAIRPERSON:** So on that occasion you were present when the bag was handed over to him?

**MR ANGELO AGRIZZI:** That is correct.

**CHAIRPERSON:** Okay, alright. Mr Pretorius, I do not know, you know sometimes when you read the transcript later, because the transcriber or the one typing the record  
10 does not know how a certain name is spelled, they can write things that do not relate to what exactly happened. Maybe we should spell some of the names that may be difficult for purposes of the transcriber, what do you think?

**ADV PAUL PRETORIUS SC:** I have done so, but perhaps I should do more.

**CHAIRPERSON:** Ja, I am thinking particularly of Nxele, because it is Nxele, but the witness pronounces it not as Nxele and somebody who is typing the surname might write Nene or something else. So it might help.

**ADV PAUL PRETORIUS SC:** Yes.

**CHAIRPERSON:** Nxele is Nxele[spelt]. Okay, let us move on, thank you.

**MR ANGELO AGRIZZI:** That is correct.

20 **ADV PAUL PRETORIUS SC:** There are other ways to do it, we can provide the transcriber with the statement.

**CHAIRPERSON:** I am quite happy as long as it is done, even if we do not do it here, just to make sure that when they type they have the right spelling so that, that can be done. If there is another way doing it without us spelling the names here I am quite happy.



**ADV PAUL PRETORIUS SC:** Yes, I think of Frans for example, how that would be spelt by the transcriber and we have got lots of experience with that. You refer in paragraph 29.16 to two purchases and you say this occurred at some stage. Can you recall when? More or less.

**MR ANGELO AGRIZZI:** I think this – the timing of this was probably in the region of about 2006/2007 I think, Chair. I stand to correction. I stand to correction. In terms of 29.16.

**ADV PAUL PRETORIUS SC:** Well perhaps there is another way of dealing with it. At that time what position did Mr Gillingham hold?

10 **MR ANGELO AGRIZZI:** Mr Gillingham was a Chief Financial Officer.

**ADV PAUL PRETORIUS SC:** Department of Correctional Services?

**MR ANGELO AGRIZZI:** That is correct.

**ADV PAUL PRETORIUS SC:** Yes, and what happened?

**MR ANGELO AGRIZZI:** Gavin Watson instructed Frans Vorster that he needed to buy a new E-Class Mercedes for Gillingham from Constantia Kloof Motors and Andries van Tonder had to purchase a new Polo VW from The Glen for Megan Gillingham his daughter.

**ADV PAUL PRETORIUS SC:** The Polo was purchased according to your evidence from who?

20 **MR ANGELO AGRIZZI:** From Volkswagen, The Glen, which is in Alberton.

**ADV PAUL PRETORIUS SC:** And how were these payments to be made?

**MR ANGELO AGRIZZI:** Look the payments had to be made from electronic transfers from personal accounts, because you cannot very well go with a bag of cash and say I want to buy a Mercedes E320 or I want to buy a new Polo. People are not going to accept it. It is going to raise a lot of concerns and you cannot just deposit it into their

account. So the only way to do it is to actually do an EFT and to pay for it like that.

Or to do it like every other normal person and take it over on a HP contract.

So it was done via EFT from personal accounts.

**ADV PAUL PRETORIUS SC:** Whose personal accounts?

**MR ANGELO AGRIZZI:** I got to remember now, sorry, Chair, this is quite some time ago.

**ADV PAUL PRETORIUS SC:** If you cannot remember that is fine we can move on.

**MR ANGELO AGRIZZI:** Excuse me?

**ADV PAUL PRETORIUS SC:** 29.17, if you cannot remember from whose personal  
10 accounts these payments were made, we can move on.

**MR ANGELO AGRIZZI:** Well I know it was through Frans Vorster's personal account and Andries van Tonder's personal account.

**ADV PAUL PRETORIUS SC:** And would there be any refund to the person who financed the purchase?

**MR ANGELO AGRIZZI:** Yes, yes.

**ADV PAUL PRETORIUS SC:** How would that be affected?

**MR ANGELO AGRIZZI:** Well how it would be done is a bonus would be put through for the person and the payment would then be made, the tax payed them it and the cheque or the EFT would be deposited into the person's account that had to make the payment.

20 **ADV PAUL PRETORIUS SC:** Alright. And which company affected the refund?

**MR ANGELO AGRIZZI:** Well the refund would have been done via Concilium Business Consultants.

**ADV PAUL PRETORIUS SC:** Alright and did an issue arise in relation to this arrangement? You deal with that in paragraph 29.18.

**MR ANGELO AGRIZZI:** Well there was an issue, because the Mercedes Benz had to

be paid immediately. They needed the payment and when you order a car from Mercedes Benz you basically have to take delivery of the car. You cannot turn around and say well I prefer Mr X to take over the car. The car was ordered by Frans and the only way to get it into Gillingham's name would be to do it through a company or to do it – to actually order it in his name.

So what happened was I received a bonus of R150 000 which I then paid over to Carlos Bonifacio who was a Bosasa employee as a loan and then I would be reimbursed via Concilium Consultants. I received the bonus, I paid my money to Carlos and Carlos in turn paid Constantia Kloof Motors.

10 **ADV PAUL PRETORIUS SC:** What happened to Mr Gillingham during September 2008?

**MR ANGELO AGRIZZI:** He was suspended together with Zach Modise.

**ADV PAUL PRETORIUS SC:** Did Mr Gillingham contest his suspension?

**MR ANGELO AGRIZZI:** Yes, he did.

**ADV PAUL PRETORIUS SC:** Was he assisted in any respect by Bosasa?

**MR ANGELO AGRIZZI:** Yes, we paid his attorney fees.

**ADV PAUL PRETORIUS SC:** Alright, and what happened during 2008 in relation to the SIU investigation and Mr Gillingham?

**MR ANGELO AGRIZZI:** Well the SIU raided his house, Mr Gillingham's house.

20 Gavin Watson phoned me and said that the SIU had raided the house, come across a Bosasa laptop in the possession of Gillingham with the specification documents on it. He instructed me to go and meet with Gillingham and I left the office and was on my way to Gillingham and to meet him at his house.

**ADV PAUL PRETORIUS SC:** Did you meet Gillingham?

**MR ANGELO AGRIZZI:** Yes, when I arrived at his house he mentioned that the SIU

had also found a business card printed for him by Dr Jurgen Smit which showed that he was a consultant for Concilium Business Consultants. I did not – I must just add I knew nothing about that. He then informed me he was instructed by Gavin Watson to accompany Dr Jurgen Smit to a meeting with the manufacturer of items for the Department of Correctional Services and that they had to believe that he was a Director of Concilium Business Consultants.

So...[intervenes]

**ADV PAUL PRETORIUS SC:** At the time do you know whether – well you know that Mr Gillingham was still employed albeit on suspension by the Department of  
10 Correctional Services?

**MR ANGELO AGRIZZI:** Correct.

**ADV PAUL PRETORIUS SC:** Did you know whether he was also a consultant for Concilium?

**MR ANGELO AGRIZZI:** He was not.

**ADV PAUL PRETORIUS SC:** At that time?

**MR ANGELO AGRIZZI:** He was not actually a consultant for Concilium, because I checked afterwards and he never appeared on Concilium's payroll.

**ADV PAUL PRETORIUS SC:** Do you know whether he was a Director of Concilium Business Consultants at that time?

20 **MR ANGELO AGRIZZI:** No, he was not a Director. At the meeting he was to lead them to believe that he was a Director of Concilium Business Consultants.

**ADV PAUL PRETORIUS SC:** There will be evidence later about the SIU search on the premises of Mr Gillingham, but in the meanwhile did you receive any instructions from Gavin Watson relating to ramifications that the raid might have had for those concerned?

**MR ANGELO AGRIZZI:** Most definitely. I was told that the legal ramifications needed to be dealt with and we needed to sort, to get strong legal representative.

**ADV PAUL PRETORIUS SC:** In particular what did Gavin Watson tell you to do?

**MR ANGELO AGRIZZI:** He told me...[intervenes]

**ADV PAUL PRETORIUS SC:** What did he say should happen?

**MR ANGELO AGRIZZI:** He told me that I needed to arrange fictitious loan agreements between – that needed to be drafted and concluded between Gillingham and the various Bosasa employees for all the moneys.

**ADV PAUL PRETORIUS SC:** All the moneys?

10 **MR ANGELO AGRIZZI:** That they had received.

**ADV PAUL PRETORIUS SC:** That who had received?

**MR ANGELO AGRIZZI:** That Gillingham had received and the benefits.

**ADV PAUL PRETORIUS SC:** Did you do that?

**MR ANGELO AGRIZZI:** Yes, I did do that.

**ADV PAUL PRETORIUS SC:** Where are those agreements?

**MR ANGELO AGRIZZI:** Those agreements are currently with the attorneys and with the various Gillingham himself and the people.

**ADV PAUL PRETORIUS SC:** Do you have any in your possession?

20 **MR ANGELO AGRIZZI:** I mark here Annexure L which is the only thing that I had in my possession relating to that and that refers to a declaration that he made to the Commission at that stage with Mti, which was back dated so that it coincided with when Mti was the Commissioner, that basically said that he had declared some of the loans.

**ADV PAUL PRETORIUS SC:** Alright, let us take that step by step.

**MR ANGELO AGRIZZI:** Okay.

**ADV PAUL PRETORIUS SC:** Perhaps I pre-empted your evidence. In

paragraph 29.23.2 you say that you were also instructed to do something by Gavin Watson in relation to the outcome of the raid or the search and seizure operation.

**MR ANGELO AGRIZZI**: Correct.

**ADV PAUL PRETORIUS SC**: What was that?

**MR ANGELO AGRIZZI**: I had to prepare a declaration in terms – on behalf of Gillingham declaring that the money and the benefits he received were in fact loans to Mti and I had to back date the declaration. Mti was then to approve the declaration and hold on, given back to Gillingham and I then took the declaration. I got Gillingham to sign it, took the declaration to Mti where I met him at the Protea Midrand who after – he  
10 did not want to sign it, but after I had spoken to Watson over the phone handed him the phone he then agreed to sign it. And it is reflected in Annexure L.

**ADV PAUL PRETORIUS SC**: Alright, before we go to Annexure L, let us just get two things clear. You took the declaration to Mti at the Protea Midrand?

**MR ANGELO AGRIZZI**: That is correct.

**ADV PAUL PRETORIUS SC**: You asked Mti to sign?

**MR ANGELO AGRIZZI**: That is correct.

**ADV PAUL PRETORIUS SC**: Mti initially refused?

**MR ANGELO AGRIZZI**: Correct.

**ADV PAUL PRETORIUS SC**: You phoned Mr Gavin Watson and spoke to him?

20 **MR ANGELO AGRIZZI**: Correct.

**ADV PAUL PRETORIUS SC**: You then handed the phone to Mr Mti?

**MR ANGELO AGRIZZI**: Correct.

**ADV PAUL PRETORIUS SC**: Whilst Gavin Watson was still on the phone?

**MR ANGELO AGRIZZI**: That is right.

**ADV PAUL PRETORIUS SC**: And a discussion probably took place, is that correct?

**MR ANGELO AGRIZZI:** Correct.

**CHAIRPERSON:** Mr Pretorius do you want him to give more of that evidence himself?

**ADV PAUL PRETORIUS SC:** I am just summarising and then he can add anything more.

**CHAIRPERSON:** Okay, alright.

**ADV PAUL PRETORIUS SC:** After that discussion, what did Mr Mti do?

**MR ANGELO AGRIZZI:** Well after that discussion what can I say, Mr Mti what did he do?

**ADV PAUL PRETORIUS SC:** Yes?

10 **MR ANGELO AGRIZZI:** No, no he just left it. I mean he just gave me the document back.

**ADV PAUL PRETORIUS SC:** Sorry?

**MR ANGELO AGRIZZI:** He back dated and he signed it.

**ADV PAUL PRETORIUS SC:** He signed it?

**MR ANGELO AGRIZZI:** Yes.

**ADV PAUL PRETORIUS SC:** Okay.

**MR ANGELO AGRIZZI:** Sorry, I thought that was in my statement, I thought you had seen it.

**ADV PAUL PRETORIUS SC:** Yes, I am just taking it through step by step.

20 **MR ANGELO AGRIZZI:** Okay.

**ADV PAUL PRETORIUS SC:** It might have been unclear.

**MR ANGELO AGRIZZI:** No, no, after he had spoken to Gavin Watson on the phone he gave the phone back to me. He received an instruction from Gavin Watson and he just did as he was told. He just signed and gave it back to me and it was back dated.

**ADV PAUL PRETORIUS SC:** Would you go to page 349 of the bundle, which is the

cover page and then there is a document at page 350?

**MR ANGELO AGRIZZI**: That is correct.

**ADV PAUL PRETORIUS SC**: What is this document?

**MR ANGELO AGRIZZI**: That document is, every year I was told that I was explained – it was explained to me that they do a declaration of any gifts or anything that needs to be declared. This is a document that we got typed up.

**ADV PAUL PRETORIUS SC**: Who got typed up?

**MR ANGELO AGRIZZI**: Patrick Gillingham got it typed up. Well I assisted typing it, he got me the letterhead.

10 **ADV PAUL PRETORIUS SC**: And this document was typed?

**MR ANGELO AGRIZZI**: Correct.

**ADV PAUL PRETORIUS SC**: It is a document signed by POC Gillingham?

**MR ANGELO AGRIZZI**: That is correct.

**ADV PAUL PRETORIUS SC**: And it reads:

"Our personal discussion on this matter refers:"

It is addressed to the Commissioner?

**MR ANGELO AGRIZZI**: Correct.

**ADV PAUL PRETORIUS SC**: At that time Mr Mti?

**MR ANGELO AGRIZZI**: Correct.

20 **ADV PAUL PRETORIUS SC**: And it reads:

"Our personal discussion on this matter refers: Since the document which is designed for the disclosure of the financial status for SMS members does not make provision for the information on personal loans. I wish to bring the following to your attention as discussed. I have entered into personal



agreements, arrangements with private individuals for assistance for my house and other personal assets. I wish to place on record that these individuals are not members of this Department, nor are they employed by government. For your information and record purposes."

And there is a signature, do you recognise that signature?

**MR ANGELO AGRIZZI**: Yes.

**ADV PAUL PRETORIUS SC**: And it is against the date 12 April 2006?

**MR ANGELO AGRIZZI**: Correct.

10 **ADV PAUL PRETORIUS SC**: Is this the document that you were referring to?

**MR ANGELO AGRIZZI**: That is the document.

**ADV PAUL PRETORIUS SC**: Is it signed by anyone other than Mr Gillingham?

**MR ANGELO AGRIZZI**: Chair, it is also signed by Richmond Mti.

**ADV PAUL PRETORIUS SC**: Alright. There is a handwritten note on that document.

**CHAIRPERSON**: I am sorry. When you say it is also signed by Mr Mti, are you saying the same document or a similar document is signed by Mr Mti?

**MR ANGELO AGRIZZI**: No, it was the same document, Chair.

**ADV PAUL PRETORIUS SC**: I am getting there, Chair, it is the handwritten portion in the bottom right hand corner.

20 **CHAIRPERSON**: Is the signature that appears at the right hand corner the bottom of the document at page 350, is that Mr Mti's signature?

**MR ANGELO AGRIZZI**: Just above my signature, yes, Chair.

**ADV PAUL PRETORIUS SC**: Well page 350 is initialled by two persons, presumably as you said yourself and one other?

**MR ANGELO AGRIZZI**: Correct.

**ADV PAUL PRETORIUS SC:** That would have happened when this document was commissioned?

**MR ANGELO AGRIZZI:** That is correct.

**ADV PAUL PRETORIUS SC:** By this document I mean the affidavit and the Annexures?

**MR ANGELO AGRIZZI:** Correct.

**ADV PAUL PRETORIUS SC:** But the particular memorandum that we are referring to has some handwriting in the bottom right hand corner. Do you see that?

**MR ANGELO AGRIZZI:** I do.

10 **ADV PAUL PRETORIUS SC:** And if I can read it, it reads:

"Noted. Please ensure that this..."

And I cannot really read what it says thereafter, can you?

**MR ANGELO AGRIZZI:** Yes.

**CHAIRPERSON:** Does not interfere, is it interfere?

**MR ANGELO AGRIZZI:** "Please ensure that this does not interfere with your job or..."

**CHAIRPERSON:** "Or rather has no conflict of interest..."

**MR ANGELO AGRIZZI:** "With the Department."

**ADV PAUL PRETORIUS SC:** "To the Department."

**MR ANGELO AGRIZZI:** Or to the Department.

20 **ADV PAUL PRETORIUS SC:** Okay. Do you – you were at the meeting that you have just referred to. Were you present when this was signed by Mr Mti?

**MR ANGELO AGRIZZI:** I was present.

**ADV PAUL PRETORIUS SC:** And were you present when the note was made?

**MR ANGELO AGRIZZI:** I was present.

**ADV PAUL PRETORIUS SC:** Who made the note?

**MR ANGELO AGRIZZI:** Mr Mti.

**ADV PAUL PRETORIUS SC:** Alright. So at the meeting you have referred to the document was produced, there was a discussion with Mr Watson and pursuant to or after that discussion a note was placed on the document and signed in your presence by Mr Mti?

**MR ANGELO AGRIZZI:** That is correct.

**ADV PAUL PRETORIUS SC:** You speak of Mr Peterson, Vernie Petersen, Vernie Petersen again in paragraph 29.24 and the period late 2008, what happened then?

10 **MR ANGELO AGRIZZI:** Well during late 2008 we still could not speak to Vernie Petersen, so he was sort of moved to the Department of Sports and Recreation and the lady who was at Sports and Recreation as the Director General was moved and appointed as the National Commissioner of the Department of Correctional Services.

**ADV PAUL PRETORIUS SC:** Who was that person?

**MR ANGELO AGRIZZI:** That person was Xoliswa Sibeko.

**ADV PAUL PRETORIUS SC:** And that is Xoliswa[spelt].

**MR ANGELO AGRIZZI:** I think it is pronounced Xoliswa.

**CHAIRPERSON:** Yes, Xoliswa.

**ADV PAUL PRETORIUS SC:** And Sibeko[spelt].

20 **MR ANGELO AGRIZZI:** That is correct.

**CHAIRPERSON:** *Ja.*

**ADV PAUL PRETORIUS SC:** Now after she – you say she was appointed as the National Commissioner for the Department of Correctional Services?

**MR ANGELO AGRIZZI:** That is correct, Chair.

**ADV PAUL PRETORIUS SC:** After that appointment did you receive information

regarding the fate of the control room contract held by Sondolo IT Pty Limited?

**MR ANGELO AGRIZZI**: That is correct, sir.

**ADV PAUL PRETORIUS SC**: What were you told?

**MR ANGELO AGRIZZI**: We were told that the Department of Correctional Services was going to cancel the contract and Xoliswa Sibeko was adamant that she did not want the Bosasa group involved with Correctional Services. So I was tasked by Mr Gavin Watson to accompany Papa Leshabane to the Intercontinental Hotel again at O R Tambo Airport to meet with Mr Zach Modise.

**ADV PAUL PRETORIUS SC**: Alright, before you go on which contract was this? You  
10 say the control room contract?

**MR ANGELO AGRIZZI**: Correct.

**ADV PAUL PRETORIUS SC**: Was it the staffing of the control rooms?

**MR ANGELO AGRIZZI**: That was the staffing of the control rooms.

**ADV PAUL PRETORIUS SC**: Alright, and you have referred to that contract before?

**MR ANGELO AGRIZZI**: Yes.

**ADV PAUL PRETORIUS SC**: Alright, and then who was Mr Modise at the time?

**MR ANGELO AGRIZZI**: Mr Zach Modise was at that stage in charge of Correctional Care Chair and Security at the Department of Correctional Services. So he was pretty high up in, in the department. He had a Chief Deputy Commissioner status.

20 **ADV PAUL PRETORIUS SC**: What happened at this meeting?

**MR ANGELO AGRIZZI**: Well I, the meeting commenced with myself and Mr Modise and I was busy explaining to him the benefits of the outsourcing and it was then that Leshabane arrived and he gave, while we were discussing the benefits of, of outsourcing he gave Mr Modise a packet, the grey security packet wrapped in a newspaper.

**ADV PAUL PRETORIUS SC:** Had anything happened earlier that day to give you an indication of what this parcel was all about?

**MR ANGELO AGRIZZI:** Well earlier that day Gavin Watson and myself had actually a grey plastic bag with cash to be handed over to Modise and the bag was given to Leshabane. So very similar to what happened with Joe Gumede previously where he took the bag with him. In this instance it was Papa Leshabane who took the bag with him.

**ADV PAUL PRETORIUS SC:** And what did you actually see physically at the meeting in relation to this bag?

10 **MR ANGELO AGRIZZI:** Sorry, could you please clarify that question.

**ADV PAUL PRETORIUS SC:** What did you see physically that happened at the meeting in relation to the bag?

**MR ANGELO AGRIZZI:** Well the bag was handed over in the newspaper. So you can see whether the bag is not fully covered and wrapped. It is not wrapped like fish and chips or something. It is still sticks open. So there was a newspaper and it was handed over in a newspaper. That is what I saw.

**ADV PAUL PRETORIUS SC:** Did you speak to Mr Leshabane about that particular event after the meeting?

20 **MR ANGELO AGRIZZI:** I spoke to him afterwards and just to confirm that he had given the full amount to Modise.

**ADV PAUL PRETORIUS SC:** And what was Mr Leshabane's response?

**MR ANGELO AGRIZZI:** That he had.

**ADV PAUL PRETORIUS SC:** Alright.

**CHAIRPERSON:** And what was the full amount for Mr Modise?

**MR ANGELO AGRIZZI:** Chair I cannot remember?

**CHAIRPERSON:** You cannot remember.

**MR ANGELO AGRIZZI:** I think I mention it in the statement. I think we get to it.

**CHAIRPERSON:** Okay, alright.

**MR ANGELO AGRIZZI:** Yes, you can get to it.

**CHAIRPERSON:** So who was at the meeting, yourself, Mr ...[intervenes].

**MR ANGELO AGRIZZI:** It was myself, Papa Leshabane and Mr Zach Modise.

**CHAIRPERSON:** Yes and did you say this was at the Intercontinental Hotel at OR Tambo.

**MR ANGELO AGRIZZI:** Yes, but we did not have lunch.

10 **CHAIRPERSON:** Is that, but that is the same hotel where you had met Mr Nxele at some stage?

**MR ANGELO AGRIZZI:** That is correct.

**CHAIRPERSON:** Yes.

**MR ANGELO AGRIZZI:** This meeting specifically was in the foyer where there is a lounge area not in a restaurant.

**CHAIRPERSON:** Yes, okay. Oh, mister, your meeting with Mr Nxele in the same hotel at some stage was in a restaurant in the hotel?

**MR ANGELO AGRIZZI:** At the hotel. We were having lunch.

**CHAIRPERSON:** Yes, okay.

20 **ADV PAUL PRETORIUS SC:** Would you go to page 352 please?

**CHAIRPERSON:** So, I am sorry. Mister, did Mr Modise accept the, the money the bag, security bag and did he go with it?

**MR ANGELO AGRIZZI:** Must have.

**CHAIRPERSON:** Did he take it with him?

**MR ANGELO AGRIZZI:** Must have. He was actually on his way either to Cape Town

or to Durban one of the two.

**CHAIRPERSON:** Okay, thank you.

**ADV PAUL PRETORIUS SC:** You go on now in your affidavit to talk of a media release.

**MR ANGELO AGRIZZI:** Correct.

**ADV PAUL PRETORIUS SC:** Would you go to page 352 of Bundle S1?

**MR ANGELO AGRIZZI:** I am there.

**ADV PAUL PRETORIUS SC:** Is this the document that you are referring to?

**CHAIRPERSON:** I am sorry Mr Pretorius. I am sorry Mr Pretorius. I am sorry. I may  
10 have missed this. Mr Modise was not one of those who were getting monthly  
payments. Was he?

**MR ANGELO AGRIZZI:** Yes, he was.

**CHAIRPERSON:** At the time, he was?

**MR ANGELO AGRIZZI:** That is correct.

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

**ADV PAUL PRETORIUS SC:** Right.

**CHAIRPERSON:** Yes. Yes, Mr Pretorius.

**ADV PAUL PRETORIUS SC:** It is what appears to be a press release or a transcript of  
a press release under the heading "Prisons Graft here is the proof Minister".

20 **MR ANGELO AGRIZZI:** That is correct.

**ADV PAUL PRETORIUS SC:** And the by-line is that of the Journalist Adriaan Basson  
Johannesburg South Africa, 30 January 2009.

**MR ANGELO AGRIZZI:** I recall the article very well. It was probably one of the most  
accurate articles.

**CHAIRPERSON:** What page is that Mr Pretorius?

**ADV PAUL PRETORIUS SC:** January, the 30<sup>th</sup>.

**CHAIRPERSON:** The page no, the page where I would find that.

**ADV PAUL PRETORIUS SC:** 352.

**CHAIRPERSON:** Thank you. Yes.

**ADV PAUL PRETORIUS SC:** You say this article is accurate to your knowledge?

**MR ANGELO AGRIZZI:** Most definitely not like some of the smut being written today.

**ADV PAUL PRETORIUS SC:** Well let us just stick to this article shall we.

**MR ANGELO AGRIZZI:** My apologies Chair.

**CHAIRPERSON:** Yes.

10 **ADV PAUL PRETORIUS SC:** It reads:

“On Sunday the Department of Correctional Services placed expensive advertisements in three national newspapers urging anyone with proof of impropriety in the awarding of prisons contracts to inform South Africa’s Law Enforcement Agencies.”

**MR ANGELO AGRIZZI:** Correct.

**ADV PAUL PRETORIUS SC:** Do you recall those advertisements?

**MR ANGELO AGRIZZI:** I do.

**ADV PAUL PRETORIUS SC:** And the second paragraph reads:

“This week we present the proof.”

20 **MR ANGELO AGRIZZI:** Correct.

**ADV PAUL PRETORIUS SC:** It continues to read:

“Confidential documents and correspondents leaked to the Mail & Guardian suggests a highly improper relationship between the department and controversial Facilities Management Group Bosasa.”



**MR ANGELO AGRIZZI:** Correct.

**ADV PAUL PRETORIUS SC:** It goes on to read:

“We can reveal that Bosasa which has received nearly R3 billion in contracts from Correctional Services Minister Ngconde Balfour’s Department had confidential documents leaked to it by the Department’s former Chief Financial Officer and Balfour confidante Patrick Gillingham had access to tender documents for major prison projects before they were advertised and spied on senior correctional services officials during a 2006 workshop.”

Let us just review that paragraph please Mr Agrizzi. The estimate of R3 billion contracts received by Bosasa from Correctional Services. Is that estimate reasonably accurate?

**MR ANGELO AGRIZZI:** I think, you know, of one adds up everything together. I have not done the exercise right now but it looks, it was an accurate article. It was actually a very good article.

**ADV PAUL PRETORIUS SC:** And the amount?

**MR ANGELO AGRIZZI:** I cannot comment. I would have to actually work it out.

**ADV PAUL PRETORIUS SC:** Right. The first bullet refers to the receipt of confidential documents leaked to Bosasa by the Departments former Chief Financial Officer and Balfour confidante Patrick Gillingham. Leave aside the relationship between Gillingham and Balfour for the moment please. That fact is it correct?

**MR ANGELO AGRIZZI:** In terms of the Balfour, sorry can you refer me to the paragraph and it is in my statement.

**ADV PAUL PRETORIUS SC:** Alright. You are at page 352?

**MR ANGELO AGRIZZI**: Yes. I am just reading the article.

**ADV PAUL PRETORIUS SC**: You see in the top third of the article or the ...[intervenes].

**MR ANGELO AGRIZZI**: Yes.

**ADV PAUL PRETORIUS SC**: Document

**MR ANGELO AGRIZZI**: Correct.

**ADV PAUL PRETORIUS SC**: There are three bullets.

**MR ANGELO AGRIZZI**: Yes.

**ADV PAUL PRETORIUS SC**: Right. I am dealing with the first bullet.

10 **MR ANGELO AGRIZZI**: Yes.

**ADV PAUL PRETORIUS SC**: I am not asking you about the relationship between then Mr Balfour and Patrick Gillingham.

**MR ANGELO AGRIZZI**: Yes.

**ADV PAUL PRETORIUS SC**: What I am asking you is whether it is correct to your knowledge that confidential documents and documents confidential to the Department of Correctional Services were leaked to Bosasa by Mr Gillingham?

**MR ANGELO AGRIZZI**: That is right.

**ADV PAUL PRETORIUS SC**: Is that correct?

**MR ANGELO AGRIZZI**: That is correct.

20 **ADV PAUL PRETORIUS SC**: Right and you have given evidence of exchange of documents.

**MR ANGELO AGRIZZI**: Yes.

**ADV PAUL PRETORIUS SC**: Already and you may give more.

**MR ANGELO AGRIZZI**: Yes.

**ADV PAUL PRETORIUS SC**: The second bullet reads:

“Bosasa had access to tender documents for major prison projects before they were advertised.” Is that also ...[intervenes]?

**MR ANGELO AGRIZZI**: That that is correct. I would like us to go back to the second bullet.

**ADV PAUL PRETORIUS SC**: The first point?

**MR ANGELO AGRIZZI**: The first bullet.

**ADV PAUL PRETORIUS SC**: You would like to go back to the first point.

**MR ANGELO AGRIZZI**: Mr Balfour, alright at that stage Minister Ngconde Balfour actually only received probably a glass of wine from Bosasa when he visited us. He did  
10 not receive anything. I want that clarified.

**CHAIRPERSON**: Yes.

**MR ANGELO AGRIZZI**: Please.

**CHAIRPERSON**: Okay, thank you.

**MR ANGELO AGRIZZI**: [Intervenes].

**CHAIRPERSON**: Thank you.

**MR ANGELO AGRIZZI**: And there is no, I mean he maybe had a glass of wine.

**CHAIRPERSON**: Ja.

**MR ANGELO AGRIZZI**: Red wine.

**CHAIRPERSON**: Hm.

20 **ADV PAUL PRETORIUS SC**: The third bullet reads:

“Spied on senior correctional services officials during a 2006  
workshop.”

Do you know anything about that?

**MR ANGELO AGRIZZI**: That is correct. It was done.

**ADV PAUL PRETORIUS SC**: What happened? I do not recall it was in your evidence

...[intervenes].

**MR ANGELO AGRIZZI**: Well it was an instruction.

**ADV PAUL PRETORIUS SC**: Thus far.

**MR ANGELO AGRIZZI**: It is...

**ADV PAUL PRETORIUS SC**: We should try and speak one at a time if that is possible.

**MR ANGELO AGRIZZI**: My apologies Chair.

**ADV PAUL PRETORIUS SC**: So tell the Chair about that spying operation or event.

**MR ANGELO AGRIZZI**: What happened there Chair was that basically I was asked to do a spying exercise on them by Patrick Gillingham and at that stage he was so powerful and Richmond Mti was so powerful he just followed. Whatever they wanted they got. As simple as that.

**ADV PAUL PRETORIUS SC**: So what actually happened?

**MR ANGELO AGRIZZI**: Well there was a company employed to go and take photographs and to actually mingle with them. I cannot remember which company it was and to give a report back on them.

**ADV PAUL PRETORIUS SC**: Them meaning Correctional Services Officials?

**MR ANGELO AGRIZZI**: Correct, yes.

**ADV PAUL PRETORIUS SC**: And the event at which this occurred was a workshop which was held in 2006?

20 **MR ANGELO AGRIZZI**: Correct.

**ADV PAUL PRETORIUS SC**: And did you supervise that exercise?

**MR ANGELO AGRIZZI**: I just got feedback from it. I actually if, if you ask me if I supervised it. Yes, I would take responsibility and I supervised it.

**ADV PAUL PRETORIUS SC**: Right and to whom did the report of this exercise go?

**MR ANGELO AGRIZZI**: It went to Patrick Gillingham.

**ADV PAUL PRETORIUS SC:** Right. The next paragraph deals with Mr Gavin Watson. We need not deal with that. The next paragraph deals with Lindela and perhaps we should just read that onto the record.

“The Group also runs the controversial Lindela Repatriation  
Camp...”

**MR ANGELO AGRIZZI:** Yes.

**ADV PAUL PRETORIUS SC:** “...for the Department of Home Affairs...”

**MR ANGELO AGRIZZI:** Yes.

**ADV PAUL PRETORIUS SC:** “...and has large contracts with the South  
10 African Post Office, Airport Company of South Africa and the  
Departments of Justice and Transport.”

**MR ANGELO AGRIZZI:** Correct.

**ADV PAUL PRETORIUS SC:** You have testified to those matters. It goes on to say:

“The Special Investigating Unit (SIU) has been probing the  
Bosasa since 2006 and raided its offices in December. Three  
weeks after the raid the company was re-awarded the massive  
prisons catering contract it landed in 2004.”

Is that correct?

**MR ANGELO AGRIZZI:** I said that this is probably the most accurate news report, but I  
20 did not say that it did not have errors in it and the one error is that there were three  
weeks after the raid. There was not actually a raid. It was arranged that they come  
and copy the server file. So that is not correct.

**ADV PAUL PRETORIUS SC:** So the Special Investigating Unit ...[intervenes].

**MR ANGELO AGRIZZI:** Yes.

**ADV PAUL PRETORIUS SC:** (SIU) did attend at Bosasa premises and carried out

certain search, searches there in particular copying of servers?

**MR ANGELO AGRIZZI**: Yes, it was, but it was not a raid.

**ADV PAUL PRETORIUS SC**: [Intervenes] detail of that in due course.

**MR ANGELO AGRIZZI**: Okay.

**ADV PAUL PRETORIUS SC**: But is it correct that three weeks after that event and notwithstanding that event Bosasa was re-awarded the catering contract that was originally or had originally being granted in 2004?

**MR ANGELO AGRIZZI**: That is correct.

**ADV PAUL PRETORIUS SC**: Right. It goes on to read:

10                    “The department’s advertisements on Sunday were a reaction  
to the Mail & Guardian’s report last week of alleged regularities  
and the awarding of the latest catering tender.”

**MR ANGELO AGRIZZI**: That is correct.

**ADV PAUL PRETORIUS SC**: It goes on to say:

“Former Prisons Commissioner Vernie Petersen suspended  
Gillingham in September after receiving a preliminary SIU  
Report.”

**MR ANGELO AGRIZZI**: That is correct.

**ADV PAUL PRETORIUS SC**: “Petersen was later transferred to the Sports

20                    Department in what was widely seen as a reprisal for his  
opposition to Balfour’s attempts to extend the 2004 contract.”

That is what the report says, but you give no evidence in regard to Minister Balfour.

**MR ANGELO AGRIZZI**: I think Balfour was innocent in this. I do not think he tried to extend it. I think what happened was he walked into a meeting if I recall correctly. He was annoyed with Vernie Petersen, because Vernie Petersen had accused him of

receiving a vehicle from Bosasa and what happened was and I am sorry. I did not comment on this, because I did not think you would ask, but basically he was annoyed with Vernie Petersen and he said I will show you who is boss. That is apparently what happened, but I can tell you now that there was no evidence ever that Balfour had received a vehicle or anything like that and I do not think it was Balfour that pushed him out.

**ADV PAUL PRETORIUS SC:** But in any event it is correct you say that Vernie Petersen suspended Gillingham in September.

**MR ANGELO AGRIZZI:** That point is correct.

10 **ADV PAUL PRETORIUS SC:** Of which year? 2006 is it?

**MR ANGELO AGRIZZI:** It was later. It was about 2007 I think, 2008 around there or I cannot recall.

**ADV PAUL PRETORIUS SC:** After, let us just interpose here, because it is relevant and will become relevant later. After Mr Petersen had suspended Gillingham you say Mr Petersen or the article says Mr Petersen was later transferred out of the Department of Correctional Services.

**MR ANGELO AGRIZZI:** That is right.

**ADV PAUL PRETORIUS SC:** What happened to Mr Gillingham after his suspension or after this suspension?

20 **MR ANGELO AGRIZZI:** Well he sat at home and.

**ADV PAUL PRETORIUS SC:** No, but do you know whether he was reemployed or was finally dismissed?

**MR ANGELO AGRIZZI:** Sorry, just explain again to me. I do not understand. He was not dismissed. He was, he was put on suspension.

**ADV PAUL PRETORIUS SC:** Yes.

**MR ANGELO AGRIZZI:** And he went on suspension for about a year.

**ADV PAUL PRETORIUS SC:** Yes.

**MR ANGELO AGRIZZI:** I do not know if that clarifies that Chair.

**CHAIRPERSON:** I think he wants to know what happened after that.

**MR ANGELO AGRIZZI:** Then he resigned.

**ADV PAUL PRETORIUS SC:** Okay.

**CHAIRPERSON:** Hm.

**MR ANGELO AGRIZZI:** He actually resigned from the department and he was in.

**ADV PAUL PRETORIUS SC:** Okay.

10 **MR ANGELO AGRIZZI:** That is what it was.

**ADV PAUL PRETORIUS SC:** Was there an earlier occasion on which Mr Gillingham was suspended?

**MR ANGELO AGRIZZI:** No. Not that I am aware of.

**ADV PAUL PRETORIUS SC:** Okay. We will deal with that evidence in due course.

**MR ANGELO AGRIZZI:** Okay.

**ADV PAUL PRETORIUS SC:** Let us get back to the text of the press release on page 352 and I am sorry I took you out of sequence.

**MR ANGELO AGRIZZI:** Yes.

20 **ADV PAUL PRETORIUS SC:** Do you know what role Mr Gillingham played in relation to the award of what is referred to here as the latest catering tender?

**MR ANGELO AGRIZZI:** Well as far as I know he was the Head of the Tender Committee.

**ADV PAUL PRETORIUS SC:** Right.

**MR ANGELO AGRIZZI:** Bid Adjudication and the Bid Evaluation Committees.

**ADV PAUL PRETORIUS SC:** Right and we will get to the detail of that when we deal



with the SIU Report.

**MR ANGELO AGRIZZI**: Yes.

**ADV PAUL PRETORIUS SC**: And then there is a heading “2004 A New Romance”.

The press release under the heading “Here is the proof Minister” continues. It reads:

“In 2004 the contract for running prisons kitchens was outsourced for the first time. The tender was officially advertised on May, the 21<sup>st</sup> in the Government’s Tender Bulletin...”

You have given evidence about...[intervenes].

10 **MR ANGELO AGRIZZI**: Correct.

**ADV PAUL PRETORIUS SC**: That contract. It goes on to read:

“...but documents show that on May, the 1<sup>st</sup> Bosasa employee and co-founder Danny Mansell sent Bosasa’s Operations Coordinator Angelo Agrizzi papers containing more than 90 percent of the bid conditions and specifications.”

**MR ANGELO AGRIZZI**: That is correct.

**ADV PAUL PRETORIUS SC**: So that is a communication of information relevant to the bid to yourself approximately three weeks before the tender was first advertised?

**MR ANGELO AGRIZZI**: That is correct.

20 **ADV PAUL PRETORIUS SC**: The article continues:

“Three weeks later the Department of Correctional Services made available the same document with the same spelling errors to the rest of the catering sector.”

Do you recall that?

**MR ANGELO AGRIZZI**: Yes, I do.

**ADV PAUL PRETORIUS SC:** is it correct?

**MR ANGELO AGRIZZI:** It is 100 percent correct.

**ADV PAUL PRETORIUS SC:** “On August, the 6<sup>th</sup> Bosasa was awarded the entire contract worth R239 million a year for three years.”

**MR ANGELO AGRIZZI:** That is correct.

**ADV PAUL PRETORIUS SC:** It goes onto read:

“The Department extended Bosasa’s contract for another year and expanded it to include more prisons adding R82 million to the bill.”

10 Is that correct?

**MR ANGELO AGRIZZI:** I think I do cover that in my affidavit as well.

**ADV PAUL PRETORIUS SC:** Yes.

**MR ANGELO AGRIZZI:** That is correct.

**ADV PAUL PRETORIUS SC:** And that paragraph concludes:

“It was the further extension that led to Petersen’s clash with Balfour.”

Do you know anything about that?

20 **MR ANGELO AGRIZZI:** As I mentioned earlier there was a discussion between Petersen and Balfour and there was an altercation about the vehicle, the actual altercation was about the vehicle which Petersen wrongly accused Balfour of.

**ADV PAUL PRETORIUS SC:** Alright, but do you know anything about the further extension of the contract being a matter of some dispute between Petersen and Balfour?

**MR ANGELO AGRIZZI:** I am not fully aware of that, no.

**ADV PAUL PRETORIUS SC:** Alright. It continues that is the article continues and we

are at page 353.

“In July 2004 the department also gave Bosasa a R1 million tender for nutritional training for prisons kitchen staff.”

Is that a correct fact?

**MR ANGELO AGRIZZI:** That is, that is correct, because and you will recall yesterday I alluded to it in terms of the function that I was invited to by Dr Smith. That is correct.

**ADV PAUL PRETORIUS SC:** The paragraph continues:

“Again Mansell sent Agrizzi large parts of the tender document including bid conditions and specifications on May, the 12<sup>th</sup>.

10                   The tender was advertised on June, the 4<sup>th</sup>.”

Are those facts correct?

**MR ANGELO AGRIZZI:** That is correct.

**ADV PAUL PRETORIUS SC:** So just to summarise again once more you were in possession of tender documents including bid conditions and specifications before the advertisement of the tender?

**MR ANGELO AGRIZZI:** Correct, but I just want to clarify something. I think this refers to the HK2 2004 which was a catering tender.

**ADV PAUL PRETORIUS SC:** Alright. We will get to the detail.

**MR ANGELO AGRIZZI:** Okay.

20                   **ADV PAUL PRETORIUS SC:** Of four particular tenders investigated.

**MR ANGELO AGRIZZI:** Yes.

**ADV PAUL PRETORIUS SC:** Reasonably comprehensively it appears at least from the ...[intervenes].

**MR ANGELO AGRIZZI:** Correct.

**ADV PAUL PRETORIUS SC:** Documents by the SIU.

**MR ANGELO AGRIZZI:** Correct.

**ADV PAUL PRETORIUS SC:** We will deal with that.

**MR ANGELO AGRIZZI:** I am happy with that Chair.

**ADV PAUL PRETORIUS SC:** Hopefully sooner rather than later.

**MR ANGELO AGRIZZI:** Ja.

**ADV PAUL PRETORIUS SC:** Then there is a heading on page 353 which reads “2005

You Have got Mail”. Do you see that?

**MR ANGELO AGRIZZI:** I do Chair.

**ADV PAUL PRETORIUS SC:** The paragraph under that heading reads:

10                    “The inclusion of CCTV Cameras in the catering tender meant  
that by 2005 Bosasa had a national control centre to monitor  
the kitchens.”

Is that correct?

**MR ANGELO AGRIZZI:** That is correct.

**ADV PAUL PRETORIUS SC:** It continues to read:

“This linked perfectly with its next contract the R237 million  
tender for access control and CCTV in 66 prisons. It went to a  
newly registered company Sondolo IT which Beeld revealed in  
2006 was 40 percent owned by Bosasa Operations.”

20   **MR ANGELO AGRIZZI:** That is correct.

**ADV PAUL PRETORIUS SC:** Was the interest in Sondolo IT limited to 40 percent?

**MR ANGELO AGRIZZI:** Which is owned by Bosasa?

**ADV PAUL PRETORIUS SC:** Yes.

**MR ANGELO AGRIZZI:** Yes, it was 40 percent. The others, shareholding was held by  
other companies. I cannot recall all of them at the moment.

**ADV PAUL PRETORIUS SC:** Other companies ...[intervenes].

**MR ANGELO AGRIZZI:** Other entities.

**ADV PAUL PRETORIUS SC:** Bosasa.

**MR ANGELO AGRIZZI:** Other entities.

**ADV PAUL PRETORIUS SC:** Within the Bosasa Group or external to the Bosasa Group?

**MR ANGELO AGRIZZI:** I cannot recall. Sorry, Chair. That was the early days and I cannot recall.

**ADV PAUL PRETORIUS SC:** In any event the reference here to the CCTV Contract is  
10 this the same contract to which you had referred in your evidence earlier today?

**MR ANGELO AGRIZZI:** Correct.

**ADV PAUL PRETORIUS SC:** Just before we go on do you know what documents  
Adriaan Basson had in his possession to enable him to author this press release?

**MR ANGELO AGRIZZI:** In terms of?

**ADV PAUL PRETORIUS SC:** Well where did he get his information from?

**MR ANGELO AGRIZZI:** Are you talking specifically about the, the travel invoices? Are  
you talking about ...[intervenes]?

**ADV PAUL PRETORIUS SC:** No, I am talking generally about ...[intervenes].

**CHAIRPERSON:** The contents of the article.

20 **ADV PAUL PRETORIUS SC:** The contents of ...[intervenes].

**MR ANGELO AGRIZZI:** Oh the contents.

**ADV PAUL PRETORIUS SC:** Ja.

**MR ANGELO AGRIZZI:** This was common knowledge. He had done his homework.  
He had actually gone and looked for the, for the information.

**CHAIRPERSON:** I think Mr Pretorius is asking whether you are able to assist to say

this is where she, he must have or he did get the information from.

**MR ANGELO AGRIZZI:** Well he got it from inside the company.

**CHAIRPERSON:** Hm. You, you had nothing to do with the information being given to, to him?

**MR ANGELO AGRIZZI:** Most definitely not.

**CHAIRPERSON:** Yes, okay. I think Mr Pretorius was just trying to see whether there might have been somebody inside who was giving the ...[intervenes].

**MR ANGELO AGRIZZI:** There were, there were a couple of people inside, yes.

**CHAIRPERSON:** Yes. Okay.

10 **ADV PAUL PRETORIUS SC:** You have given your evidence and this is the point of the question ...[intervenes].

**MR ANGELO AGRIZZI:** Yes.

**ADV PAUL PRETORIUS SC:** You have given your evidence from your own memory and your own records?

**MR ANGELO AGRIZZI:** Oh, yes.

**ADV PAUL PRETORIUS SC:** This information if you had nothing to do with any communication with Mr Basson presumably came from some other source.

**MR ANGELO AGRIZZI:** I have spoken to him once or twice and that is it. [Intervenes].

**ADV PAUL PRETORIUS SC:** But you did not give this information ...[intervenes].

20 **MR ANGELO AGRIZZI:** No, I would not have spoken to him in those years anyway.

**ADV PAUL PRETORIUS SC:** Right and it was given at a time when I understand that you were still loyal to Bosasa.

**MR ANGELO AGRIZZI:** Unfortunately yes.

**ADV PAUL PRETORIUS SC:** Right. So well we can submit, but perhaps I can just place on record the submission will be that this is corroborating information from

another source.

**CHAIRPERSON:** Okay.

**ADV PAUL PRETORIUS SC:** Let us get back to Sondolo IT. You said you are not sure of who the shareholders were, but you confirm it was 40 percent owned by Bosasa Operations in 2006.

**MR ANGELO AGRIZZI:** Chair just to give you a bit of background. The shareholding changed like kids eating sweets. Sometimes they like separating and having blue ones and sometimes they are yellow smarties and sometimes orange smarties. This was a mess. One never knew what the shareholding was. It was how Gavin got up in  
10 the morning. So I cannot recall.

**CHAIRPERSON:** Okay. I think it is a point you have made also before to say the shareholding used to change very regularly.

**MR ANGELO AGRIZZI:** Correct.

**CHAIRPERSON:** Yes, okay.

**ADV PAUL PRETORIUS SC:** The article continues to say:

“Other shareholders...”

And the reference is to Sondolo IT.

“...included former President Thabo Mbeki’s Political Advisor,  
Titus Mafolo.”

20 **MR ANGELO AGRIZZI:** Correct.

**ADV PAUL PRETORIUS SC:** “...and former Strategic Fuel Fund  
Chairperson Seth Phalatse, P-H-A-L-A-T-S-E.”

**MR ANGELO AGRIZZI:** That is correct.

**ADV PAUL PRETORIUS SC:** Do you know that as a fact?

**MR ANGELO AGRIZZI:** Yes that is a fact.

**ADV PAUL PRETORIUS SC:** Right and then the article continues in the next paragraph to read:

“On December, the 17<sup>th</sup> 2004 Bosasa’s IT Coordinator Johan Helmand, H-E-L-M-A-N-D, emailed Agrizzi certain tender specifications that were to appear in the official bid document published on February, the 4<sup>th</sup> 2005.”

Is that information correct?

**MR ANGELO AGRIZZI:** That is correct Chair.

**ADV PAUL PRETORIUS SC:** So once again before the publication of an official bid document by the Department of Correctional Services you had in your possession with the assistance of Mr Johan Helmand tender specifications?

**MR ANGELO AGRIZZI:** That is correct.

**ADV PAUL PRETORIUS SC:** The articles continues on.

“On April, the 29<sup>th</sup> Sondolo IT was awarded the contract.”

Is that correct?

**MR ANGELO AGRIZZI:** That is correct.

**ADV PAUL PRETORIUS SC:** “In 2005 Agrizzi and Gillingham started emailing each other prison research reports and newspaper clippings.”

20 Is that correct?

**MR ANGELO AGRIZZI:** He would send me often his resource papers and all that type and ...[intervenes].

**ADV PAUL PRETORIUS SC:** What was the purpose of that?

**MR ANGELO AGRIZZI:** Sorry?

**ADV PAUL PRETORIUS SC:** What was the purpose of that?



**MR ANGELO AGRIZZI:** Perhaps he was trying to keep me informed of what was happening in the industry. I really was not that interested in it.

**ADV PAUL PRETORIUS SC:** Oh.

“On August, the 29<sup>th</sup> Gillingham sent Agrizzi a copy of questions from City Press put to the Department about the Bosasa contracts the leak documents show.”

**MR ANGELO AGRIZZI:** That is correct.

**ADV PAUL PRETORIUS SC:** Right. It continues in the next paragraph.

10 “On December, the 9<sup>th</sup> 2005 Bosasa landed a R487 million prisons contract for security fencing through a small Cape Town firm Phezulu Fencing it had purchased.”

**MR ANGELO AGRIZZI:** That is correct.

**ADV PAUL PRETORIUS SC:** Is that a reference to the evidence you have given earlier this morning?

**MR ANGELO AGRIZZI:** Exactly that.

**ADV PAUL PRETORIUS SC:** The article continues to read:

“There is double proof that the company had privileged information long before the tender was advertised.”

You have told the Chair of that.

20 **MR ANGELO AGRIZZI:** I think I explained it in detail.

**ADV PAUL PRETORIUS SC:** “Three months earlier on September, the 25<sup>th</sup> Agrizzi emailed Mansell a voluminous document containing bid specifications. “Please verify and check. We can sit tomorrow am” Agrizzi wrote.”

**MR ANGELO AGRIZZI:** I ...[intervenes].

**ADV PAUL PRETORIUS SC:** Did that occur?

**MR ANGELO AGRIZZI:** I cannot recall that specific date, but if it is in the document it occurred.

**ADV PAUL PRETORIUS SC:** Right. Well do you have any independent recollection of ...[intervenes].

**MR ANGELO AGRIZZI:** No.

**ADV PAUL PRETORIUS SC:** Communications with Mansell containing or in relation to a document containing bid specifications?

**MR ANGELO AGRIZZI:** I would have responded to him if he had sent me an email and  
10 I would have responded in that manner.

**ADV PAUL PRETORIUS SC:** But that is all you can say about that?

**MR ANGELO AGRIZZI:** I cannot, I cannot recall it.

**ADV PAUL PRETORIUS SC:** Right. It continues the article that is to read:

“On October, the 3<sup>rd</sup> Agrizzi sent a longer version headed  
“Fence Doc Final” to the Chief Executives of Bekaert, B-E-K-A-  
E-R-T Bastion and SA Fence and Gate Michael Rodenburg, R-  
O-D-E-N-B-U-R-G and Geoff Greyling respectively.”

**MR ANGELO AGRIZZI:** Correct.

**ADV PAUL PRETORIUS SC:** “...under the subject line “Fence Doc  
20 Final...Very Confidential...”.”

What do you recall of the report in that respect?

**MR ANGELO AGRIZZI:** I recall that I would have been sent that document, because I did not have time to do it as I mentioned in my statement. I would have been sent that document by Danny Mansell or perhaps one of the team that were working on the actual document itself.

**ADV PAUL PRETORIUS SC:** And what would you have done or what do you recall doing with that document

**MR ANGELO AGRIZZI:** I would have literally sped read it and I would just forward it back to the team.

**ADV PAUL PRETORIUS SC:** And the executives mentioned here of Behaert Bastion and SA Fence and Gate Michael Rodenburg and Geoff Greyling, do you know them?

**MR ANGELO AGRIZZI:** Yes.

**ADV PAUL PRETORIUS SC:** Is that the same person that you referred to earlier in your statement Rodenburg?

10 **MR ANGELO AGRIZZI:** That is exactly the same gentleman.

**ADV PAUL PRETORIUS SC:** Right. And what would the purpose of – did you recall or do you recall sending that longer version Fence Doc Final to the gentlemen referred to here?

**MR ANGELO AGRIZZI:** Yes you must remember that Mansell had emailed it to me and I was the responsible party. He would want to say he said in his email on the 25 September we said there that we would sit and we would go through it. I then would have passed that document on to the relevant parties to look at it.

**ADV PAUL PRETORIUS SC:** And were the persons mentioned in the paragraph we have just referred the relevant parties?

20 **MR ANGELO AGRIZZI:** Yes.

**ADV PAUL PRETORIUS SC:** It goes on to read that article that is “this contained the full bid conditions and specifications published by the department on October14 that is eleven days later” is that correct that statement?

**MR ANGELO AGRIZZI:** I cannot recall that specific date.

**ADV PAUL PRETORIUS SC:** But do you know whether you had in your possession at

some stage and you transmitted to relevant parties a document containing the full bid conditions and specifications which were later published by the department?

**MR ANGELO AGRIZZI**: If you have a look at – if you have a look at the sequential flow yes that happened.

**ADV PAUL PRETORIUS SC**: Right and you have testified to these facts albeit in different words this morning?

**MR ANGELO AGRIZZI**: Yes.

**ADV PAUL PRETORIUS SC**: Then that paragraph continues to read “Bekaert Bastion supplied cladding material and SA Fence and Gate was contract to do part of the  
10 installation.” Are those facts correct?

**MR ANGELO AGRIZZI**: Well they un – incomplete I would say. Because the – if you look at it we testified this morning that the cladding material was actually the fencing, the actual mesh and SA Fence and Gate was not the only person that was sub-contracted to do the fence. There was a lot of others.

**ADV PAUL PRETORIUS SC**: And you mentioned.

**MR ANGELO AGRIZZI**: Yes.

**ADV PAUL PRETORIUS SC**: I am sorry I interrupted you.

**MR ANGELO AGRIZZI**: Yes.

**ADV PAUL PRETORIUS SC**: You mentioned those other companies involved this  
20 morning?

**MR ANGELO AGRIZZI**: Correct.

**ADV PAUL PRETORIUS SC**: It goes on to read “This week Greyling categorically denied seeing a copy of the bid document before it was published.” He said “it should be recorded that the tender was based on the standard public works of Correctional Services specification with which we are all well acquainted from previous bids. The

prior possession of the tender document by anyone would therefore be of no specific advantage to such person.” Now I am not sure that you were privy to what Mr Greyling might have said?

**MR ANGELO AGRIZZI**: I cannot comment Chair.

**ADV PAUL PRETORIUS SC**: But there Mr Greyling says “does it matter if you have got prior possession of tender documents because it would be useless these matters are consistent or these – this information is consistent with standard public works Correctional Services specifications and it is of no use to anybody.” What do you say to that?

- 10 **MR ANGELO AGRIZZI**: Not entirely true. The standard installation process might be exactly the same as reflected in the tender specifications of public works or any other department but the actual mesh was mentioned was different. We had made the opening and closing mechanisms different so it was not just a normal gate opener it was an electro-magnetic slider. So that was different and there were some other changes made as well. So that paragraph is not entirely true.

**ADV PAUL PRETORIUS SC**: So is it correct to say specifically the prior possession of the tender document by anyone would therefore be of no specific advantage to such person?

**MR ANGELO AGRIZZI**: No it would be definitely of an advantage.

- 20 **ADV PAUL PRETORIUS SC**: Interestingly in that paragraph although the report said Mr Greyling denied seeing a copy of the bid document before it was published his explanation seems to indicate that not that he had not seen it but that if he had seen it would be of no use to anybody. But I just make that remark in passing it is not necessary to comment. Let us continue then on page 354 the report continues to read “Collett Stofberg of Bekaert Bastion now called Beta Fence replied that years before

this contract Beta Fence provided technical specifications to the Department of Public Works that were used in this tender. Do you know anything about that allegation?

**MR ANGELO AGRIZZI:** No I am not aware of the truthfulness of that.

**ADV PAUL PRETORIUS SC:** Right the third paragraph reads “according to an industry inside of the big advantage lies in knowing the quantities required for the tender weeks before your competitors”.

**MR ANGELO AGRIZZI:** That is fact.

**ADV PAUL PRETORIUS SC:** It continues in the next paragraph to read “on October 10 2005 Agrizzi sent Gillingham a six page document titled Equipment Specifications and  
10 Guidelines the same section featured in a tender for a comprehensive television system comprising six thousand TV’s for communal cells published four days later.” Is that correct?

**MR ANGELO AGRIZZI:** That is correct.

**ADV PAUL PRETORIUS SC:** On November 28 Agrizzi emailed Mansell the confidential evaluation sheet the department used to adjudicate the TV tender which Sondolo IT won on March 17 2006. Is that fact correct?

**MR ANGELO AGRIZZI:** That fact is correct.

**ADV PAUL PRETORIUS SC:** Then in – the article continues on page 354 under a new heading reading 2006 Spies In The House. Paragraph – the first paragraph under that  
20 head reads: “on February 9 Agrizzi sent Gillingham a document headed Quote Tender Evaluation Criteria New Waterval” contained in comments on bid specifcations for a contract for catering services at seven prisons in the Waterval management area Kwa Zulu Natal.” Do you recall that fact?

**MR ANGELO AGRIZZI:** That is – I recall it.

**ADV PAUL PRETORIUS SC:** Did it occur as stated?

**MR ANGELO AGRIZZI:** Yes it did.

**ADV PAUL PRETORIUS SC:** It continues. “The tender was officially advertised on May 19. Seven days earlier Gillingham sent Agrizzi the confidential evaluation sheet for the Waterval tender with a message “Hi attached please find the reworked evaluation sheet for your comments. You will notice the evaluation sheet for sites visits cannot be published and will not form part of this document. Regards Patrick.” Do you recall that having occurred?

**MR ANGELO AGRIZZI:** I do.

**ADV PAUL PRETORIUS SC:** Not only does it seem that you were provided with a  
10 confidential evaluation sheet you even asked for your comments?

**MR ANGELO AGRIZZI:** Yes he did.

**ADV PAUL PRETORIUS SC:** Did you provide comments?

**MR ANGELO AGRIZZI:** I do not think I did if I recall correctly. I cannot recall that specifically.

**ADV PAUL PRETORIUS SC:** The report continues: “On September 15 Bosasa Operations was awarded the Waterval catering tender worth R123 million over five years.”

**MR ANGELO AGRIZZI:** That is correct.

**ADV PAUL PRETORIUS SC:** On April 24 2006 Agrizzi sent Gillingham a letter in which  
20 an anonymous writer asks the chairperson of Parliaments Correctional Services Dennis Bloom to “sort out” the attack on the department by “international capitalists and activists Afrikaner companies”. This week Bloom confirmed receiving such a letter.” Do you recall that having occurred?

**MR ANGELO AGRIZZI:** I recall it vividly it was always conspiracy theories created by certain individuals.

**ADV PAUL PRETORIUS SC:** Right. So attacks on Bosasa it appears were characterised by what is referred to as an anonymous writer as attacks by international capitalists and activist Afrikaner companies do I understand that references here correctly?

**MR ANGELO AGRIZZI:** Chair if I can just add for completeness. Every time there is an attack on Bosasa or anybody of – anybody there it gets blamed on racism, it gets blamed on international espionage. It is all these conspiracy theories so that statement there is one hundred and ten percent correct.

**ADV PAUL PRETORIUS SC:** The article continues in the next paragraph to read “on  
10 June 21 Agrizzi sent Gillingham a surveillance report of a prisons department security workshop?

**MR ANGELO AGRIZZI:** Correct.

**ADV PAUL PRETORIUS SC:** At a Drakensberg Hotel in June 2006. The 25 page report makes it clear that the agent was asked to spy on the department’s Chief Deputy Commissioner Of Security Willem Damons, D-a-m-o-n-s and his subordinate Tonie, T-o-n-i-e Venter. The report also contains pictures of people and cars at the hotel as well as the inside of the conference room. You spoke earlier this afternoon Mr Agrizzi of the spying operation that you were involved in, is this the same operation?

**MR ANGELO AGRIZZI:** That is exactly the same operation.

20 **ADV PAUL PRETORIUS SC:** And is it correct that someone was asked to spy on the departments Chief Deputy Commissioner of Security and his subordinate?

**MR ANGELO AGRIZZI:** That is correct.

**ADV PAUL PRETORIUS SC:** The article ...[intervenes].

**CHAIRPERSON:** Those or – I am sorry those on whom Bosasa decided should be spied on well was it those that were seen as having a negative attitude towards Bosasa



or what?

**MR ANGELO AGRIZZI:** Yes anybody who was negative or problematic.

**CHAIRPERSON:** Ja okay.

**MR ANGELO AGRIZZI:** Would be spied on.

**CHAIRPERSON:** Okay.

**ADV PAUL PRETORIUS SC:** Who instigated this spying operation?

**MR ANGELO AGRIZZI:** The actual instigator behind the scenes?

**ADV PAUL PRETORIUS SC:** Yes.

**MR ANGELO AGRIZZI:** Was Gavin Watson.

10 **ADV PAUL PRETORIUS SC:** And the purpose of the spy operation?

**MR ANGELO AGRIZZI:** Was to try and confirm a conspiracy theory that was – I used to – may I add for completeness? I used to have to draw up organograms that were fictitious in nature to try and show the conspiracy of the Afrikaner Broederbond from Stellenbosch and then it was not the Stellenbosch it was another crowd from wherever. It was always conspiracy so I cannot confirm you know that they were true because I never saw them. Does that answer your question?

**ADV PAUL PRETORIUS SC:** Yes in short these were conspiracies that were created or sort to be established in order to undermine the good work that Bosasa was doing?

20 **MR ANGELO AGRIZZI:** Of course it was always a conspiracy to undermine and it was from the devil.

**ADV PAUL PRETORIUS SC:** Yes.

**CHAIRPERSON:** I do not know if the two of you may have spoken at cross purposes just now but the conspiracy theories that you are talking about.

**MR ANGELO AGRIZZI:** Yes Chair.

**CHAIRPERSON:** Were intended to defend/protect the image of Bosasa. I thought you

– it was within Bosasa that somebody came up with the theories?

**MR ANGELO AGRIZZI:** That is correct Chair.

**CHAIRPERSON:** As a response to some – to negative publicity about Bosasa?

**MR ANGELO AGRIZZI:** That is correct.

**CHAIRPERSON:** Is that right? Okay.

**ADV PAUL PRETORIUS SC:** I am not sure but let us try and clarify it Chair because it may be relevant to other evidence that will be lead before you Chair. Bosasa continued with what you have said are its unlawful activities?

**MR ANGELO AGRIZZI:** That is correct.

10 **ADV PAUL PRETORIUS SC:** There were attacks on Bosasa from amongst others media sources?

**MR ANGELO AGRIZZI:** Correct.

**ADV PAUL PRETORIUS SC:** And Bosasa was attacked for doing what it had done?

**MR ANGELO AGRIZZI:** That is correct Chair.

**ADV PAUL PRETORIUS SC:** In response to those attacks Bosasa said there is no merit to these attacks they are merely

**CHAIRPERSON:** Conspiracy theories.

**ADV PAUL PRETORIUS SC:** Attacks by international capitalists and activists Afrikaner companies for their own conspiratorial purposes?

20 **MR ANGELO AGRIZZI:** That is correct Chair.

**ADV PAUL PRETORIUS SC:** Ja.

**CHAIRPERSON:** Thank you.

**ADV PAUL PRETORIUS SC:** The article continues “in his message to Gillingham Agrizzi wrote I did not see the reason need to email you the rest nothing actually happened. Gillingham replied the next day “hi thanks for the report and it seems as if

they behaved well during their session. Regards.” Do you recall that exchange between yourself and Gillingham?

**MR ANGELO AGRIZZI:** Vividly.

**ADV PAUL PRETORIUS SC:** Is there anything to add to that that might interest the Chair?

**MR ANGELO AGRIZZI:** I actually said to him that I was uncomfortable doing it because nothing actually happened. There is no – there was no conspiracy theory there at all. These guys were doing their job and they were at a function.

**ADV PAUL PRETORIUS SC:** Right it continues that is the article continues “Bosasa’s  
10 lawyer Brian Biebuyck advised his client not to answer the Mail and Guardians’ questions. He warned the Mail and Guardian to publish “at your peril” and said Bosasa would pursue charges of criminal deformation if defamatory material were printed.” We know that material was printed because we see it here, reference to it here in these pages, was any criminal defamation action ever instituted resulting from this article?

**MR ANGELO AGRIZZI:** Chair we did take action against Adriaan Basson at one stage but we did – we were not successful at all.

**CHAIRPERSON:** Was the action that you are talking about delaying of criminal complaint with the police?

**MR ANGELO AGRIZZI:** No it was – we had taken it to the press ombudsman I think  
20 the press ombudsman was Mr Joe Thloloe.

**CHAIRPERSON:** Yes.

**MR ANGELO AGRIZZI:** And the funny thing was he had made a mistake he must be getting on in years and responded he sent a message to Ferial Haffajee and said how should I respond to this email. So I – and by accident he had actually sent it to my

email address as well. So that was – and then we took them to court and nothing really happened.

**CHAIRPERSON:** Okay.

**ADV PAUL PRETORIUS SC:** The final paragraph of the article reads: “the department’s Manelisi M-a-n-e-l-i-s-i Wolela W-o-l-e-l-a responded that the Mail and Guardians questions “are part of a broader brief given to the SIU” and urged the newspaper to provide the unit with proof of impropriety. Gillingham did not respond to the Mail Guardians queries. And then the article continues to refer to pictures which are not referred to.

10 **MR ANGELO AGRIZZI:** That is correct.

**ADV PAUL PRETORIUS SC:** Chair it is a – I do not know if you are taking a break this afternoon?

**CHAIRPERSON:** It might be a good idea to take a short break.

**ADV PAUL PRETORIUS SC:** Very good idea Chair.

**CHAIRPERSON:** And maybe of ten minutes.

**ADV PAUL PRETORIUS SC:** Thank you Chair.

**CHAIRPERSON:** Are you suggesting we take it now?

**ADV PAUL PRETORIUS SC:** Yes Chair.

**CHAIRPERSON:** Okay we will take a ten minutes break and we will resume at ten to  
20 four.

**ADV PAUL PRETORIUS SC:** Thank you Chair.

**CHAIRPERSON:** We adjourn.

**HEARING ADJOURNS**

**HEARING RESUMES**

**CHAIRPERSON:** Yes Mr Pretorius.

**ADV PAUL PRETORIUS SC:** Thank you Chair. Let us move then to paragraph 30.2 of your statement you refer to the use of Blakes Travel. Tell the Chair about that please just very briefly?

**MR ANGELO AGRIZZI:** Briefly you know Chair flights, travel, accommodation and on occasion quite frequently there would also be booked by me on the Bosasa VIP account at Blakes Travel for Mti, his wife and his family and I have provided the supporting documentation and all the flights in a box to the commission.

**CHAIRPERSON:** Thank you.

**ADV PAUL PRETORIUS SC:** Thank you. Paragraph 30.3 you relate an incident  
10 concerning the records at Blakes Travel. How did this matter arise?

**MR ANGELO AGRIZZI:** Chair it arose when they started publishing information with regards to Blakes Travel. What actually happened at that stage was that we had to go and fetch all the computers from Blakes Travel as well as the invoicing books because they had copies and we had to make sure that they were all destroyed. He obliged and handed everything to us.

**ADV PAUL PRETORIUS SC:** Who gave the instruction?

**MR ANGELO AGRIZZI:** Instruction came from Mr Watson.

**ADV PAUL PRETORIUS SC:** And who – to whom was the instruction given?

**MR ANGELO AGRIZZI:** To both myself and Andries Van Tonder.

20 **ADV PAUL PRETORIUS SC:** And the instruction once again.

**MR ANGELO AGRIZZI:** Was to go to Blakes Travel, collect the computers, collect the documents, take them to Luiperds Vlei, destroy them.

**ADV PAUL PRETORIUS SC:** More or less when was this?

**MR ANGELO AGRIZZI:** This was just after the media report that you read just earlier.

**ADV PAUL PRETORIUS SC:** 2009?

**MR ANGELO AGRIZZI:** Yes.

**ADV PAUL PRETORIUS SC:** Right.

**CHAIRPERSON:** Blakes Travel was going to co-operate with this?

**MR ANGELO AGRIZZI:** Yes.

**CHAIRPERSON:** And they did?

**MR ANGELO AGRIZZI:** He did because most of his business came from Bosasa. We spent about R1,7 to R2.2 million a month with them and we were going to replace everything. He took it further if I may clarify for completeness and he then issued us with blank invoice books. Because remember Chair when the invoice has been  
10 captured on the computer it refers to an invoice number so the invoice number was a paper document which had to be replicated and put in the file for the auditors to see. But also the names were changed on the document itself.

**CHAIRPERSON:** But what you – you destroyed in terms of this instruction what you ultimately destroyed was not just the paperwork it is the computers as well?

**MR ANGELO AGRIZZI:** That is correct.

**CHAIRPERSON:** About how many computers did you destroy?

**MR ANGELO AGRIZZI:** I think there were about three that were being used specifically.

**CHAIRPERSON:** Yes.

20 **MR ANGELO AGRIZZI:** So we replaced them.

**CHAIRPERSON:** And you say Bosasa was a big client of Blakes Travel?

**MR ANGELO AGRIZZI:** We would spend between R1,7 and R2.2 million per month.

**CHAIRPERSON:** Yes.

**MR ANGELO AGRIZZI:** With them.

**CHAIRPERSON:** So they knew exactly what you were going to do with the computers and why you?

**MR ANGELO AGRIZZI:** No we told him, we told him.

**CHAIRPERSON:** So they knew why you wanted to destroy the computers and they co-operated?

**MR ANGELO AGRIZZI:** That is correct Chair.

**CHAIRPERSON:** Thank you.

**ADV PAUL PRETORIUS SC:** Right pursuant to this instruction from Gavin Watson did you then meet with Brian Blake of Blakes Travel?

10 **MR ANGELO AGRIZZI:** That is correct.

**ADV PAUL PRETORIUS SC:** What did you tell him?

**MR ANGELO AGRIZZI:** I told him that we were instructed to collect all the documents and to have them destroyed. He obliged and he gave it to us.

**ADV PAUL PRETORIUS SC:** What did he give to you?

**MR ANGELO AGRIZZI:** The documents and the computers.

**ADV PAUL PRETORIUS SC:** Right and after collecting the computers and documents what did you and I presume Andries Van Tonder do?

20 **MR ANGELO AGRIZZI:** That is right we drove to a hostel which we were busy developing at that stage and there was a big hole there and I – we threw them in there and asked someone go and fetch us some petrol, a gentleman by the name of Ryno Rhooide who was responsible for various gardening and maintenance and oversight over the – like a groundsman type person and tasked him to go get us some petrol. He brought the petrol and we poured it over the items, lit it and burnt everything, burnt all the evidence. We had been instructed to do it.

**ADV PAUL PRETORIUS SC:** Ryno is spelt R-y-n-o is that correct?

**MR ANGELO AGRIZZI:** That is correct.

**ADV PAUL PRETORIUS SC:** Right and the name of the hostel to which you have referred?

**MR ANGELO AGRIZZI:** Luiperds Vlei.

**ADV PAUL PRETORIUS SC:** Luiperds Vlei right.

**MR ANGELO AGRIZZI:** It is directly opposite – parallel to the Bosasa offices in the same street.

**ADV PAUL PRETORIUS SC:** Was that a property which belonged to Bosasa?

**MR ANGELO AGRIZZI:** That is correct.

10 **ADV PAUL PRETORIUS SC:** And what was the condition of the site?

**MR ANGELO AGRIZZI:** Well it is a const – it was a construction site at that stage.

**ADV PAUL PRETORIUS SC:** And you say in your statement exactly that it was being revamped and was a construction site?

**MR ANGELO AGRIZZI:** Correct.

**ADV PAUL PRETORIUS SC:** And did you dig a hole?

**MR ANGELO AGRIZZI:** Yes we used a backakter. There was actually – sorry there was actually a hole there. Gert Van Der Bunk was the guy who drove the TLB.

**ADV PAUL PRETORIUS SC:** What is a TLB?

20 **MR ANGELO AGRIZZI:** Front end loader I do not know what – all I know is it is yellow metal I have never really looked into it.

**ADV PAUL PRETORIUS SC:** Anyway there was a hole, what did you do then? You threw the documents and computer in the hole, you set it alight?

**MR ANGELO AGRIZZI:** Threw everything in there, poured petrol over it.

**ADV PAUL PRETORIUS SC:** Let us – one at a time please. There was a hole, you threw the computer and documents in the hole, you set it alight as you said?



**MR ANGELO AGRIZZI**: That is correct.

**ADV PAUL PRETORIUS SC**: Was anything further done to conceal the operation?

**MR ANGELO AGRIZZI**: It was covered up.

**ADV PAUL PRETORIUS SC**: Right.

**MR ANGELO AGRIZZI**: Literally.

**ADV PAUL PRETORIUS SC**: Okay that is the cover up?

**MR ANGELO AGRIZZI**: That was covered up Chair.

**ADV PAUL PRETORIUS SC**: And thereafter in relation to the travel orders that subsequently occurred, what was the arrangement?

10 **MR ANGELO AGRIZZI**: We have gone into that already in terms of the JJ Venter account and basically what happened was that account would be any VIP travel would be booked under that account. And that account then would be reconciled and given to Doctor Jurgen Smith at the end of the month who was running Concilium Business Consultants Chair and he would then reimburse me through Concilium for the actual travel. So he would take all the travel documentation let us say maybe perhaps I booked my family or my children somewhere to go somewhere. He would go through each and every invoice, have a look at it. If there was personal stuff he would book it to me personally and deduct it from the amount, the total amount and give me the balance that was used for the individuals.

20 **ADV PAUL PRETORIUS SC**: Right that was in relation to travel after the cover up of the documents?

**MR ANGELO AGRIZZI**: Correct.

**ADV PAUL PRETORIUS SC**: What was done in relation to the records that were destroyed?

**MR ANGELO AGRIZZI**: Could you just explain yourself?

**ADV PAUL PRETORIUS SC:** Well now we have a travel company with no records?

**MR ANGELO AGRIZZI:** I think I explained it earlier that there was a certain computer that was used for Bosasa or certain computers that were used for the Bosasa account. So it was not that they had no records. They had records but they had just the total figure as an opening which would be an opening balance when they start the next month.

**ADV PAUL PRETORIUS SC:** Yes then I do not understand the allegation in paragraph 30.5. Would you explain that please to the Chair?

**MR ANGELO AGRIZZI:** Yes. No that was not to do with the – that is to do with the  
10 Bosasa records not with regards to Blakes records.

**ADV PAUL PRETORIUS SC:** Not with regard to?

**MR ANGELO AGRIZZI:** Blakes records to do with Bosasa's records of travel. Let me clarify.

**ADV PAUL PRETORIUS SC:** Yes please.

**MR ANGELO AGRIZZI:** Chair.

**ADV PAUL PRETORIUS SC:** Will you tell what happened there?

**MR ANGELO AGRIZZI:** So what happened is there was a certain employee that was instructed because Great Planes would refer you to an amount. The auditors might very well come and say can we pull that invoice please? So what would happen is this  
20 lady was instructed by Gavin to rewrite every single travel invoice.

**CHAIRPERSON:** In Bosasa?

**MR ANGELO AGRIZZI:** In Bosasa because unfortunately Blakes Travel would use a carbonised invoice book so they would write accommodation for Mti at the Paxton Hotel on this date. This was his extras, that is their commission ten percent and that is the total. Then that would be transferred onto a statement. So you had to now rewrite that

invoice you could not really scratch it out because there were three copies. So Matel Wils – sorry I just want to correct that because I had slipped out the name. This person would and – sorry I did not want to mention her name for fear of safety.

**CHAIRPERSON:** Yes no that is fine.

**MR ANGELO AGRIZZI:** Okay they do have the name of the person. The person would write out the invoice but instead of now putting Mti they would write there Agrizzi and they would put it in my name.

**CHAIRPERSON:** Ja.

**MR ANGELO AGRIZZI:** Or they would put it in someone else's name.

10 **CHAIRPERSON:** Ja.

**MR ANGELO AGRIZZI:** Then that invoice would be attached and be given back to Blakes Travel, their copy, the other copy would be retained in their accounts folder. Does that explain the question Chair?

**CHAIRPERSON:** That was in relation to the period preceding the destruction of evidence?

**MR ANGELO AGRIZZI:** That pre – no it was not preceding the destruction of evidence it was post the destruction.

**CHAIRPERSON:** No, no, no I understand that the writing up afresh of information.

**MR ANGELO AGRIZZI:** Yes.

20 **CHAIRPERSON:** Was post the destruction?

**MR ANGELO AGRIZZI:** Correct.

**CHAIRPERSON:** But I want you to confirm whether the – the information that was being written up now related to what had happened prior to the destruction?

**MR ANGELO AGRIZZI:** Correct Chair.

**CHAIRPERSON:** Okay alright.

**ADV PAUL PRETORIUS SC:** So just in summary then after revelations in the media concerning the activities of Bosasa in relation to favours concerning travel and accommodation Blakes records were destroyed and Bosasa's records were recreated?

**MR ANGELO AGRIZZI:** That is correct Chair.

**CHAIRPERSON:** Now you do say that what had prompted or this or at least in part was that a journalist it appeared had copies of documents from Blakes Travel which showed that Bosasa used Blakes Travel to facilitate travel arrangements of amongst others government officials. Now you had – you destroyed the records, Blakes records relating to travel arrangements made at the request of Bosasa?

10 **MR ANGELO AGRIZZI:** Correct.

**CHAIRPERSON:** For a certain period. Now what was the plan as to how the information that this journalist seemed to have was going to be dealt with? Was it that it was going to be suggested that it was authentic?

**MR ANGELO AGRIZZI:** Correct.

**CHAIRPERSON:** Information?

**MR ANGELO AGRIZZI:** That is correct Chair.

**CHAIRPERSON:** Okay. On the basis that – on the basis that anybody who went to Blakes Travel records would find something different?

**MR ANGELO AGRIZZI:** Correct Chair.

20 **CHAIRPERSON:** Thank you.

**MR ANGELO AGRIZZI:** It would be a conspiracy theory from Stellenbosch.

**CHAIRPERSON:** But of course at the destruction of – of the evidence was a true conspiracy?

**MR ANGELO AGRIZZI:** Correct, it was.

**CHAIRPERSON:** Yes.

**MR ANGELO AGRIZZI:** It was you are right.

**ADV PAUL PRETORIUS SC:** I must point out, Chair, and to you Mr Agrizzi that in paragraph 30.1 you refer to Annexure M as the media release containing information from Blake's. The portion and it appears to be a portion of Annexure M which we have just dealt with in your evidence does not appear to refer to Blake Travel. I stand to be corrected, but it does appear that, that media report attached is not complete, but we will check it.

**CHAIRPERSON:** Okay, alright.

**MR ANGELO AGRIZZI:** If I can just add there?

10 **CHAIRPERSON:** Yes.

**MR ANGELO AGRIZZI:** I recall, Chair, there was actually pictures of Photostatted invoices, handwritten ones that appeared with that. So there should be more there. I think that was the only Annexure I had at this stage, but I am sure if we ask the paper concerned they will provide it to us.

**ADV PAUL PRETORIUS SC:** Yes, in fact if we go back to Annexure M – if we go back to page 351 where we see the article and turn to page 354.

**MR ANGELO AGRIZZI:** Yes.

**ADV PAUL PRETORIUS SC:** At the bottom of the page we have pictures from a confidential surveillance report of a senior department of and then the document says  
20 no more, but it appears that there is further content to this Annexure.

**MR ANGELO AGRIZZI:** Correct.

**ADV PAUL PRETORIUS SC:** Well we will check that and revert if necessary.

**MR ANGELO AGRIZZI:** Yes, correct. Thank you, Chair.

**ADV PAUL PRETORIUS SC:** In paragraph 30.6 then you say what the position was after the destruction of the Blake's Travel documents and the arrangement that was

made in relation to travel for very important clients of Bosasa, correct?

**MR ANGELO AGRIZZI:** Correct.

**ADV PAUL PRETORIUS SC:** They were fictitiously recorded in the books of Black's Travel, is that correct?

**MR ANGELO AGRIZZI:** That is correct, Chair.

**ADV PAUL PRETORIUS SC:** Then in paragraph 30.7 you say that Mr Blake was subpoenaed to testify in a matter instituted by the SIU in the Pretoria High Court. Very briefly what was that matter?

**MR ANGELO AGRIZZI:** The SIU wanted information, records, documentation and hard  
10 drives in terms of any dealings with the Bosasa group of companies and that is what it was about.

**ADV PAUL PRETORIUS SC:** And what happened in relation to that subpoena?

**MR ANGELO AGRIZZI:** Well the subpoena was...[intervenes]

**ADV PAUL PRETORIUS SC:** To your knowledge?

**MR ANGELO AGRIZZI:** To my knowledge, I know, because I was integrally involved,  
Chair. The subpoena was postponed and postponed. There were numerous  
arguments and excuses given and basically ended up with a meeting that took place at  
Brian Blake's attorney's office one morning with Brown Biebuyck present, myself  
present in Randfontein where we tried to intimate to their attorney that he must start to  
20 postpone and play for time with the SIU.

His attorney was not happy, because he said you know you people are trying  
to and he told Brown Biebuyck he actually said to him that you are playing with fire,  
because you are trying to interfere with witnesses.

**ADV PAUL PRETORIUS SC:** Were you to your knowledge successful in your  
endeavour to prevent the subpoena being carried out?

**MR ANGELO AGRIZZI:** No, I do not think, no, I do not know at all, no.

**ADV PAUL PRETORIUS SC:** Do you know whether Blake ever testified in court?

**MR ANGELO AGRIZZI:** I am not aware.

**ADV PAUL PRETORIUS SC:** Then in paragraph 31 you go on to deal with information received by Gavin Watson arising out of the SIU investigation. Would you tell the, Chair, what happened in respect of the SIU investigation and the records of Bosasa?

**MR ANGELO AGRIZZI:** Chair, ...[intervenes]

**CHAIRPERSON:** Before you deal with that question Mr Agrizzi, I am looking for the paragraph here and I do not see – yes I think it is paragraph 30.7 that Mr Pretorius  
10 referred to a few minutes ago. You say Blake was subpoenaed to testify in a matter instituted by the SIU in the Pretoria High Court. Gavin Watson instructed me to a meeting with Blake and his attorney to ensure that Blake would not implicate Bosasa in his evidence.

You might not be able to answer this but if you can please do. Do you know – you know the idea that an attorney must go and have a meeting with somebody to ensure that they do not, that person does not implicate somebody else seems strange. It is different if he is going there to listen and note whether what his evidence is. What was your understanding of what Mr Biebuyck's role was really going to be there? Was it just to go and listen to what was being said or was it much more than that?

20 **MR ANGELO AGRIZZI:** No the role that was played and you must remember, Chair, as I mentioned right in the beginning of my testimony if an instruction was given to you and you did not follow it out there was a dustbin with your name on it.

**CHAIRPERSON:** Yes, but this was – was this not an independent attorney?

**MR ANGELO AGRIZZI:** It does not matter. The instruction would be do not use him anymore. And who was his biggest client? It was us.

**CHAIRPERSON:** Oh.

**MR ANGELO AGRIZZI:** So he would do whatever he had to do.

**CHAIRPERSON:** So are you saying to me that from what you knew in terms of his role and the interactions between himself, that is now the attorney and yourselves and Mr Gavin Watson with him, all of them, he knew that his role was to prevent Mr Blake telling the truth?

**MR ANGELO AGRIZZI:** It was to stymie the investigation. That was his role. He went out there to stymie the investigation and there is a second occurrence with different people as well, Chair, so it is not just one isolated occurrence, but the fact is and this is  
10 what I try to get across right in the beginning, that even I cannot say a Judge, I do not want to take that chance, but even the dear Pope would probably be corrupted if they had to deal with the situation.

**CHAIRPERSON:** Well what you are saying is quite serious.

**MR ANGELO AGRIZZI:** Very.

**CHAIRPERSON:** Particularly in respect of an attorney.

**MR ANGELO AGRIZZI:** Correct.

**CHAIRPERSON:** So I just want you to make sure that you are quite clear that what you are saying is really true.

**MR ANGELO AGRIZZI:** Chair, I would not lie.

20 **CHAIRPERSON:** Yes. Yes.

**MR ANGELO AGRIZZI:** I did not spend fortunes to get to this point.

**CHAIRPERSON:** Yes.

**MR ANGELO AGRIZZI:** And my time and my effort to lie to you.

**CHAIRPERSON:** Yes.

**MR ANGELO AGRIZZI:** I will come and tell you the truth.



**CHAIRPERSON:** Yes.

**MR ANGELO AGRIZZI:** And the fact of the matter is he had to stymie the appearance.

**CHAIRPERSON:** Yes.

**MR ANGELO AGRIZZI:** Of both Mr Brian Blake and also...[intervenes]

**CHAIRPERSON:** Yes.

**MR ANGELO AGRIZZI:** Which he did very successfully. He stymied it for I think close to two years.

**CHAIRPERSON:** Alright thank you.

**ADV PAUL PRETORIUS SC:** Well let us just understand your evidence in that respect.

10 You understand as we said in opening before you gave evidence  
Mr Agrizzi...[intervenes]

**MR ANGELO AGRIZZI:** Yes.

**ADV PAUL PRETORIUS SC:** That we are not presenting a case to the, Chair, we are presenting ongoing investigations.

**MR ANGELO AGRIZZI:** Correct.

**ADV PAUL PRETORIUS SC:** They will be tested in due course.

**MR ANGELO AGRIZZI:** Yes.

**ADV PAUL PRETORIUS SC:** By further investigations and they will obviously be tested in due course by cross-examination of you.

20 **MR ANGELO AGRIZZI:** Correct.

**ADV PAUL PRETORIUS SC:** And the submission to the, Chair, of different versions.

**MR ANGELO AGRIZZI:** Correct.

**ADV PAUL PRETORIUS SC:** Only thereafter will the, Chair, make up his mind and only thereafter will we make any submissions in regard to the truth or otherwise and the reliability of your evidence.

**MR ANGELO AGRIZZI:** I am well aware of that, Chair.

**ADV PAUL PRETORIUS SC:** So we are in an investigation process at the moment.

Let me just say in relation to this, if the attorney concerned was briefed by Bosasa to protect Bosasa's interest there may have been a legitimate interest in finding out whether Blake's Travel a client of Bosasa had any information that might implicate or prejudice Bosasa?

**MR ANGELO AGRIZZI:** I would not know what the legal ramifications are. I will just put it to the, Chair, as it happened and this is what happened and this is what I am putting to the, Chair. In terms of the legal ramifications of that it really does not worry  
10 me in the sense that I would rather just tell you the truth. Hopefully you can prove through this all that the justice system in South Africa actually works.

**ADV PAUL PRETORIUS SC:** Well it may be that your understanding of the meeting is a gloss that you put on the contents of the meeting, which is your own perspective and that the facts of the meeting were really Mr Biebuyck making legitimate enquiries of the attorney of Blake's Travel.

**MR ANGELO AGRIZZI:** The attorney was quite annoyed, Chair.

**CHAIRPERSON:** Which attorney?

**ADV PAUL PRETORIUS SC:** Which attorney?

**MR ANGELO AGRIZZI:** Mr Blake's attorney. So I will leave it up to the investigators as  
20 was suggested by adv Pretorius that the investigators do the investigation and they make their own conclusion rather.

**CHAIRPERSON:** Thank you.

**ADV PAUL PRETORIUS SC:** Let us go on then. In paragraph 31.1 you say that Gavin Watson received information in respect of the progress of the SIU's investigation?

**MR ANGELO AGRIZZI**: That is correct.

**ADV PAUL PRETORIUS SC**: We will refer in more detail later in your evidence to the receipt of information by Bosasa and its representatives concerning the SIU investigation, but I want to ask you please about the contents of paragraph 31.1 where you say that an instruction was given to an IT specialist. Let us start, who gave the instruction referred to here?

**MR ANGELO AGRIZZI**: Every single instruction came from Gavin Watson.

**ADV PAUL PRETORIUS SC**: And the IT specialist referred to, was that an employee of Bosasa group or an external specialist?

10 **MR ANGELO AGRIZZI**: It was an internal person in the company that worked in IT.

**ADV PAUL PRETORIUS SC**: And were you present when the instruction was given?

**MR ANGELO AGRIZZI**: Yes, I was.

**ADV PAUL PRETORIUS SC**: What was the instruction?

**MR ANGELO AGRIZZI**: The instruction was to fake a crash, server crash and destroy files.

**ADV PAUL PRETORIUS SC**: Which files?

**MR ANGELO AGRIZZI**: Any files that could implicate the company, before the investigators could gather evidence.

**ADV PAUL PRETORIUS SC**: Right, at this stage had the SIU investigators searched  
20 the premises of Bosasa?

**MR ANGELO AGRIZZI**: No.

**ADV PAUL PRETORIUS SC**: Before the instruction was carried out was any process undertaken?

**MR ANGELO AGRIZZI**: There was a disaster log created on the server and I circulated a memo in this regard, but unfortunately I could not find the memo, so I have

what is known as the disaster log reflected in Annexure N.

**ADV PAUL PRETORIUS SC:** Alright, I am referring to the information which you say was ultimately destroyed.

**MR ANGELO AGRIZZI:** Yes.

**ADV PAUL PRETORIUS SC:** Apart from the destruction was the information preserved in another form?

**MR ANGELO AGRIZZI:** Yes.

**ADV PAUL PRETORIUS SC:** How?

**MR ANGELO AGRIZZI:** It was preserved in - before the destruction of evidence I  
10 requested that it be preserved on two hard drives or three hard drives that I have made available to the Commission and made available to the HAWKS.

**ADV PAUL PRETORIUS SC:** Alright. The document at page 356 what is that document?

**MR ANGELO AGRIZZI:** Sorry, I just need to get to it. Annexure N refers to a data log which is called the disaster data log for 8 November 2007.

**ADV PAUL PRETORIUS SC:** Right this is the cover page of a document.

**MR ANGELO AGRIZZI:** That is correct.

**ADV PAUL PRETORIUS SC:** The document at page 357 is that part of this disaster log?

20 **MR ANGELO AGRIZZI:** That is correct.

**ADV PAUL PRETORIUS SC:** Where do we find the scope of disaster and its classification referred to in the contents list on page 356?

**MR ANGELO AGRIZZI:** Well – sorry are you asking me where do we find the extent of the data that was damaged or lost?

**ADV PAUL PRETORIUS SC:** No. Sorry. Let me be clear.

**MR ANGELO AGRIZZI**: Yes?

**ADV PAUL PRETORIUS SC**: On page 356 there is a document headed Bosasa IT disaster log 8 November 2007.

**MR ANGELO AGRIZZI**: Correct.

**ADV PAUL PRETORIUS SC**: Under the head contents...[intervenes]

**MR ANGELO AGRIZZI**: That is right.

**ADV PAUL PRETORIUS SC**: There is a list presumably of those contents, one, background, two, scope of disaster, three, disaster classification, four, and recovery strategy.

10 **MR ANGELO AGRIZZI**: Correct.

**ADV PAUL PRETORIUS SC**: Can you help us please, because I am not an expert, and I presume the, Chair, is also not an expert. Where do we find in this document or the document on the following page the scope of the disaster, the disaster classification and the recovery strategy?

**MR ANGELO AGRIZZI**: Chair, I cannot answer this. I definitely probably less versed in computers than you are.

**ADV PAUL PRETORIUS SC**: In any event on page 257 there is a paragraph which reads:

20 "Dear Johan. It is with regret that I have to inform you that we cannot perform a data recovery on your raid 5 set due to two hard drives having failed simultaneously. According to our data recovery specialists it is impossible to rebuild the raid set if two drives fail."

And then there is some more technical language which follows, but perhaps an expert can explain that to the Commission or whoever might be interested in the

future.

**MR ANGELO AGRIZZI**: Correct. Sorry, I cannot help there, Chair.

**CHAIRPERSON**: No that is fine.

**ADV PAUL PRETORIUS SC**: In paragraph 31.2 you refer to a telephone call that you received from Gavin Watson as you say on a Sunday afternoon.

**MR ANGELO AGRIZZI**: I was at a hotel. I was actually entertaining guests, Americans that had been working with us on the PPP project and I received a call, it was on a Sunday, yes, it was a Sunday afternoon and I was told that the offices were going to be raided the next Monday. I was only supposed to come back on the Tuesday, because  
10 these were Americans and they were on a game safari drive and that type of thing. I had to leave them. I was instructed to come back.

I had to leave them there, arrange transport for them back and drive back to the office.

**ADV PAUL PRETORIUS SC**: What did Mr Watson tell you?

**MR ANGELO AGRIZZI**: He told me that he got information from Mr Seopela that the HAWKS were going to be raiding, someone was going to be raiding the office. I cannot remember if it was the HAWKS or the Scorpions, I do not know who it was, but we were told to meet him at the office, so I met him at the office.

**ADV PAUL PRETORIUS SC**: Alright. Did Mr Watson tell you whether Mr Seopela told  
20 him in turn when this raid as you describe it would take place?

**MR ANGELO AGRIZZI**: It was apparently Monday, the Monday.

**ADV PAUL PRETORIUS SC**: Yes, the day following the telephone call from Watson to yourself?

**MR ANGELO AGRIZZI**: Correct.

**ADV PAUL PRETORIUS SC**: And did Mr Seopela tell Mr Watson anything else that

Mr Watson related to you?

**MR ANGELO AGRIZZI:** He said they were looking for specific documents and specific transactions.

**ADV PAUL PRETORIUS SC:** Right.

**MR ANGELO AGRIZZI:** And I was just told to be at the office.

**ADV PAUL PRETORIUS SC:** Did you go to the office?

**MR ANGELO AGRIZZI:** Yes, I did.

**ADV PAUL PRETORIUS SC:** And when you arrived there did you find Mr Watson there?

10 **MR ANGELO AGRIZZI:** As a matter – I found him in his office.

**ADV PAUL PRETORIUS SC:** Who else was there?

**MR ANGELO AGRIZZI:** Andries van Tonder was with him.

**ADV PAUL PRETORIUS SC:** And did you receive any instructions?

**MR ANGELO AGRIZZI:** Yes, the instructions were, they gave at that stage - I cannot even remember, but at that stage Andries was ahead of me, we were instructed to go through all the offices to have a look at anything possibly incriminating evidence, the information that Gavin received from Mr Seopela was that they were looking for the sale of shares agreement in respect of Phezulu Fencing as well as the agreement between Gavin Watson and Mti for the payment of money in return for an undertaking from him, 20 they were not sure that Bosasa would be given preference in the awarding of tenders with Correctional Services.

**ADV PAUL PRETORIUS SC:** Did such a document exist?

**MR ANGELO AGRIZZI:** Yes, it did.

**ADV PAUL PRETORIUS SC:** How do you know that?

**MR ANGELO AGRIZZI:** Because I saw the document and I actually made a Photostat

of that document.

**ADV PAUL PRETORIUS SC:** And do you have that Photostat?

**MR ANGELO AGRIZZI:** Unfortunately I do not have that Photostat.

**ADV PAUL PRETORIUS SC:** So if I understand you correctly you saw a document?

**MR ANGELO AGRIZZI:** Yes.

**ADV PAUL PRETORIUS SC:** Being an agreement between Gavin Watson and Mr Mti for the payment of money in return for an undertaking to favour Bosasa in relation to the awarding of tenders?

**MR ANGELO AGRIZZI:** It was a three page document and it was very specific.

10 **ADV PAUL PRETORIUS SC:** And did it say what you have said in paragraph 31.3?

**MR ANGELO AGRIZZI:** It is exactly.

**ADV PAUL PRETORIUS SC:** And were you instructed to look for any particular documents?

**MR ANGELO AGRIZZI:** Yes, we were instructed to look for them.

**ADV PAUL PRETORIUS SC:** Those documents to which you have just referred?

**MR ANGELO AGRIZZI:** That is correct.

**ADV PAUL PRETORIUS SC:** Alright. Did you find those documents?

**MR ANGELO AGRIZZI:** We found those documents.

**ADV PAUL PRETORIUS SC:** What did you do in respect of those documents?

20 **MR ANGELO AGRIZZI:** Well in terms of – are you referring me back now to 31.3? Because you are asking me if we found them?

**ADV PAUL PRETORIUS SC:** No I am dealing with 31.4. What did you – you found the document and then what did you do with them?

**MR ANGELO AGRIZZI:** We removed the documents, Chair.

**CHAIRPERSON:** Yes, I am sorry, I am sorry Mr Pretorius, before you proceed. Just to



go back to 31.3.

**MR ANGELO AGRIZZI**: Yes, Chair?

**CHAIRPERSON**: You say you found a document that appeared to be an agreement between Mr Gavin Watson and Mr Mti about that Mr Mti would ensure that Bosasa was favoured in terms of contracts from Correctional Services and he would be paid by Mr Gavin Watson that is what you say?

**MR ANGELO AGRIZZI**: That is correct, Chair.

**CHAIRPERSON**: And you said you made a photocopy of that agreement, did I understand you correctly?

10 **MR ANGELO AGRIZZI**: That is correct, Chair.

**CHAIRPERSON**: But you proceeded and said that you do not have it?

**MR ANGELO AGRIZZI**: I do not.

**CHAIRPERSON**: Did it get lost in the meantime or?

**MR ANGELO AGRIZZI**: Chair, they were all packed together and they were stored.

**CHAIRPERSON**: But you saw it, you had it for some time?

**MR ANGELO AGRIZZI**: Yes, Chair.

**CHAIRPERSON**: So you had had a chance to read it properly?

**MR ANGELO AGRIZZI**: Correct, Chair.

**CHAIRPERSON**: *Ja*, okay thank you. It was signed by both?

20 **MR ANGELO AGRIZZI**: It was not signed, it was only signed by Gavin Watson. I cannot recall if it was signed by Mti. I know that it was signed by Tony Perry as a witness.

**CHAIRPERSON**: Okay, alright.

**MR ANGELO AGRIZZI**: I cannot recall seeing Mti's signature. I would be lying if I told you that I had seen it, I cannot recall it.

**CHAIRPERSON:** Okay.

**ADV PAUL PRETORIUS SC:** It seems improbable if not very strange that such an arrangement would be recorded in writing and signed.

**MR ANGELO AGRIZZI:** It was done.

**ADV PAUL PRETORIUS SC:** Do you have any comment?

**MR ANGELO AGRIZZI:** It was done. It was recorded in writing.

**ADV PAUL PRETORIUS SC:** And what is also a matter of some concern in relation to your evidence Mr Agrizzi is that yesterday and previous days you have testified not once but I think more than once that it was Gavin Watson's affirmed practice never to  
10 reduce things to writing and never to sign anything. If this was an exception it is a very unusual exception.

**MR ANGELO AGRIZZI:** I think that Mr Richmond Mti perhaps knew Gavin better than all of us and he insisted that there be a signature.

**CHAIRPERSON:** But Mr Mti too would know that this was a wrong agreement what they were agreeing to do was wrong and he probably would not like there to be a written record of what he was a party to.

**MR ANGELO AGRIZZI:** Chair, you will see later on that the agreement was actually found much later on and it was actually the – it was then shown not only to myself but to somebody else as well and then handed back to Mr Watson.

20 **CHAIRPERSON:** But you say you are not sure about Mr Mti's signature on the document, but you are sure about Mr Gavin Watson's signature?

**MR ANGELO AGRIZZI:** Chair, I can guarantee you that the signatures that were on the document were very noticeable signatures. They were Gavin Watson and Tony Perry and there were other signatures. I do not know if it was Richmond Mti's signature, I cannot recall. I have seen his signature on one other document and that

was post the fact when we got him to sign the acknowledgement of debt and that is why I cannot comment. I cannot say that was his signature.

**CHAIRPERSON:** Okay.

**MR ANGELO AGRIZZI:** His name was there, but whether it was his signature or not I cannot say.

**CHAIRPERSON:** Thank you.

**ADV PAUL PRETORIUS SC:** Perhaps that evidence Mr Agrizzi will be tested in due course under cross-examination, but for the present it seems that even on your own evidence Gavin Watson would no sign documents, because as you say he did not want  
10 to be held accountable for any evidence that appeared in writing.

**MR ANGELO AGRIZZI:** I am sure as my colleagues start presenting you will see that he did maybe sign one or two documents that were important.

**ADV PAUL PRETORIUS SC:** But if that was his practice...[intervenes]

**CHAIRPERSON:** I am sorry Mr Pretorius he has not finished. Mr Agrizzi has not finished, so say what you wanted to say?

**MR ANGELO AGRIZZI:** So there are the odd occasion when he would slip up and he would sign something and if you recall this started off in 2003/2004 at that stage it was very bullish in the company and I can tell you what I saw and I saw the signature. Other people will testify as well and then yes we are welcoming, I am welcoming the  
20 cross-questioning.

**CHAIRPERSON:** Thank you.

**ADV PAUL PRETORIUS SC:** Just to put the perhaps obvious follow up question if Mr Watson signed only when he slipped up or only on the odd occasion in other words in the exceptional circumstance...[intervenes]

**MR ANGELO AGRIZZI:** Yes.

**ADV PAUL PRETORIUS SC:** It is rather remarkable that the recording of an unlawful transaction would be such an exceptional circumstance?

**MR ANGELO AGRIZZI:** It was a major deal for the company. I think, Chair, I can only attest to what I saw.

**CHAIRPERSON:** Yes, no, no, obviously you can understand why Mr Pretorius is asking you the questions that he is asking you and I am asking you the questions I am asking you. Simply because the question would be what would be the value of that agreement to both Mr Mti and Mr Watson. They could not go to court and use it if they did not comply with their obligations.

10 **MR ANGELO AGRIZZI:** Chair, I know that, and you know that. It seems to me that they did not know that. It is as good as having the side agreements in terms of fronting and giving somebody shares, it is the same thing. It is illegal you cannot do it.

**CHAIRPERSON:** Yes, thank you.

**ADV PAUL PRETORIUS SC:** Alright, you say then that in relation to these documents that you were asked to look for and remove that you in fact removed the documents?

**MR ANGELO AGRIZZI:** Yes, we did.

**ADV PAUL PRETORIUS SC:** What do you mean by removed the documents, is that the putting in storage that you referred to now?

20 **MR ANGELO AGRIZZI:** No, what we happened was that we put them into storage, we just packed them into the boot of my car, because he wanted them out of there and we took them and we stored them on a farm.

**ADV PAUL PRETORIUS SC:** Alright, and then did something later happen in relation to these documents?

**MR ANGELO AGRIZZI:** Yes.

**ADV PAUL PRETORIUS SC:** What was that?

**MR ANGELO AGRIZZI:** There were newspaper reports coming out that were rehashing the whole SIU investigation. Gavin Watson approached not me, but Andries van Tonder and myself only at a later stage to say to us we need to go and destroy the documents. So what I am trying to say is Andries came to me and said to me that we have to go and destroy the documents. I then phoned Gavin up and checked with him are you right and he said I want you to go and destroy documents.

**ADV PAUL PRETORIUS SC:** Did you do that?

**MR ANGELO AGRIZZI:** He asked us to look specifically for the document he was concerned, because he had not seen the document yet that he had signed between  
10 himself and Mti.

**ADV PAUL PRETORIUS SC:** That is the document you refer to in your evidence now.

**MR ANGELO AGRIZZI:** 31.6. That was the only document that we had to hold back for him.

**ADV PAUL PRETORIUS SC:** And ...[intervenes].

**MR ANGELO AGRIZZI:** We want that document.

**ADV PAUL PRETORIUS SC:** So you did not destroy that document. What did you do with it?

**MR ANGELO AGRIZZI:** No. As I said to you earlier I had made a copy of it. So the copy that I made was not then, my correction. I got a bit confused. It was 31.7. Then  
20 what happened there was we took the document to him and he was very relieved, visibly relieved, because he thought that would be the end of his life. He then put it, he shredded it by hand. He put it in a ziplock bag. You know the sandwich bags that you get and he put lots of water with it and just kept making like a papier-mâché and then flushed it down the toilet and he was very relieved.

**ADV PAUL PRETORIUS SC:** We are going to now get onto matters relevant to the SIU

Report and you introduced a topic at paragraph 32 of your affidavit on page 6 of EXHIBIT S1.

**MR ANGELO AGRIZZI**: Correct.

**CHAIRPERSON**: Before Mr Pretorius asks you questions on that, did the raid happen?

**MR ANGELO AGRIZZI**: Chair no, nothing happened.

**CHAIRPERSON**: It did not happen?

**MR ANGELO AGRIZZI**: No.

**CHAIRPERSON**: Okay, thank you.

**MR ANGELO AGRIZZI**: The only thing was that we had reached an agreement with  
10 the SIU that they could come and copy the servers, but there was no raid.

**ADV PAUL PRETORIUS SC**: Alright. Well not that nothing happened. Something did happen.

**MR ANGELO AGRIZZI**: Yes.

**ADV PAUL PRETORIUS SC**: But it could not be described in your mind as a raid.

**MR ANGELO AGRIZZI**: Not at all. There were not blue lights and flashy cars like you see on TV with the, when the Scorpions used to go and arrest and raid. There was nothing like that.

**ADV PAUL PRETORIUS SC**: We will refer in due course to detailed evidence in regard to what happened.

20 **CHAIRPERSON**: Okay.

**ADV PAUL PRETORIUS SC**: On 6 January 2009, I am not sure it is in dispute, the Department of Correctional Services apparently awarded Bosasa Operations (Pty) Ltd a new catering contract.

**MR ANGELO AGRIZZI**: That is correct.

**ADV PAUL PRETORIUS SC**: And the number of that contract, which becomes relevant

later, apparently HK14/2008.

**MR ANGELO AGRIZZI:** That is correct.

**ADV PAUL PRETORIUS SC:** For what period was this contract?

**MR ANGELO AGRIZZI:** This was a three year contract.

**ADV PAUL PRETORIUS SC:** And the documentation used for the prior catering contract tender was that same documentation again used for the second catering contract awarded to Bosasa.

**MR ANGELO AGRIZZI:** Well in terms of the specifications, correct.

**ADV PAUL PRETORIUS SC:** Alright. Now in paragraph 32.2 you refer to a meeting.

10 Let us tell the Chair about that meeting please. Between who was this meeting?

**MR ANGELO AGRIZZI:** Well in terms of that period of time a meeting was arranged between the representatives of the SIU. So we had heard all these rumours that they were investigating Bosasa and all that. So the suggestion was made have a meeting with them and find out. So we had a meeting with the SIU.

**ADV PAUL PRETORIUS SC:** Who is we?

**MR ANGELO AGRIZZI:** Myself, Andries van Tonder, Gavin Watson was not there. He would not attend that. He was, he was rather be away from that. Frans Vorster was there, Brian Biebuyck was there and if I remember correctly Advocate Lourens ...[indistinct] was there and basically we had the meeting with the  
20 SIU. There was Zuid Jacobs I think that was there, Clint Oellerman was there and there were various other people from the SIU. Those were the people who were there.

**ADV PAUL PRETORIUS SC:** Oellerman?

**MR ANGELO AGRIZZI:** Sorry?

**ADV PAUL PRETORIUS SC:** Can you spell that, Clint?

**MR ANGELO AGRIZZI:** Oellerman.

**ADV PAUL PRETORIUS SC:** Oellerman.

**MR ANGELO AGRIZZI:** It is like a school test. O-E-L-L-E-R-M-A-N.

**ADV PAUL PRETORIUS SC:** Well I am sure that name appears in documents.

**MR ANGELO AGRIZZI:** Yes, it was.

**ADV PAUL PRETORIUS SC:** That we will refer to in due course, but this meeting did it take place subsequent to another communication between?

**MR ANGELO AGRIZZI:** Yes. That was ...[intervenes].

**ADV PAUL PRETORIUS SC:** Bosasa on the one hand and the SIU on the other?

**MR ANGELO AGRIZZI:** That is correct.

10 **ADV PAUL PRETORIUS SC:** What was that communication?

**MR ANGELO AGRIZZI:** So the meeting, the, the other meeting was sorry we cannot have the servers checked now, because we are busy with month end and year end. So we tried to postpone it. So it was a letter of postponement.

**ADV PAUL PRETORIUS SC:** You refer in paragraph 32.2 in the second sentence to a communication.

**MR ANGELO AGRIZZI:** Yes.

**ADV PAUL PRETORIUS SC:** That preceded the meeting.

**MR ANGELO AGRIZZI:** Correct.

**ADV PAUL PRETORIUS SC:** What was that communication?

20 **MR ANGELO AGRIZZI:** That communication was to say that we have heard via the press that we are being investigated and we would like to have information regarding that so that we can tender our assistance.

**ADV PAUL PRETORIUS SC:** Right.

**MR ANGELO AGRIZZI:** Going forward.

**ADV PAUL PRETORIUS SC:** And the meeting then took place. Was any; what was



the outcome of that meeting?

**MR ANGELO AGRIZZI:** Well a date was arranged for the investigation and for the mirroring of laptops and that type of thing.

**ADV PAUL PRETORIUS SC:** So do I understand you correctly, it was agreed with the SIU precisely when they would come to image the hard drives and laptops at Bosasa?

**MR ANGELO AGRIZZI:** That is correct Chair.

**ADV PAUL PRETORIUS SC:** Right. The date that was arranged in that meeting with the SIU did it remain or was it changed?

**MR ANGELO AGRIZZI:** It was changed Chair.

10 **ADV PAUL PRETORIUS SC:** Why?

**MR ANGELO AGRIZZI:** Well it was changed because it was postponed on instruction, because we needed to give enough time to the IT Specialist to actually remove potentially damaging information.

**ADV PAUL PRETORIUS SC:** Who instructed the postponement?

**MR ANGELO AGRIZZI:** Well the postponement was instructed by myself and obviously I was instructed by Gavin Watson.

**ADV PAUL PRETORIUS SC:** Right and did representatives of the SIU eventually make mirror images of hard drives and laptops?

**MR ANGELO AGRIZZI:** Yes.

20 **ADV PAUL PRETORIUS SC:** Right. In paragraph 32.5 you talk about interaction between two Bosasa servers.

**MR ANGELO AGRIZZI:** Correct.

**ADV PAUL PRETORIUS SC:** Please explain to the Chair what you are saying there.

**MR ANGELO AGRIZZI:** So for redundancy purposes you would have two servers. The one being a Bosasa main server. The other one was linked to another server.

That is how I understand. I am not an IT Specialist, but when something is done on the one you can actually monitor it on the other one. So it is a mirror image. You have to arrange with a chap by the name of William Brandon and Max Leeson and those two youngsters have actually studied with one of the nephews and they were very trusted. So he, Gavin, personally arranged with them as he had a relationship with them to monitor what the representatives of the SIU, I think it was a Mr Jacques Malan who was to check up on what he was looking at and what he was doing and ...[intervenes].

**ADV PAUL PRETORIUS SC:** Yes, we will hear of Mr Malan later, but.

**MR ANGELO AGRIZZI:** Yes.

10 **ADV PAUL PRETORIUS SC:** To simplify things whilst Mr Malan or other representatives of the SIU were copying the data on the server that activity was being monitored on a connected server by the two gentlemen referred to in your affidavit?

**MR ANGELO AGRIZZI:** Correct, yes.

**ADV PAUL PRETORIUS SC:** Were the two gentlemen you refer to entrusted with any other task?

**MR ANGELO AGRIZZI:** I cannot; yes they had to delete potentially harmful information that was on the, on the server. I think we actually mention it here.

20                                    “They had to ensure that they removed information which might  
   damage or implicate Bosasa prior to the mirror image being  
   made.”

**ADV PAUL PRETORIUS SC:** Right. Let us deal with paragraph 33.1 then. Did you ever see a copy of the SIU Report?

**MR ANGELO AGRIZZI:** Yes.

**ADV PAUL PRETORIUS SC:** When did you see it?

**MR ANGELO AGRIZZI:** Sorry?

**ADV PAUL PRETORIUS SC:** When did you see it?

**MR ANGELO AGRIZZI:** I was sent a copy by Biebuyck.

**ADV PAUL PRETORIUS SC:** Right, when?

**MR ANGELO AGRIZZI:** I was actually in Paris at the time with Andries van Tonder, Gavin and we were on a holiday trip.

**ADV PAUL PRETORIUS SC:** Can you recall more or less when you saw it?

**MR ANGELO AGRIZZI:** It was in 2009. I cannot remember. Well let us think, it was summer in Paris.

10 **ADV PAUL PRETORIUS SC:** And in paragraph 33 you list some of the contents of the report.

**MR ANGELO AGRIZZI:** Yes.

**ADV PAUL PRETORIUS SC:** Containing information that you say you were indeed previously aware of and then you list a number of items in paragraph 33. Just please read those out for the...

**MR ANGELO AGRIZZI:** Yes, I will...

**ADV PAUL PRETORIUS SC:** Chair.

**MR ANGELO AGRIZZI:** I will read them out.

- 20
1. Furniture bought for Gillingham and Mti.
  2. Architectural fees.
  3. Certain holiday trips paid for.
  4. Certain cash deposits.
  5. Certain vehicles purchased.
  6. Certain sponsorships for children's varsity fees and/or tuition.
  7. Provision of Forex for travel allowance.
  8. Certain repairs and maintenance on houses.

9. Construction of houses.
10. Purchasing of imported kitchens.
11. A retirement village concession for Gillingham's father.
12. Numerous other favours such as rugby season tickets, computers, printers and even a Matric dance dress for Megan Gillingham.
13. Trading of certain vehicles where the person could not obtain a lucrative settlement. These were bought by individuals and subsidised by Bosasa.

**ADV PAUL PRETORIUS SC:** Now you have given evidence about some of these issues in this list that you saw.

10 **MR ANGELO AGRIZZI:** Yes.

**ADV PAUL PRETORIUS SC:** On, in the report.

**MR ANGELO AGRIZZI:** Correct.

**ADV PAUL PRETORIUS SC:** Did you yourself give any evidence or information to the SUI investigators?

**MR ANGELO AGRIZZI:** I did not.

**ADV PAUL PRETORIUS SC:** So the information that they gleaned and placed in their report must have come from sources other than yourself?

**MR ANGELO AGRIZZI:** Correct.

20 **ADV PAUL PRETORIUS SC:** Chair because the SIU Report then may well constitute particularly on further evidence corroborating evidence it is our intention to go through it, but will take some time, but before we go there perhaps we can just deal with 33.2 and 33.3 and then I am going to take Mr Watson. I am sorry Chair, it is late. Mr Agrizzi through the contents of the report.

**CHAIRPERSON:** Okay.

**ADV PAUL PRETORIUS SC:** Did you discuss the content of this report with

Mr Watson?

**MR ANGELO AGRIZZI:** Ja, we did.

**ADV PAUL PRETORIUS SC:** What was his attitude at the time?

**MR ANGELO AGRIZZI:** No, his attitude was he blamed everybody else. He marked Mark Taverner. He blamed Danny Mansell. He blamed Tony Perry for not taking precautionary measures.

**ADV PAUL PRETORIUS SC:** And did he give you any assurance?

**MR ANGELO AGRIZZI:** He told me everything is under control.

**ADV PAUL PRETORIUS SC:** Did he give you any advice?

10 **MR ANGELO AGRIZZI:** He said I had to stick to him.

**ADV PAUL PRETORIUS SC:** [Intervenes].

**MR ANGELO AGRIZZI:** He told we had to stick to him otherwise the future is very bleak.

**ADV PAUL PRETORIUS SC:** Right. Subsequent to the release of the report were any subpoenas issued?

**MR ANGELO AGRIZZI:** Yes.

**ADV PAUL PRETORIUS SC:** Amongst others to Mark and Sharon Taverner?

**MR ANGELO AGRIZZI:** That is correct.

20 **ADV PAUL PRETORIUS SC:** And did you receive any instruction in relation to those subpoenas?

**MR ANGELO AGRIZZI:** I was to meet them and to take steps to delay their appearance as much as possible.

**ADV PAUL PRETORIUS SC:** Do you have anything further to add and again please ...[intervenes]?

**MR ANGELO AGRIZZI:** I was to attend every single meeting with them and

Brian Biebuyck and make sure that Brian Biebuyck was the attorney on record for them. They were not allowed to use anybody but whoever Brian Biebuyck agreed to if he did not do it himself and I had to make sure that Bosasa was not compromised in all of this and I had to assist that I saw their statements. Before they were submitted I did this and eventually they appeared in compliance to the subpoenas after about, if I am not mistaken, it was about 18 months.

**ADV PAUL PRETORIUS SC:** A period of 18 months you say elapsed?

**MR ANGELO AGRIZZI:** If I am not mistaken. I might be mistaken.

**ADV PAUL PRETORIUS SC:** But along period from ...[intervenes].

10 **MR ANGELO AGRIZZI:** Very long.

**ADV PAUL PRETORIUS SC:** From the issue of the subpoena to the execution of the subpoena?

**MR ANGELO AGRIZZI:** Correct.

**ADV PAUL PRETORIUS SC:** But eventually you say the subpoenas were complied with?

**MR ANGELO AGRIZZI:** Correct.

**ADV PAUL PRETORIUS SC:** Right. The SIU Report appears at page 279 of Bundle S1.

**MR ANGELO AGRIZZI:** I just want to clarify. You asked me a question.

20 **ADV PAUL PRETORIUS SC:** Yes.

**MR ANGELO AGRIZZI:** If they complied with the subpoena Chair. If they complied with the subpoena?

**CHAIRPERSON:** Yes.

**MR ANGELO AGRIZZI:** They complied in terms of appearance.

**CHAIRPERSON:** Yes.

**MR ANGELO AGRIZZI:** But what was put into the subpoena was not necessarily the whole truth. So you ...[intervenes].

**CHAIRPERSON:** What was put in response to; what they said in response the subpoena?

**MR ANGELO AGRIZZI:** The questions.

**CHAIRPERSON:** In response to the questions.

**MR ANGELO AGRIZZI:** Okay.

**CHAIRPERSON:** Yes, okay.

10 **ADV PAUL PRETORIUS SC:** And in terms of your instructions you ensured that this occurred?

**MR ANGELO AGRIZZI:** Yes. Well not me directly, but yes.

**ADV PAUL PRETORIUS SC:** Chair you are aware that the document at page 279 is incomplete. The complete and by complete I mean basic report as opposed to the report plus all annexures is later on in Annexure S2.

**CHAIRPERSON:** Huh-uh.

**ADV PAUL PRETORIUS SC:** EXHIBIT S2.

**CHAIRPERSON:** Huh-uh.

20 **ADV PAUL PRETORIUS SC:** But because our preparations took place and my notes are in this document were put on this document in preparation for the evidence before the fuller one was put in the bundles. Would you bear with me please if we go through the document at page 279 and then when necessary go to the document, the full document for the subsequent pages?

**CHAIRPERSON:** That is fine.

**ADV PAUL PRETORIUS SC:** Otherwise I have to transfer all my notes.

**CHAIRPERSON:** No that is fine.

**ADV PAUL PRETORIUS SC:** Thank you Chair. This report is preceded by an executive summary which appears on page 279 and in paragraph 1 of the executive summary it appears that the SIU's intervention was authorised by a presidential proclamation.

**MR ANGELO AGRIZZI:** That is correct.

**ADV PAUL PRETORIUS SC:** Which was gazetted on 28 November 2007.

**MR ANGELO AGRIZZI:** That is correct.

**ADV PAUL PRETORIUS SC:** Reference is made to:

10                   “The surfacing in 2006 of various allegations in the media  
relating to the allegedly irregular awarding of contracts by the  
Department of Correctional Services to Bosasa Operations  
(Pty) Ltd and its affiliated companies.”

**MR ANGELO AGRIZZI:** That is correct Chair.

**ADV PAUL PRETORIUS SC:** That is what the executive summary says. So as we will discover this SIU investigation deals only with contracts between the Department of Correctional Services on the one hand and Bosasa or Bosasa related companies on the other, right.

**MR ANGELO AGRIZZI:** Correct.

20                   **ADV PAUL PRETORIUS SC:** And it deals only with four contracts, what is referred to  
here as the Kitchens Contract, what we referred to in your evidence as the Catering  
Contract.

**MR ANGELO AGRIZZI:** Correct.

**ADV PAUL PRETORIUS SC:** Or contracts. The second contract is the Access Control  
Contract. Is that correct?

**MR ANGELO AGRIZZI:** Correct.



**ADV PAUL PRETORIUS SC:** The third is the Televisions or CCTV Contract.

**MR ANGELO AGRIZZI:** That is correct.

**ADV PAUL PRETORIUS SC:** And the fourth is the Fencing Contract.

**MR ANGELO AGRIZZI:** That is correct.

**ADV PAUL PRETORIUS SC:** So it is only those four contracts between those two parties or sets of parties that are dealt with in this report.

**MR ANGELO AGRIZZI:** In this report, you are right.

**ADV PAUL PRETORIUS SC:** We know of course that there are many other contracts tainted with the type of evidence that you have given. Is that correct?

10 **MR ANGELO AGRIZZI:** That is correct.

**ADV PAUL PRETORIUS SC:** Alright. The allegations that were investigated which came from the Public Service Commission and the Office of the Auditor-General are listed in the middle of paragraph or in the middle of page 279. One of the more serious allegations referred to and those are the words in the executive summary are:

1. Firstly an irregular relationship existed between Bosasa or members of the Bosasa Group of Companies and secondly DCS, Department of Correctional Service Officials namely the former Commissioner of Correctional Services Mr L Mti, Commissioner Mti, and the DCS Chief Financial Officer, Mr P Gillingham.
- 20 2. The second allegation is that Commissioner Mti and Gillingham may have unduly received benefits as a result of the award of some of the contracts awarded by DCS to Bosasa and its affiliates.
3. The third allegation are two tenders namely the Kitchens tender and the Access Control tender were irregularly extended, and
4. Bosasa and its affiliates were responsible for drafting the bid specifications

for these tenders.

Now in respect of all these issues you have given detailed evidence.

**MR ANGELO AGRIZZI:** Most definitely.

**ADV PAUL PRETORIUS SC:** The same issues were the subject of the investigations by the SIU.

**MR ANGELO AGRIZZI:** I do think mine is a bit comprehensive though.

**ADV PAUL PRETORIUS SC:** Yes. Well in some respects you are correct and in others not.

**MR ANGELO AGRIZZI:** Correct.

10 **ADV PAUL PRETORIUS SC:** The SIU Report contains other information and some of the evidence you have given is not contained in the report.

**MR ANGELO AGRIZZI:** Correct.

**ADV PAUL PRETORIUS SC:** But the purpose Chair of leading this evidence and taking the witness through is again to see what in the report this witness knows from his own knowledge and also to understand what evidence the SIU investigation produced. We have that evidence in a series of affidavits and it will be impossible for this commission to call each and every witness, but those affidavits will be placed before you in their proper form and will be summarised and presented to you, but in short the evidence that this witness has given and will give appears at least to some extent to be  
20 corroborated by the outcome of the investigations of the SIU and the detail will follow.

**CHAIRPERSON:** Okay, thank you.

**ADV PAUL PRETORIUS SC:** And so the executive summary continues Mr Agrizzi to say shortly:

“After the publication of the proclamation the SUI commenced  
with the investigation of the contracts awarded to Bosasa and

its affiliates namely the Kitchens, Access Control, Fencing and  
Television Contracts.”

**MR ANGELO AGRIZZI**: That is correct.

**ADV PAUL PRETORIUS SC**: In the executive summary the findings in respect of the Kitchens Tender HK2/2004 are set out. Now you have given evidence of what you refer to as a Catering Contract or Catering Contracts. Do you recall that?

**MR ANGELO AGRIZZI**: Correct.

**ADV PAUL PRETORIUS SC**: Are those; is that evidence in fact the same relating to the same tender as is referred to here the Kitchens Tender?

10 **MR ANGELO AGRIZZI**: I am sure it is identical.

**ADV PAUL PRETORIUS SC**: Right and do you recognise that number HK2/2004?

**MR ANGELO AGRIZZI**: I do.

**ADV PAUL PRETORIUS SC**: And is that one of the contracts about what you have testified?

**MR ANGELO AGRIZZI**: That is one of them.

**ADV PAUL PRETORIUS SC**: According to the SIU investigation it was awarded to Bosasa on 20 July 2004.

**MR ANGELO AGRIZZI**: That is correct.

20 **ADV PAUL PRETORIUS SC**: Evidence that you had not given and this may be given later Chair is referred to here in the SIU Report the summary of the executive summary reads:

“The evidence gathered by the SIU shows that there were clear deviations from the National Treasury Supply Chain Management a Guide for Accounting Officers Authorities Supply Chain Management Guide for Accounting Officers more

particularly in that the end user departments were not included in the bid process. There was also no proper financial planning for this tender in that there was no feasibility study nor needs analysis conducted.”

I do not need to ask you to comment on that, but will ask you to comment on the next paragraph which reads:

10                   “The evidence clearly shows that Gillingham outside the course of his normal duties played an integral role from the outset in the procurement process and was irregularly instrumental in developing the tender specifications.”

Now in relation to that do you know whether Mr Gillingham played a role on the various Bid Committees or otherwise in the procurement process relevant to this contract?

**MR ANGELO AGRIZZI:** Yes, he did.

**ADV PAUL PRETORIUS SC:** So we know that you paid the money. We know why you say you paid the money. According to your evidence of course still to be tested and we know that according to the SIU investigation as confirmed by you the recipient of that money played an integral role in the procurement process.

**MR ANGELO AGRIZZI:** That is correct.

20                   **ADV PAUL PRETORIUS SC:** And as described here was irregularly instrumental in developing the tender specifications. You have given that evidence.

**MR ANGELO AGRIZZI:** Yes.

**ADV PAUL PRETORIUS SC:** And that appears to be confirmed now by the SIU investigation. Then interestingly the following is set out:

“During the course of a search and seizure operation conducted at Gillingham’s residence a document containing the

bid evaluation criteria and guidelines for evaluating the  
Kitchens Tender was found in the form of electronic data.”

You obviously cannot confirm what the SIU found.

**MR ANGELO AGRIZZI:** I cannot.

**ADV PAUL PRETORIUS SC:** But you do know and you have told the Chair that there  
was an exchange of information between yourself and Mr Gillingham.

**MR ANGELO AGRIZZI:** And Mr Mansell, correct.

**ADV PAUL PRETORIUS SC:** And Mr Mansell. You have also told the Chair that this,  
well I am not sure that you have, but did this exchange of information take place over a

10 computer?

**MR ANGELO AGRIZZI:** Yes.

**ADV PAUL PRETORIUS SC:** Exchange between electronic devices?

**MR ANGELO AGRIZZI:** Yes.

**ADV PAUL PRETORIUS SC:** The report goes on to read:

“Mr J Malan...”

Is that the Mr Malan you have referred to?

**MR ANGELO AGRIZZI:** I think it is the same gentleman, yes.

**ADV PAUL PRETORIUS SC:** “...the SIU Cyber Forensic Expert

determined that this document originated from the computer of

20 Mr Agrizzi, Bosasa’s Chief Executive Officer/Managing  
Director.”

Leave aside the description of the post, but you have testified that documents were  
exchanged in relation to the bids between yourself and others and Mr Gillingham?

**MR ANGELO AGRIZZI:** Well I think Mr Malan’s comments are incorrect.

1. I was never ever the Chief Executive Officer.

**ADV PAUL PRETORIUS SC:** Alright.

**MR ANGELO AGRIZZI:** I was an Operations Coordinator and according to Mr Malan the document was saved on my computer on 28 June 2004. I cannot say that I actually created that document. It says that the same day the DCS comments, it was screening of the bids received in respect of the Kitchen Tender. So I just want to clarify because it says there ...[intervenes].

**ADV PAUL PRETORIUS SC:** Let us take it step by step because you have gone ahead.

**MR ANGELO AGRIZZI:** Sure.

10 **ADV PAUL PRETORIUS SC:** Alright. Let us deal with the first sentence.

**MR ANGELO AGRIZZI:** Yes.

**ADV PAUL PRETORIUS SC:** Relevant to what we are discussing now. It reads:

“Mr J Malan...”

**MR ANGELO AGRIZZI:** Correct.

**ADV PAUL PRETORIUS SC:** “...the SIU Cyber Forensic Expert...”

**MR ANGELO AGRIZZI:** Yes.

**ADV PAUL PRETORIUS SC:** “...determined that the particular document referred to originated from the computer of Mr Agrizzi.”

What do you say about that?

20 **MR ANGELO AGRIZZI:** If you read it in context it says it originated and this is where I am having an issue. It says it originated from a computer. You are talking about Bosasa's Chief Executive Officer according to Malan, the document was last saved, I am reading something totally different. Sorry, on what paragraph are you?

**CHAIRPERSON:** Here he is on the second paragraph from the end of or bottom of page 280 and he is on line three.

**ADV PAUL PRETORIUS SC:** You see the fifth paragraph.

**MR ANGELO AGRIZZI:** Yes.

**ADV PAUL PRETORIUS SC:** It reads:

“Mr J Malan, the SIU Cyber Forensic Expert.”

**MR ANGELO AGRIZZI:** Yes.

**ADV PAUL PRETORIUS SC:** Just a second.

“Determined that the particular document that he is referring to  
originated from your computer.”

Now let us just stop there.

10 **CHAIRPERSON:** Has he found the paragraph?

**ADV PAUL PRETORIUS SC:** Have you found that paragraph?

**MR ANGELO AGRIZZI:** No, I am still looking for it.

**ADV PAUL PRETORIUS SC:** Sorry.

**CHAIRPERSON:** Okay, alright. Okay. I am lost.

**MR ANGELO AGRIZZI:** [Intervenes].

**CHAIRPERSON:** It has been a long day. Okay.

**ADV PAUL PRETORIUS SC:** Are you on page 280?

**MR ANGELO AGRIZZI:** I am on page 280.

**CHAIRPERSON:** Okay. Let me tell him Mr Pretorius. It has been a long day

20 **MR ANGELO AGRIZZI:** I still cannot find it.

**CHAIRPERSON:** Are you on page 280?

**MR ANGELO AGRIZZI:** I am sir.

**CHAIRPERSON:** Okay. You see if you go to the bottom of the page.

**MR ANGELO AGRIZZI:** Yes.

**CHAIRPERSON:** There is a paragraph that has three lines only. Can you see that?

**MR ANGELO AGRIZZI:** Yes.

**CHAIRPERSON:** And then there is another paragraph above that. It is a big paragraph.

**MR ANGELO AGRIZZI:** It starts on the evidence of the whistle-blower.

**CHAIRPERSON:** That starts with during the course of ...[intervenes].

**MR ANGELO AGRIZZI:** Okay, yes I have got that.

**CHAIRPERSON:** A search and seizure yes.

**MR ANGELO AGRIZZI:** Correct.

**CHAIRPERSON:** Go to line three then.

10 **ADV PAUL PRETORIUS SC:** Well perhaps Chair if I may interrupt. I apologise, perhaps we should give the witness an opportunity to read the whole paragraph.

**MR ANGELO AGRIZZI:** Yes, I just want to get ...[intervenes].

**CHAIRPERSON:** He must find it first.

**MR ANGELO AGRIZZI:** Yes, I have found.

**CHAIRPERSON:** Have you found it now?

**MR ANGELO AGRIZZI:** Chair I have found it.

**CHAIRPERSON:** Okay, alright.

**MR ANGELO AGRIZZI:** I did not read it.

**CHAIRPERSON:** Okay, but is, but is it necessary for him to read the whole of it?

20 **ADV PAUL PRETORIUS SC:** Yes, I think so.

**CHAIRPERSON:** Okay.

**MR ANGELO AGRIZZI:** I think I need two days there is something ...[intervenes].

**CHAIRPERSON:** Okay.

**MR ANGELO AGRIZZI:** There is one section that says Chair that it was, could not determine the date of the first creation and that is where I am getting confused. So if I



could just read in context.

**CHAIRPERSON:** Okay. No, I think Mr Pretorius would like you to read the whole paragraph.

**MR ANGELO AGRIZZI:** Okay.

**CHAIRPERSON:** Okay, go ahead.

**ADV PAUL PRETORIUS SC:** Take your time. We are over time, but perhaps we should finish this part.

**CHAIRPERSON:** Ja, just this part, ja. You start; did you want him to read silently or aloud Mr Pretorius?

10 **ADV PAUL PRETORIUS SC:** No, he can read it silently to acquaint himself ...[intervenes].

**CHAIRPERSON:** Oh, okay. Alright, okay.

**ADV PAUL PRETORIUS SC:** Every allegation in context. Perhaps I am being unfair this late in the day by picking and choosing the sentences that I want to refer to.

**MR ANGELO AGRIZZI:** That is why I am getting confused, because we are hopping and it confuses me.

**ADV PAUL PRETORIUS SC:** Contrary ...[indistinct] I was going in sequence, but I do not want to argue with you about that. That is futile. Just read the paragraph.

20 **MR ANGELO AGRIZZI:** Sure. I would like to ask the Chair a question to explain to me it says there determine...

**CHAIRPERSON:** Well, well I am sorry. Mr Pretorius if the witness has questions after reading it I think we better adjourn. Let him have time to look at it properly and then we can continue tomorrow. How is that Mr Agrizzi?

**MR ANGELO AGRIZZI:** I do not mind.

**CHAIRPERSON:** Ja, yes. In fact it is not going to make much difference a few

minutes.

**ADV PAUL PRETORIUS SC:** We cannot answer questions unfortunately, because we, it is your evidence.

**MR ANGELO AGRIZZI:** I understand.

**ADV PAUL PRETORIUS SC:** But I would advise, you have legal representation?

**MR ANGELO AGRIZZI:** Yes.

**ADV PAUL PRETORIUS SC:** Read it carefully, discuss it and we will discuss it tomorrow.

**MR ANGELO AGRIZZI:** I am happy with that.

10 **CHAIRPERSON:** Okay.

**MR ANGELO AGRIZZI:** Thank you.

**CHAIRPERSON:** Okay.

**MR ANGELO AGRIZZI:** Thank you Chair.

**CHAIRPERSON:** So we adjourn at this stage Mr Pretorius.

**ADV PAUL PRETORIUS SC:** Thank you Chair.

**CHAIRPERSON:** In the affidavit we finished at, at what page or paragraph? Just need to note it where we; Mr Pretorius are you ...[intervenes].

**ADV PAUL PRETORIUS SC:** About to answer your question.

**CHAIRPERSON:** Hm.

20 **ADV PAUL PRETORIUS SC:** We were on page 70.

**CHAIRPERSON:** Oh, ja. Ja, okay. No that is good enough.

**ADV PAUL PRETORIUS SC:** At the end of paragraph 33.3.

**CHAIRPERSON:** Okay. Thank you. We are going to adjourn until tomorrow at 10 o'clock. We adjourn.

**MEETING ADJOURNS TO 23 NOVEMBER 2019**