

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

18 MAY 2021

DAY 397



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Recording & Transcriptions

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B KLINE; Y KLIEM; V FAASEN; D STANIFORTH



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PROCEEDINGS RESUME ON 18 MAY 2021

CHAIRPERSON: Good morning Mr Seleka, good morning everybody.

ADV SELEKA SC: Morning Chairperson.

CHAIRPERSON: Are you ready?

ADV SELEKA SC: We are ready Chairperson.

CHAIRPERSON: Yes.

ADV SELEKA SC: Now Chair what we have to – there are two witnesses we have today one is Ms Sameera Sooliman
10 the other is Ms Halima Allana. On the stand right now is Ms Sooliman and I think she will be ready to take the affirmation or an oath. And then I will be ready.

CHAIRPERSON: Yes. But there is legal representation.

ADV SELEKA SC: Oh yes.

CHAIRPERSON: For other persons.

ADV SELEKA SC: For Ms...

CHAIRPERSON: Let us get that on record.

ADV SELEKA SC: Okay. That is for

CHAIRPERSON: Ja let them place themselves on record.

20 **ADV SELEKA SC:** Thank you Chair.

CHAIRPERSON: Yes.

ADV VAN DEN HEEVER: Good morning Chairperson.

CHAIRPERSON: Good morning, good morning.

ADV VAN DEN HEEVER: Advocate Van Den Heever instructions Mr Mosopo. We got notice yesterday of the

appearance of the witnesses as Chairperson knows we have got a – an interest in

CHAIRPERSON: Yes.

ADV VAN DEN HEEVER: In the evidence so we here to – to see what is happening. Oh just for the record I act for Mr Anoj Singh.

CHAIRPERSON: Yes.

ADV VAN DEN HEEVER: I also just want to place on record as my learned friend has been kind enough to
10 arrange for us to get a copy of the witness's updated statement.

CHAIRPERSON: Yes.

ADV VAN DEN HEEVER: If Chairperson recall there were certain instructions given on the last occasion.

CHAIRPERSON: Yes.

ADV VAN DEN HEEVER: So I am awaiting that. So we will see where we go today with this.

CHAIRPERSON: Ja.

ADV VAN DEN HEEVER: We do of course depending on
20 what is happening reserve our rights if necessary to bring an application for cross-examination.

CHAIRPERSON: Ja.

ADV VAN DEN HEEVER: But until we know what the position is it is very difficult.

CHAIRPERSON: Yes.

ADV VAN DEN HEEVER: Chairperson would appreciate to deal with that issue.

CHAIRPERSON: Yes. Did you say you represent Mr Koko as well today?

ADV VAN DEN HEEVER: No, no I do not.

CHAIRPERSON: Okay.

ADV VAN DEN HEEVER: No Chairperson I am not representing Mr Koko today.

CHAIRPERSON: Okay.

10 **ADV VAN DEN HEEVER:** In fact I have never represented him. Thank you Chairperson.

CHAIRPERSON: Okay alright. Okay.

ADV LITTLE: Thank you Mr Chair. It is Nigel Little from Shannon Little Attorneys. My client is Mr Salim Essa. Mr Essa likewise received a note last night and that is why we are here.

CHAIRPERSON: Yes. Let me just get the spelling of your surname.

ADV LITTLE: L-i-t-t-l-e

20 **CHAIRPERSON:** L-i

ADV LITTLE: t-t-l-e Chair.

CHAIRPERSON: t-t-l-e.

ADV LITTLE: The conventional spelling Chair.

CHAIRPERSON: Oh okay. Okay. No, no that is fine. I think when you came to chambers I did not get – I seem to

have had something that you did not say – I thought it was another witness. Now that you have mentioned it is Mr Salim Essa of course I am quite interested in Mr Salim Essa as you would know.

ADV LITTLE: We have noted Chair and likewise Mr Essa has some interest in the – (talking over one another) here.

CHAIRPERSON: Ja well there was correspondence I think now that – now that I know you represent him I can be – understand your remark about correspondence between
10 yourselves and the secretariat.

ADV LITTLE: Yes Chair there is certain things we took issue with.

CHAIRPERSON: Yes.

ADV LITTLE: In some of the proceedings here and in some of the correspondence.

CHAIRPERSON: Yes. Is this an indication that he would be prepared to come and give evidence here?

ADV LITTLE: I think Mr Essa is comfortably ensconced in Dubai but we happy to – to cooperate if there is something
20 that the commission wishes to enquire of Mr Essa – we are happy to cooperate.

CHAIRPERSON: Well I think that the correspondence that would have gone from the secretariat to your office not so long ago would have enquired whether – if the commission were to set aside time for him to appear he would be

prepared to – he would undertake to appear. I am not sure if there has been a response. I would be interested in knowing you might or might not wish to say now or you might let me know in due course what his position is.

ADV LITTLE: Yes Mr Chair we have – we are in the process of preparing a response. I am happy to discuss it with you. There are a number of things we take issue with and we will deal with it in due course.

CHAIRPERSON: Yes.

10 **ADV LITTLE:** But we are happy to discuss it with you Chair.

CHAIRPERSON: Yes.

ADV LITTLE: As you would make time available for me.

CHAIRPERSON: Yes no that is fine. Maybe what should happen because you are here in due course maybe you could discuss with Mr Seleka or the legal team and they would brief me on the discussions.

ADV LITTLE: Yes I think Mr Seleka did indicate to me Chair earlier on that he would after he has finished with his
20 session today have a discussion with me.

CHAIRPERSON: Ja. Okay. Alright.

ADV LITTLE: Thank you Chair.

CHAIRPERSON: Thank you.

ADV SELEKA SC: Thank you Chair. So the witness could be sworn in or affirmed.

CHAIRPERSON: Please administer the oath or affirmation.

REGISTRAR: Please state your full names for the record.

MS SOOLIMAN: Sameera Sooliman.

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

MS SOOLIMAN: No.

REGISTRAR: Do you affirm that the evidence you will give will be the truth; the whole truth and nothing but the truth.

MS SOOLIMAN: I do.

10 **REGISTRAR**: If so please raise your...

CHAIRPERSON: I am sorry I do not think that that will be recorded. Do you mind taking your mask off. I think there is enough social distance otherwise what you say will not be recorded and it is important that it should be recorded and then maybe speak up a bit. Start afresh please.

REGISTRAR: Please state your full names for the record.

MS SOOLIMAN: Sameera Sooliman.

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

20 **MS SOOLIMAN**: No I do not.

REGISTRAR: Do you affirm that the evidence you will give will be the truth; the whole truth and nothing but the truth.

MS SOOLIMAN: Yes I do.

REGISTRAR: If so please raise your right hand and say, I truly affirm.

MS SOOLIMAN: I truly affirm.

CHAIRPERSON: Thank you very much. Thank you for availing yourself Ms Sooliman to assist the commission. Okay alright.

ADV SELEKA SC: And I should say that Chair on short notice.

CHAIRPERSON: Yes on short notice. We appreciate that.

ADV SELEKA SC: Yes. Thank you.

CHAIRPERSON: Now I see that you have put your mask
10 back on. If we will be able to hear you that is not a
problem. My concern is that we might not hear you. But if –
if we can hear you that would be fine but based on what
happened when you started the oath I do not think we will
hear you. Is that fine? Okay. I think there is enough social
distancing. Ja. Okay alright.

ADV SELEKA SC: Ms Sooliman also just keep your mic on.

CHAIRPERSON: Mic ja.

ADV SELEKA SC: Ja microphone. Thank you. For the
purposes of Ms Sooliman's evidence Chairperson her
20 affidavits contained in Bundle 18(b). The first affidavit is on
page 1565.1.

CHAIRPERSON: Yes.

ADV SELEKA SC: Ms – Ms Sooliman I am sure you are not
familiar with proceedings. There is a bundle in front of you
properly marked and paginated. The pagination you should

concentrate on which I will always be referring to is on the top left hand corner the black pagination. This is a huge file so the numbers are quite unusual. So 1565.1 ...

CHAIRPERSON: And use the black numbers on the top left of each page.

ADV SELEKA SC: Yes are you – you are there. So on this page you see between tramlines affidavit I, the undersigned Sameera Sooliman – you see that?

MS SOOLIMAN: Yes.

10 **ADV SELEKA SC:** That is the first page of this affidavit. It runs up to page 1565.11.

MS SOOLIMAN: Okay.

ADV SELEKA SC: You see that. Please stay on the last page or the last two pages. Would you confirm this signature on page 1565.10 that it is your signature?

MS SOOLIMAN: Yes it is.

ADV SELEKA SC: Signed on 17 March 2021 you confirm this to be your affidavit?

MS SOOLIMAN: Correct.

20 **ADV SELEKA SC:** You confirm that the contents of this affidavit are correct.

MS SOOLIMAN: Correct.

ADV SELEKA SC: True and correct thank you. Chairperson I will beg leave to have this affidavit admitted as Exhibit U34.1 together with the annexures thereto.

CHAIRPERSON: The affidavit of Mr Sameera Sooliman which starts at page 1565.1 is admitted together with its annexures and will be marked as Exhibit U34.1.

ADV SELEKA SC: Thank you. The affidavit we received this morning Ms Sooliman it is on page 1565.67.1.

MS SOOLIMAN: Yes.

ADV SELEKA SC: You are there?

MS SOOLIMAN: I got it.

ADV SELEKA SC: Between tramlines you see there
10 supplementary affidavit. I, the undersigned Sameera Sooliman and this affidavit runs from that page to page 1565.67.9.

MS SOOLIMAN: That is correct.

ADV SELEKA SC: You see that. I see on the page just before the last this one has not been signed. Have you provided the investigators with the signed one.

MS SOOLIMAN: I did.

ADV SELEKA SC: You updated with the signed one.

MS SOOLIMAN: Correct.

20 **CHAIRPERSON:** Are they making arrangements to get us the signed one?

ADV SELEKA SC: Yes the...

CHAIRPERSON: Well the one I have here – well Ms Sooliman you might be able to explain. The one I have here is initialled by most pages have got initials which look like

AS as well as another one which looks like an abbreviated – our abbreviated signature. But on the last page – on the page where you are supposed to have signed as the deponent it is not signed by you but on the page on which the Commissioner of Oaths was supposed to sign he or she has signed. Do you know what happened?

MS SOOLIMAN: Oh I went and he forgot to sign it so I had to go back to have it pre-signed.

CHAIRPERSON: No but he signed it but you did not sign
10 on this one that I have here.

MS SOOLIMAN: On this one here I went back with the signed one. I had stamped on the signed one already.

CHAIRPERSON: You have – you have a signed one that is the one that...

MS SOOLIMAN: Yes because we...

CHAIRPERSON: Ja but had happened on this one?

MS SOOLIMAN: When I went to the police station he took the whole lot and he signed it and he forgot to get me to sign this one so I went back.

20 **CHAIRPERSON:** Oh.

MS SOOLIMAN: Ja and then I just sent it through to Rohan.

CHAIRPERSON: Okay.

MS SOOLIMAN: And I brought the original as well.

CHAIRPERSON: Okay we will admit only the one that is

properly signed then 00:12:06 Mr Seleka.

ADV SELEKA SC: Yes Chair it is.

CHAIRPERSON: I think we could start with the other one.

ADV SELEKA SC: That is right Chair thank you.

CHAIRPERSON: Ja okay.

ADV SELEKA SC: Ms Sooliman let us go back to page 1565.1. And you could either freely or by reference to your affidavit just by way of background just tell the Chairperson who you are, where you work and what do you do?

10 **MS SOOLIMAN:** I am Sameera Sooliman. I am the travel agent from a company called Travel Excellence based in Lenasia. My duty is to do travel arrangements, air tickets, accommodation and packages for my clients.

CHAIRPERSON: Yes when did you start working for Travel Excellence?

MS SOOLIMAN: It is about 8 – 7 years ago. 7 to 8 it is going to be 8 years this year.

CHAIRPERSON: Yes that takes us back to about what 2013?

20 **MS SOOLIMAN:** 20 – ja correct. Well 2016 so say from about 2014 I was part-time with them.

CHAIRPERSON: Ja.

MS SOOLIMAN: And then after 2016 I was full-time.

CHAIRPERSON: How did you come to work for them?

MS SOOLIMAN: So my colleague Halima Allana and I used

to work together in a travel agency called Freeway Travel. We met there. Thereafter we were retrenched and I was employed at a company called Harvey World Travel. Halima did not join me. She started her own company. In 2016 we were retrenched from Harvey Travel and I contacted Halima to ask her if I could join her in her company.

CHAIRPERSON: Yes. Did you start on a part-time basis and later you were appointed permanent.

MS SOOLIMAN: Yes so I was actually expecting in 2016 so
10 I was working from home and once after July so it was July, August, September I started on a full time basis.

CHAIRPERSON: Yes. Okay. Mr Seleka do you want to get her to deal with the background to Travel Excellence?

ADV SELEKA SC: Yes. Thank you Chair. Ms Sooliman that is on page 1565.2. If you could tell us about Travel Excellence. Who – who...

CHAIRPERSON: Ja this will be non-controversial stuff I would imagine.

ADV SELEKA SC: Yes.

20 **CHAIRPERSON:** Ja. When was Travel Excellence established if you know Ms Sooliman?

MS SOOLIMAN: Travel Excellence was founded in 2013 by Mr Sharief Allana and his daughter Halima Allana.

CHAIRPERSON: Does it – or who owns it?

MS SOOLIMAN: Mr Sharief Allana owns it. He owns the

company and Halima Allana is his daughter who was with him in the business and then I joined in after.

CHAIRPERSON: Yes. And does this travel agency specialise in any area – flight arrangements, hotel accommodations so on.

MS SOOLIMAN: Yes Sir we do flight arrangements, hotel accommodations, tours, everything that a travel agent should do.

CHAIRPERSON: Does it have its own licence?

10 **MS SOOLIMAN:** No we are – we work as non-iata agents and then we work under consortiums to issue tickets for us.

CHAIRPERSON: Is it acceptable to work without a licence for a travel agency or what is the position?

MS SOOLIMAN: Yes Sir it is.

CHAIRPERSON: Is a licence required?

MS SOOLIMAN: You do not need a iata licence so long as you ticket through an iata agency which we were doing.

CHAIRPERSON: Okay. Which is what you do.

MS SOOLIMAN: Yes.

20 **CHAIRPERSON:** And what entity do you normally use for that purpose?

MS SOOLIMAN: Sorry Sir.

CHAIRPERSON: What entity do you normally use for that purpose that has got a licence?

MS SOOLIMAN: Oh you mean how...

CHAIRPERSON: What travel agency that has a licence.

MS SOOLIMAN: Oh Serendipity Worldwide Travel.

CHAIRPERSON: Yes.

MS SOOLIMAN: We were using them all these years but due to the Corona they – they lost their business – they liquidated.

CHAIRPERSON: And do you offer any credit to your clients?

MS SOOLIMAN: We do Sir a 14 date.

10 **CHAIRPERSON:** Tell us about the credit you...

MS SOOLIMAN: So we normally have corporate clients that we know quite well and we give them a 14 day account.

CHAIRPERSON: Yes. Okay and how big is the organisation Travel Excellence.

MS SOOLIMAN: We are a very small organisation.

CHAIRPERSON: Yes.

MS SOOLIMAN: We just consist of three – three of us.

CHAIRPERSON: Yes. About three of you.

20 **MS SOOLIMAN:** Three of us. It is Halima, myself and one staff member.

CHAIRPERSON: Yes. Okay alright. Mr Seleka do you want to take from that to the next topic?

ADV SELEKA SC: Thank you Chair. Ms Sooliman evidence has been led quite extensively here before the commission about particularly one of your clients and I would like you to

tell the Chairperson about him and how you came to know him. That is Mr Salim Essa. Can you do that?

MS SOOLIMAN: I can. Okay so when I was working at the travel agency in Houghton I was introduced to Mr Essa and I cannot remember through who. You know when you are in the travel agency you just get referrals as per how you work. So he was introduced to me and ever since he was my client and I used to handle all his bookings.

CHAIRPERSON: What is the name of the travel agents you
10 were working for when he was introduced to you?

MS SOOLIMAN: I was working for Harvey World Travel.

CHAIRPERSON: Okay.

MS SOOLIMAN: Ja.

CHAIRPERSON: Okay.

MS SOOLIMAN: They have also into liquidation now.

CHAIRPERSON: Hm.

MS SOOLIMAN: Harvey World Travel does not exist in Houghton anymore yes.

CHAIRPERSON: Yes. Okay. Continue how you working
20 relationship started and so on.

MS SOOLIMAN: So like I said it was a referral and I was contacted by him and I used to do all his travel arrangements for him.

CHAIRPERSON: That was from when in terms of year?

MS SOOLIMAN: So it would be around about 2015.

CHAIRPERSON: So you – you – well 2015 you would have been with Travel Excellence is it not.

MS SOOLIMAN: No Sir 2016 I left Harvey World Travel but I used to deal with – you see Harvey World Travel used to work on commission. So obviously the money was not enough for us so – because Halima being my friend and she had an agency so I used to do the bookings and some of the bookings she used to handle for me through her company – through Travel Excellence literally.

10 **CHAIRPERSON:** Yes but you – I understood you to say in 2014 you were working for Travel Excellence on a part-time basis.

MS SOOLIMAN: Correct Sir so 2014 and 2015 – 2015 – so literally when we left Freeway Travel okay I went to Harvey World Travel; Halima started Travel Excellence.

CHAIRPERSON: And which year was that?

MS SOOLIMAN: 2000 and..

CHAIRPERSON: When you went to Harvey?

20 **MS SOOLIMAN:** Harvey World was 2013 because that was the time we were both retrenched from there and she started her business.

CHAIRPERSON: You were both retrenched from Harvey.

MS SOOLIMAN: From Freeway – from Freeway Travel.

CHAIRPERSON: Freeway Travel.

MS SOOLIMAN: Yes Sir in Ridgeway.

CHAIRPERSON: Okay. In 2013.

MS SOOLIMAN: Correct.

CHAIRPERSON: And then you went to Harvey.

MS SOOLIMAN: I went to Harvey.

CHAIRPERSON: And she went to start Travel Excellence.

MS SOOLIMAN: Travel Excellence. But I did not start Harvey immediately I was without a job for a year a half.

CHAIRPERSON: Okay. So when did you start with Harvey?

MS SOOLIMAN: I started only with Harvey Travel in the
10 beginning of 2016 so it was there only for like six months or
so. So in the time being of 2000 and – from 2013 to 2016 I
was working from home through Halima. I was being – She
was doing bookings for me.

CHAIRPERSON: Okay alright. Let me get this clear. From
when up to when were you working for Harvey?

MS SOOLIMAN: So Harvey Travel would have been I think
a period of eight months. So it would have been like 2015
and then or maybe a little earlier than in 2015 because I
was expecting in 2016 I remember I was like three or four
20 months pregnant when I left there because then the
company closed down.

CHAIRPERSON: So you would have worked for Harvey
from when...

MS SOOLIMAN: You know Sir I cannot remember exactly
the date we had no contacts or nothing. So it is 2015 for a

few months.

CHAIRPERSON: Hang on – hang on. No hang on. You were working for Harvey from when to when? I do not necessarily expect you to tell me the exact dates I just want to have an idea.

MS SOOLIMAN: 2015 to 2016 – early 2016.

CHAIRPERSON: And did you say it was for about eight months?

MS SOOLIMAN: Yes around about eight months.

10 **CHAIRPERSON:** Okay. From sometime in 2015 to sometime in 2016.

MS SOOLIMAN: 2016. Correct.

CHAIRPERSON: Okay. But did you say in 2014 you were already work – doing some work for Travel Excellence on a part-time basis?

MS SOOLIMAN: Correct.

CHAIRPERSON: Okay. So when you were at Harvey were you also on a part-time basis?

MS SOOLIMAN: Correct Sir.

20 **CHAIRPERSON:** So 2015/2016 part of those years you were part-time at Harvey.

MS SOOLIMAN: Earning commission.

CHAIRPERSON: But at Travel Excellence when did you become full-time or permanent?

MS SOOLIMAN: So if I – 2016 – July I gave birth and

straight after that. So a month or so after that by August.

CHAIRPERSON: Oh okay. Alright.

MS SOOLIMAN: Ja. Obviously three months temp first and then – it was first a three month temporary employment and then obviously full after that. But 2016 by August or so I was working with Halima already on a full time basis.

CHAIRPERSON: Okay.

MS SOOLIMAN: And no other company.

CHAIRPERSON: After you had given birth you gave birth in
10 2016.

MS SOOLIMAN: Correct.

CHAIRPERSON: Is that right?

MS SOOLIMAN: Correct.

CHAIRPERSON: And after you had given birth you started with them?

MS SOOLIMAN: Yes.

CHAIRPERSON: With Travel Excellence.

MS SOOLIMAN: Correct.

CHAIRPERSON: But you – initially on a temporary basis.

20 **MS SOOLIMAN:** It was ...

CHAIRPERSON: Did you say...

MS SOOLIMAN: It was on a – it was like – you know like any company you get a three month probation.

CHAIRPERSON: Ja it was probation.

MS SOOLIMAN: Correct Sir.

CHAIRPERSON: Okay alright. And thereafter you became permanent?

MS SOOLIMAN: That is right.

CHAIRPERSON: Did you become permanent after about three months or so?

MS SOOLIMAN: I did.

CHAIRPERSON: Okay alright. Okay alright. So – so when you started interacting with Mr Salim Essa when he was introduced to you was he introduced to you when you were
10 acting or doing work for Harvey or for Travel Excellence.

MS SOOLIMAN: He was introduced to me at Harvey.

CHAIRPERSON: At Harvey?

MS SOOLIMAN: Yes Sir.

CHAIRPERSON: Okay. Around about 2015 or 2016 or can you not remember?

MS SOOLIMAN: No, no it could be 2015.

CHAIRPERSON: 2015.

MS SOOLIMAN: Yes.

CHAIRPERSON: Okay alright. No that is fine. And then
20 when you stopped working for Harvey he went over with you to Travel Excellence?

MS SOOLIMAN: He did but there was not so much travel being done during that period because I was not employed as yet and like I said to you I was expecting so I was not doing much work until August of 2016.

CHAIRPERSON: Yes, no I am ...

MS SOOLIMAN: Yes he was – he did – as my client...

CHAIRPERSON: Ultimately he came to you.

MS SOOLIMAN: As my client Sir I used to do his travel correct.

CHAIRPERSON: Yes but is the point you are making that when you started with Travel Excellence after you had given birth he did not immediately come over to Travel Excellence but he did come over in due course?

10 **MS SOOLIMAN:** He did come over I cannot tell exactly.

CHAIRPERSON: Immediately?

MS SOOLIMAN: Yes I cannot remember when was the first ticket I issued for him when he came over though.

CHAIRPERSON: Back to Travel Excellence.

MS SOOLIMAN: Correct, correct.

CHAIRPERSON: Okay alright. You said you cannot remember who introduced him to you.

MS SOOLIMAN: Sir you know in our community.

CHAIRPERSON: Oh it was just a referral.

20 **MS SOOLIMAN:** It was a referral.

CHAIRPERSON: Oh.

MS SOOLIMAN: Somebody referred him to me.

CHAIRPERSON: Okay, okay alright.

MS SOOLIMAN: Ja.

CHAIRPERSON: Mr Seleka.

ADV SELEKA SC: Thank you – thank you Chair. Again Ms Sooliman I noted a couple of years there 2013, 2014 and I think that is why the Chairperson was trying to clarify. If you look at your affidavit paragraph 16 you say there that – well let us see

MS SOOLIMAN: Hm

ADV SELEKA SC: Let us see 15 – 15.

10 “Whilst I was employed at Harvey World I was introduced to Mr Salim Essa whom I then serviced as a client.”

Then 16 says:

“After a while many of the employees including myself were let go from Harvey World. I then contacted Mr Allana and joined her at Travel Excellence around June 2013. As Essa being my client followed me to Travel Excellence.”

So you may want to clarify ...

20 **MS SOOLIMAN:** Okay so Sir remember Halima and I worked together at Freeway Travel. We were dismissed at the same time.

ADV SELEKA SC: Yes.

MS SOOLIMAN: Okay in 2013. In 2013 we were dismissed. Obviously me being unemployed I kept in contact with Halima so if I had any personal clients she could handle

them for me.

CHAIRPERSON: Yes I but think Mr Seleka is asking you about the fact that ...

MS SOOLIMAN: Yes Mr Essa came ...

CHAIRPERSON: Hang on, hang on Ms Sooliman. We cannot both speak at the same time. Wait until I finish.

MS SOOLIMAN: Okay.

CHAIRPERSON: Mr Seleka is asking you about the fact that in paragraph 16 of your affidavit you say that

10 “I then contacted Ms Allana and joined her
 at Travel Excellence around June 2013.”

 So you say you went to Travel Excellence in June 2013 in your affidavit whereas in answer to my questions you said you joined her permanently only in 2016. So what do you say about that discrepancy?

MS SOOLIMAN: What I am saying is in 2013 when we left from Freeway Travel she started her business and I was unemployed Sir. So I had to take my clients with me to her but I am not saying Mr Essa booked with me from 2013 at
20 Travel Excellence. Okay I said he followed me. I did not say he started booking at 2013. I was employed – unemployed and I went to work for a company called Usimass [?] which is a normal arithmetic company in order to earn a salary obviously to look after my family. I – and then in 2016 the gentleman from Harvey World contacted

me and said we worked with him. He was somebody that I worked with at Freeway Travel said he is opening his company Harvey World would I like to join him. That is when I joined him in 2015 for the eight-month period.

CHAIRPERSON: Yes.

MS SOOLIMAN: So basically end of 2013 and 14 I was unemployed and I did...

CHAIRPERSON: No, no, no. I understand that. When you say in your affidavit you joined Ms – is it Halima? Allana.

10 **ADV SELEKA SC:** Allana.

CHAIRPERSON: When you say at Travel Excellence around June 2013. Is that factually correct?

MS SOOLIMAN: Chair, yes, I was – I was not with her fulltime, sir.

CHAIRPERSON: Ja, you joined her ...[intervenes]

MS SOOLIMAN: I wanted her to hand over some of my clients because her company had only started in 2013. So it was not running. Remember, Nana(?) Hajer(?) Agency does not run a full company. It is like literally one laptop
20 and one person with the clients to get in. So I ...[intervenes]

CHAIRPERSON: Yes, but what I want is. What do you mean when you say you joined her ...[intervenes]

MS SOOLIMAN: I joined ...[intervenes]

CHAIRPERSON: ...at Travel Excellence – hang on, hang

on, hang on. Just wait until I have finished. Okay?

MS SOOLIMAN: [No audible reply]

CHAIRPERSON: What do you mean when you say you joined her at Travel Excellence around June 2013.

MS SOOLIMAN: Well, literally, I handed over some of my clients to her in 2013.

CHAIRPERSON: Yes.

MS SOOLIMAN: So if I ...[intervenes]

CHAIRPERSON: For her to take as her clients or for what
10 purpose?

MS SOOLIMAN: For – the – there are people that I used to get. I used to refer to Halima to make a booking and I used to earn a commission on the booking that she used to make for me.

CHAIRPERSON: Okay. Is that what you were talking about when you said initially you were part-time with Travel Excellence?

MS SOOLIMAN: Correct.

CHAIRPERSON: Is that what you were talking about?

20 **MS SOOLIMAN:** Correct, Correct.

CHAIRPERSON: Okay alright. Mr Seleka.

ADV SELEKA SC: Thank you, Chair. So ...[intervenes]

CHAIRPERSON: Just listen to questions, Ms Sooliman.

ADV SELEKA SC: Yes.

MS SOOLIMAN: I will.

CHAIRPERSON: Just cool down, be calm, listen to the questions and answer them directly.

MS SOOLIMAN: Okay.

CHAIRPERSON: Okay?

MS SOOLIMAN: [No audible reply]

CHAIRPERSON: Alright.

ADV SELEKA SC: Yes.

CHAIRPERSON: Okay.

ADV SELEKA SC: Yes, Ms Sooliman, so you joined, as
10 you say, Travel Excellence. You do say that Mr Essa followed you as a client. Now in your affidavit you have specifically referred to certain bookings that were requested by Mr Essa on behalf of two individuals or two gentlemen. One is Mr Anoj Singh and the other is Mr Koko. I would like you to first deal with the request – I mean, the – ja, the request in relation to Mr Singh. If you could tell the Chairperson how Travel Excellence came to do bookings, flight bookings for Mr Singh.

CHAIRPERSON: Well, I am sorry Mr Seleka. Before she
20 does so. Ms Sooliman, will you explain how the payment arrangements you may have had as Travel Excellence with Mr Salim Essa, whenever you made bookings, how did payments occurred? Did he have an account with Travel Excellence or did he not have an account with Travel Excellence? Does Travel Excellence open an account for

every client or what is the position?

MS SOOLIMAN: Okay. So we do not open up accounts for everybody. We only open up accounts for people that we know and that is only thereafter(?). We do not open up accounts for everybody off the street. So we would only give them a two-week period. Sometimes, I mean, the tickets used to be issued and paid the very next day but we did give that leeway of 14-days.

CHAIRPERSON: H'm. Is that the basis – did you have an
10 account with Mr Salim Essa?

MS SOOLIMAN: We did, sir.

CHAIRPERSON: Yes. Okay continue, Mr Seleka.

ADV SELEKA SC: Yes. Thank you, Chair. So this, Ms Sooliman, I was asking how it came about that you serviced and if we could start with Mr Singh in particular. Whether you even know Mr Singh and how you came to do flight bookings for him. Yes?

MS SOOLIMAN: Okay. So, I do not know Mr Singh from anywhere. Like I said to you, sir, we get referrals in the
20 travel industry. He was referred to me via Mr Essa.

ADV SELEKA SC: Yes?

CHAIRPERSON: Okay.

MS SOOLIMAN: I never ever met him, you know, on a face to face basis, like, to say this is Mr Singh and this is Sameera. It was either on a telephone call or a Whatsapp

message. And then I would receive a message to say: I was referred to you by mister so and so and kindly do a booking for me.

ADV SELEKA SC: Yes. Did you have or did you have an account created for Mr Singh?

MS SOOLIMAN: No, sir. If it was anybody referred to me by a certain person, that person to get in to, basically, because I would take a word from the client that I knew. I would not up open new accounts for anybody. So it would
10 then – I know which is not the right thing to do because we are a very small company. We did not have big account systems but just for our record. Because in travel agencies you do not have a big account system but for our record purposes and payments, we used it to name it after the person that referred the person to us as a guarantor.

CHAIRPERSON: Well, when you took a particular client as the guarantor of another client or another person.

MS SOOLIMAN: Yes.

CHAIRPERSON: Would this be an arrangement that you
20 made with the person you regarded as the guarantor or was this just your own internal arrangement? You would not speak to, for example Mr Salim Essa, and say we will take you as the guarantor for Mr Singh because we do not know Mr Singh but we know you and this means that if he does not pay we will expect you to pay. If that was the

case. Would you have that kind of discussion with the person you regarded as the guarantor?

MS SOOLIMAN: Absolutely. I would ask him first if I could make a booking without payment and then he used to say to me no problem. If there is a problem, contact me.

CHAIRPERSON: H'm. Okay. And would you do that with every other client who introduced somebody if you are going to take that client as the guarantor?

MS SOOLIMAN: No, sir, I would not. It would be – in the
10 travel agency you do not even keep account because if I issue a ticket with an airline, I need to pay immediately. So there was only, like, maybe one or two of my very good clients that used to book with me that I used to give them that privilege.

CHAIRPERSON: Okay.

MS SOOLIMAN: Ja.

CHAIRPERSON: And Mr Salim Essa was one of them?

MS SOOLIMAN: Yes, sir.

CHAIRPERSON: Okay alright. Mr Seleka.

20 **ADV SELEKA SC**: Thank you, Chair. So the arrangement, I mean, from that explanation to the Chairperson. The basis on which Mr Salim Essa either referred or introduced you to Mr Anoj Singh, was it on the basis of you having him as a client or simple rendering a service to him?

MS SOOLIMAN: Ja, sir, he used to help me get a lot of

clientele. He used to help me to get a lot of clients.

CHAIRPERSON: Who is that?

MS SOOLIMAN: Mr Essa.

CHAIRPERSON: Okay.

MS SOOLIMAN: He used to help me to get a lot of clients.

CHAIRPERSON: Ja.

MS SOOLIMAN: So because of the service I provided to him, he used to give me a lot of referrals. I did not know
10 whether Mr Singh would book with me more in the future but depending on my service, maybe he would.

ADV SELEKA SC: Yes. Well, you have referenced in your affidavit, page 1565.4, paragraph 22.

CHAIRPERSON: Mr Seleka.

ADV SELEKA SC: Yes?

CHAIRPERSON: I do not want to forget this.

ADV SELEKA SC: Yes, Chair.

CHAIRPERSON: Because it is urgent. Maybe you or your junior could during the tea break – well, maybe not the tea
20 break but I think your junior could do this in the meantime. Inform Mr Koko's legal team that we can have a hearing tomorrow. So, during the day session. So they can be here at ten. Remember there was that issue yesterday that ...[intervenes]

ADV SELEKA SC: Yes, yes.

CHAIRPERSON: We said they would be informed today.

ADV SELEKA SC: Yes.

CHAIRPERSON: Ja. Okay alright. I am sorry to have interrupted your questioning but I do not want sitting on this delay.

ADV SELEKA SC: Okay. No problem, Chair.

CHAIRPERSON: Okay.

ADV SELEKA SC: The Chair is not double booking himself.

10 **CHAIRPERSON**: [laughs]

ADV SELEKA SC: [laughs]

CHAIRPERSON: Well, I hope not. I do not think so.

ADV SELEKA SC: [laughs]

CHAIRPERSON: [laughs] Well – but you will let me know if you know something that I have forgotten but I do not think so.

ADV SELEKA SC: Yes. No, I was told last night.

CHAIRPERSON: H'm?

ADV SELEKA SC: We will talk it during the tea break.

20 **CHAIRPERSON**: Ja.

ADV SELEKA SC: Yes.

CHAIRPERSON: We will not have a tea break today because we started late.

ADV SELEKA SC: Okay.

CHAIRPERSON: But – ja, let us continue.

ADV SELEKA SC: Yes. Ms Sooliman, in your affidavit you referenced seven bookings that you made on behalf of Mr Singh. Mr Singh has largely accepted that you did – Travel Excellence did make the bookings. But he raised issues in regard to your invoices. And I know that you deal with those concerns of his in your next affidavit. We are waiting for the signed one. But perhaps you could tell the Chairperson insofar as, one, Mr Singh says... Well, let me not tell you what he says. Let me ask you. These
10 bookings that you made, who paid for these bookings? And you take, if you like, you could take the Chairperson through each one of them and I could do so for you. Paragraph 22.1.

CHAIRPERSON: Ja, I think lead her to say which one, when, from where to where, who paid and whatever because each time you can indicate that Mr Singh admitted that the trip did happen.

ADV SELEKA SC: Yes.

CHAIRPERSON: And where he did not, obviously, you
20 would have to say that. But we could get over this quite quickly because for most of the trips, the only issue that is disputed is who paid ...[intervenes]

ADV SELEKA SC: And ...[intervenes]

CHAIRPERSON: The one or two things. Ja.

ADV SELEKA SC: Correct.

CHAIRPERSON: So let us get going on those.

ADV SELEKA SC: Yes.

CHAIRPERSON: Ja.

ADV SELEKA SC: Thank you. Ms Sooliman, let us start on paragraph 22.1. The booking, you say, was requested from Mr Singh to fly from Dubai to Johannesburg on 8 June 2014. You say:

“I cannot recall who made the request.

Mr Singh was issued with a ticket number...”

10 And the number is given. You refer to the Annexure SS1.

“I do not know how Mr Singh flew to Dubai. The total costs charged was R 9 100.00.

The invoice was addressed to Mr Singh although it was charged to Mr Essa’s account. I cannot recall whether I spoke to Mr Essa or Mr Singh but one of the two gentlemen phoned me to tell me the driver would be dropping off money in cash to settle the invoice which
20 indeed took place. Attached hereto the cash receipt dated 16 July 2014...”

MS SOOLIMAN: Yes.

ADV SELEKA SC: So on the first one, you seem not to recall who called you in order to have the payment made.

MS SOOLIMAN: Not the payment but the booking. The

booking and the – yes, the booking and the payment literally.

ADV SELEKA SC: Yes.

MS SOOLIMAN: Because the booking was requested. I cannot remember. There were a few people that used to requests his bookings.

ADV SELEKA SC: Ja, just face the Chairperson because I want you to address the Chairperson.

MS SOOLIMAN: The booking was requested – well, there
10 was a booking made for him. I cannot remember exactly who used – who did the first booking but it must have been Mr Singh because most of his bookings, he used to call me to make a booking for him. He used to call or he used to message me.

CHAIRPERSON: Who is he?

MS SOOLIMAN: Mr Anoj Singh.

CHAIRPERSON: Mr Anoj Singh used to call you for most of his bookings. Is that right?

MS SOOLIMAN: Yes.

20 **CHAIRPERSON:** Is that what you are saying?

MS SOOLIMAN: Yes. Yes, he used to call me for a few of these bookings, not all of them.

CHAIRPERSON: Okay. Well, you said most ...[intervenes]

MS SOOLIMAN: Most. Because he had a holiday

packages – his partner contacted us though.

CHAIRPERSON: Yes.

MS SOOLIMAN: So I cannot say that he contacted me for that booking. So he did contact me for his bookings but when it comes to the payment, I cannot recall who phoned me to say the payment will come to me.

CHAIRPERSON: H'm?

MS SOOLIMAN: You understand? Because the booking was made for him. Like I said, his account went under
10 Mr Essa because Mr Essa was my – was the guarantor of his bookings.

CHAIRPERSON: H'm?

MS SOOLIMAN: But Mr Singh paid for his bookings.

CHAIRPERSON: Mr Singh paid for his bookings?

MS SOOLIMAN: For his bookings whenever he travelled.

CHAIRPERSON: So when he had called you and asked you to make a booking ...[intervenues]

MS SOOLIMAN: Correct.

CHAIRPERSON: ...he would pay for his booking?

20 **MS SOOLIMAN:** He would say: I would send you the payment.

CHAIRPERSON: He would send and ultimately he would send it?

MS SOOLIMAN: Correct.

CHAIRPERSON: Okay alright. Continue, Mr Seleka.

ADV SELEKA SC: Yes.

CHAIRPERSON: Take them one by one, I think so that there will be clarity.

ADV SELEKA SC: Thank you, Chair.

CHAIRPERSON: Ja.

ADV SELEKA SC: Okay ...[intervenes]

CHAIRPERSON: With regard to the booking or the trip in paragraph 22.1. You say that the invoice was addressed to Mr Singh although it was charged to Mr Essa's account and
10 you cannot recall if you spoke to Mr Essa or Mr Singh but one of the two men called you to tell you that the driver will be dropping off money in cash to settle the invoices. So you say in regard to this one you addressed the invoice to Mr Singh. Is that right?

MS SOOLIMAN: Correct, sir. For our records.

CHAIRPERSON: Now would you address the invoice to him only in regard to those bookings where he had called and asked you to make the booking or would you address the invoice to him even in regard to those bookings where
20 either Mr Salim Essa or his secretary has called?

MS SOOLIMAN: Okay so when Mr Singh was travelling himself, all those invoices would have been made out to Mr Anoj Singh.

CHAIRPERSON: Okay.

MS SOOLIMAN: Because it was his air ticket.

CHAIRPERSON: Yes.

MS SOOLIMAN: Although for my record on my statement
...[intervenes]

CHAIRPERSON: Yes.

MS SOOLIMAN: ...it would go onto Mr Essa's account and
next to it I would write Mr Singh. So I knew it was payment
for him ...[intervenes]

CHAIRPERSON: Yes.

MS SOOLIMAN: ...that needed to be collected.

10 **CHAIRPERSON:** Okay so if Mr Salim Essa called or his
secretary to say please make a booking for Mr Singh, the
invoice would be addressed to Mr Salim Essa and then you
would make a note that it is in respect of Mr Singh. Is that
what you are saying?

MS SOOLIMAN: No, sir. It was Mr Essa's booking for
him. The invoice would be made out to Mr Essa
...[intervenes]

CHAIRPERSON: If it was a booking for himself?

MS SOOLIMAN: Correct.

20 **CHAIRPERSON:** Okay.

MS SOOLIMAN: If it is a booking for Mr Anoj Singh,
whoever would call me, the invoice would be made out to
...[intervenes]

CHAIRPERSON: To that person?

MS SOOLIMAN: Correct.

CHAIRPERSON: Okay alright. And you would expect payment from that person?

MS SOOLIMAN: Correct.

CHAIRPERSON: Okay alright. So in this case, in regard to 22.1, you had addressed the invoice to Mr Singh. So I take it that he would have been the one who had called to ask you to make the bookings?

MS SOOLIMAN: Like I said, he could have called or maybe his partner. So either one of them could have
10 called.

CHAIRPERSON: Ja, one of the two.

MS SOOLIMAN: Correct.

CHAIRPERSON: Okay alright.

MS SOOLIMAN: Correct. But that was only the Dubai – Johannesburg.

CHAIRPERSON: Yes.

MS SOOLIMAN: Ja, correct.

CHAIRPERSON: Okay. Mr Seleka, what did Mr Singh say about this? How was this one paid or do you want to put
20 that to her?

ADV SELEKA SC: Yes.

CHAIRPERSON: H'm?

ADV SELEKA SC: According to Mr Singh – well, in respect of all of them, he said he paid himself.

CHAIRPERSON: Ja.

ADV SELEKA SC: How he paid, it was not clear on how he paid.

CHAIRPERSON: Ja.

ADV SELEKA SC: But I think one of the methods he mentioned was that it was a cash payment.

CHAIRPERSON: Well, he said sometimes he made cash payments, sometimes he said he made EFT's and I think sometimes he talked about ...[intervenes]

ADV SELEKA SC: He sent a driver – cash payments.

10 **CHAIRPERSON:** I cannot remember something like – I do not know whether it was a voyager miles or something like that. I am not sure. Did he used to pay cash?

MS SOOLIMAN: Most of the times he paid cash, sir. I think there was maybe one occasion, that was a holiday or something ...[intervenes]

CHAIRPERSON: Ja.

MS SOOLIMAN: ...that an EFT was done but most of the time it was cash payments. I must be honest. I did not voyager booking. Voyager bookings can only be made by
20 the client themselves.

CHAIRPERSON: Okay, okay. Now, and did he also, as far as you know, do EFT's? Transferred money ...[intervenes]

MS SOOLIMAN: Hardly.

CHAIRPERSON: Hardly?

MS SOOLIMAN: Hardly. It must have been only one

which I am not even sure. I think it was one transaction that we did for a holiday vacation.

CHAIRPERSON: Ja.

MS SOOLIMAN: But the EFT came via somebody, not through him himself.

CHAIRPERSON: Yes, okay. Now when he made cash payments, how did that go – how did he go about doing that?

MS SOOLIMAN: He used to sent me a Whatsapp or a call
10 ...[intervenes]

CHAIRPERSON: Ja.

MS SOOLIMAN: ...and said that somebody would be dropping off the payment.

CHAIRPERSON: Yes.

MS SOOLIMAN: And most of the times, it used to be dropped off at my place. I was living in Maple at that time.

CHAIRPERSON: Ja.

MS SOOLIMAN: Our offices were in Lenasia.

CHAIRPERSON: Yes.

20 **MS SOOLIMAN**: It was much easier to drop it off by me.

CHAIRPERSON: Yes.

MS SOOLIMAN: And payments used to come to me. Then I used to ring my office and say I have received so much for mister so and so. Kindly receipt it out. So I never use to have a receipt book at home.

CHAIRPERSON: Yes, okay.

MS SOOLIMAN: Because the receipt book was in the office.

CHAIRPERSON: Yes, okay.

MS SOOLIMAN: And immediately on that day, the cash used to be deposit.

CHAIRPERSON: Okay alright. Now you say, so he would call first or sent a Whatsapp message.

MS SOOLIMAN: H'm.

10 **CHAIRPERSON:** And say somebody would then drop the cash.

MS SOOLIMAN: Correct.

CHAIRPERSON: And the cash would be dropped at your home?

MS SOOLIMAN: Correct.

CHAIRPERSON: Okay. Now, do you – did you know whether the person who was dropping the cash was his driver or did you not know that?

20 **MS SOOLIMAN:** Sir, I did not know because there were different gentleman dropping it off all the time. So it was not like one specific person.

CHAIRPERSON: Yes.

MS SOOLIMAN: That I can tell you I know who the driver is.

CHAIRPERSON: Yes. And would you make out a receipt

each time?

MS SOOLIMAN: Sorry?

CHAIRPERSON: You would not be able to make receipts at home or would you make some receipts?

MS SOOLIMAN: No, they did not take receipts.

CHAIRPERSON: They did not take receipts?

MS SOOLIMAN: No. Receipts were not given. Receipts were kept in my office ...[intervenes]

CHAIRPERSON: Ja.

10 **MS SOOLIMAN:** ...for record purposes to show that I received the money.

CHAIRPERSON: Yes.

MS SOOLIMAN: But ...[intervenes]

CHAIRPERSON: They never asked for receipts?

MS SOOLIMAN: No.

CHAIRPERSON: Did you offer them receipts at some stage?

MS SOOLIMAN: Well, they never ever asked for it. So I never gave a receipt.

20 **CHAIRPERSON:** Yes.

MS SOOLIMAN: Because you know in travel, you actually do not give a receipt. Your air ticket is the proof, is actually a receipt.

CHAIRPERSON: Oh, okay.

MS SOOLIMAN: You know in the old days we used to get

those tear-off tickets. So that was literally your proof of receipt only. The E-tickets, they have only started like a few years back now.

CHAIRPERSON: Okay, okay. Okay continue Mr Seleka.

ADV SELEKA SC: Thank you, Chair. In respect of this particular, I think, invoice which is marked SS2. And you can go to it on page 1565.13. Yes, Mr Singh raised a question mark there. You said the invoices are issued to Mr Singh. If you go to the – against his name, passenger,
10 Singh/Anoj and you have route, SA/Dubai. Is it Dubai?

MS SOOLIMAN: Yes.

ADV SELEKA SC: And back Johannesburg, I think.

MS SOOLIMAN: H'm.

ADV SELEKA SC: Do you know the date? Words appear there, "ticket void/COB". Mr Singh questioned this that the tickets ...[intervenes]

CHAIRPERSON: I am sorry. Where are you?

ADV SELEKA SC: On page 1565, Chair.

CHAIRPERSON: Point what?

20 **ADV SELEKA SC**: Point 13.

CHAIRPERSON: Okay.

ADV SELEKA SC: Ja, I forgot to mention that. It is a tax invoice.

CHAIRPERSON: Yes?

ADV SELEKA SC: And we are looking at the table that

sets out the details of passenger and route ...[intervenes]

CHAIRPERSON: H'm.

ADV SELEKA SC: In the column route, the words appear there "ticket void/COB". And ...[intervenes]

CHAIRPERSON: 1565.13?

ADV SELEKA SC: Point 13. Correct, Chair.

CHAIRPERSON: Oh.

ADV SELEKA SC: Under route. There is a table.

CHAIRPERSON: Yes, I can see that.

10 **ADV SELEKA SC**: Yes.

CHAIRPERSON: But what does that mean "ticket void/COB"?

MS SOOLIMAN: Can I explain?

CHAIRPERSON: That is what I am asking you to do.

MS SOOLIMAN: So, basically, in a travel agency we do not earn commission, right? You know everything is zero percent commission. As Nana Yata(?) Agent, a new ticket through a Yata agent, we get charged for everything that we issue, okay? So literally on that day, probably the
20 ticket was issued for a specific date. I can just give you an example for the 16th of April.

And then afterwards I would get a call to say: No, I am not travelling on the 16th of April at four o'clock. I am travelling at 23:25, for example. The ticket needs to be voided and reissued with the correct time and the correct

date. We get charged for it. COB is a Change of Booking fee. So any booking that you make, any airline, you have to pay a change of booking fee.

CHAIRPERSON: H'm, h'm.

MS SOOLIMAN: So ticket void does not mean that you never use the ticket. If you go to SAA and you check that ticket, which we did give to Mr Phule, it shows you the flown(?) sector(?).

CHAIRPERSON: Ja.

10 **MS SOOLIMAN:** So that ticket was used, it was not voided. The reason why we write ticket void is because we have voided that ticket on Monday and we reissued another ticket. So we need to charge R 350,00 because we get charged for it through our consortium.

CHAIRPERSON: Oh, so that R 350,00 is the charge for changing the tickets?

MS SOOLIMAN: It is the charge for changing the ticket and voiding it.

CHAIRPERSON: Ja.

20 **MS SOOLIMAN:** So it was probably a change of time or a day.

CHAIRPERSON: Ja.

MS SOOLIMAN: And it was a reissue.

CHAIRPERSON: Ja.

MS SOOLIMAN: Literally(?).

CHAIRPERSON: But otherwise, what would have changed would be the times ...[intervenes]

MS SOOLIMAN: Or the date.

CHAIRPERSON: ...or flying or the dates?

MS SOOLIMAN: Correct.

CHAIRPERSON: Ja, ja.

MS SOOLIMAN: Correct.

CHAIRPERSON: Okay but in the end, effectively, the same ticket would be used?

10 **MS SOOLIMAN:** Absolutely. It would have been reissued with a different time or a different date.

CHAIRPERSON: Ja, okay, okay. Alright. Continue, Mr Seleka.

ADV SELEKA SC: Thank you, Chair. So in this – okay I think that was the only aspect that he queried. So on the next page 1565.14, it is a receipt. Can you tell the Chairperson what this is?

20 **MS SOOLIMAN:** The R 9 100,00 could have been a change of class booking. So normally, when somebody travels, you get different classes of bookings and it is higher fare for each class that you book. So the R 9 100,00 was upgrading fare which had to be paid for because I had to pay the airline and it was sent to me in cash payment and that is what the receipt is for.

CHAIRPERSON: Does that relate to the same booking as

we find at page 1565.18?

MS SOOLIMAN: That is correct.

CHAIRPERSON: Okay alright.

ADV SELEKA SC: So that receipt is dated 16 July 2014, page 1565 point... Yes, that page. What were you – the cash paid to Sameera. Is that yourself?

MS SOOLIMAN: Yes.

ADV SELEKA SC: On the next page, which is page 1565.15.

10 **MS SOOLIMAN:** H'm?

ADV SELEKA SC: Can you tell the Chairperson what this document is?

CHAIRPERSON: Well, maybe before we proceed. Let us just cover this. Did anybody ever pay for Mr Anoj Singh's bookings other than himself or his partner?

MS SOOLIMAN: No, Mr Singh paid for his bookings himself.

CHAIRPERSON: Nobody ever paid for him?

MS SOOLIMAN: Not as far as I know.

20 **CHAIRPERSON:** Including Mr Salim Essa?

MS SOOLIMAN: No, payment maybe would have been given by Mr Singh to Mr Essa to get to me but definitely I would get a call from Mr Singh to say: I will send the payment.

CHAIRPERSON: Yes.

MS SOOLIMAN: Yes. So I am not aware of anybody paying for his trips.

CHAIRPERSON: Yes. So the only thing that Mr Salim Essa did was to introduce Mr Anoj Singh to you?

MS SOOLIMAN: Correct, as a client.

CHAIRPERSON: And that you took Mr Salim Essa as Mr Singh's guarantor?

MS SOOLIMAN: [No audible reply]

CHAIRPERSON: But even that was not something that
10 you discussed with Mr Salim Essa or you did discuss that with him?

MS SOOLIMAN: I did say that previously, sir. I did tell him about it, that I am going to use him as my guarantor.

CHAIRPERSON: Yes.

MS SOOLIMAN: So that in case I do not receive the payment, what do I do?

CHAIRPERSON: Yes, okay.

MS SOOLIMAN: Ja.

CHAIRPERSON: Okay. So other than that, namely that
20 Mr Salim Essa introduced Mr Anoj Singh to you and two, that you had a discussion with Mr Salim Essa that you would use him as a guarantor.

MS SOOLIMAN: H'm.

CHAIRPERSON: Other than that, the bookings that were made in respect of Mr Singh's travelling. You are saying

well, bookings that either he phoned and asked you to make or his partner phoned and asked you to make. Is that right?

MS SOOLIMAN: Correct so.

CHAIRPERSON: And in terms of Mr Singh would phone and say he would send somebody to come and make payment.

MS SOOLIMAN: Correct.

CHAIRPERSON: And you say that almost all the time,
10 maybe only once – almost all the time it was cash.

MS SOOLIMAN: That is correct.

CHAIRPERSON: There may have been one or two times when it was EFT.

MS SOOLIMAN: I cannot say two times, I think it was about one, that I recall.

CHAIRPERSON: It is one that you – okay, no, I am trying to make sure I understand, ja.

MS SOOLIMAN: Ja. Yes, correct.

CHAIRPERSON: Oh, okay, alright. Do you know whether
20 in your affidavit you have covered all the bookings that you ever made for Mr Singh or are there others that you might not have covered?

MS SOOLIMAN: Sir, let me be honest with you, whether I gave it or not, when Halima was approached in 2018, all the travel documents were already given to her by the

Hawks. Yes. And then she just gave a cover up with all the bookings. So every single booking.- you see, because like I said to you, in small travel agencies you do not have an accounting system because we were a non-IATA agent but Halima is the accountant and a consultant. So for her records she used to have statements for each person.

CHAIRPERSON: Ja.

MS SOOLIMAN: And which saved us is that everybody's date of travel would be on the statement.

10 **CHAIRPERSON**: Yes.

MS SOOLIMAN: So she picked it up from there because, I mean, many years ago my computer crashed, hers was the only one that managed to save.

CHAIRPERSON: Yes.

MS SOOLIMAN: I mean, they managed to get the information off. When the Hawks came to her they got the information from her.

CHAIRPERSON: Yes but you said she got the information from the Hawks?

20 **MS SOOLIMAN**: Yes, so literally we had the information but they came to her and said give me a proof of this and give me a proof of this, which she did later.

CHAIRPERSON: Oh, it is like they already knew.

MS SOOLIMAN: Ja, ja, they already knew because they had gone to South African – this ticket that you are talking

about, it is South African Airways. That was given to Halima and then she just gave a repeat copy.

CHAIRPERSON: Yes.

MS SOOLIMAN: It was given to her from SAA already.

CHAIRPERSON: Yes but is your answer that as far as you know you have covered in your affidavit all the booking that you made for Mr Anoj Singh or is the position that you do not know whether it covers all of them? What is the position?

10 **MS SOOLIMAN:** No, it does cover.

CHAIRPERSON: It cover all of them.

MS SOOLIMAN: It covers, yes.

CHAIRPERSON: Okay, alright. Okay. Mr Seleka, continue?

ADV SELEKA SC: Yes. Back to that page, Ms Sooliman, 1565.15. I was asking you to explain to the Chairperson what is that document?

MS SOOLIMAN: You mean the bank deposit?

20 **ADV SELEKA SC:** Yes, page – yes you are on that page, 1565.15.

MS SOOLIMAN: Okay, so this is the – our statement, right?

ADV SELEKA SC: Yes.

MS SOOLIMAN: So what do you need me to explain, please?

ADV SELEKA SC: Explain to the Chairperson what it is and what do you seek to show in respect of it.

MS SOOLIMAN: Okay, so basically when payment is to come through to me at my place when it was cash – most of the time obviously cash. I would, like I said to you previously, I would ring the office and say Halima or the lady who was there, I have received payment and it was for this ticket. They used to receipt in the office in Lenasia. Like I said to you, I never worked in the Lenasia office, I
10 always worked from Johannesburg. And then we would deposit it in the account.

ADV SELEKA SC: So that was a deposit made on the 16 July 2014?

MS SOOLIMAN: Yes, in July, correct.

ADV SELEKA SC: Now I remember that in respect of this booking Mr Singh said he agreed that he travelled on that date but that it was a Transnet-related trip.

MS SOOLIMAN: Whether his outbound trip was a Transnet trip, that I do not know because I only issued the
20 Dubai/Johannesburg [indistinct – dropping voice]

CHAIRPERSON: Ja.

MS SOOLIMAN: And that was paid to me, as you can see from the invoice and you can see as per the payment.

CHAIRPERSON: Okay, Mr Seleka just keep your eyes on the real issues.

ADV SELEKA SC: Yes.

CHAIRPERSON: Because the main issues are he did booking bookings for Mr Anoj Singh and the next thing is who paid.

ADV SELEKA SC: Yes.

CHAIRPERSON: So she has already said that for – I do not know whether she said most or all of the trips, bookings that she made for Mr Anoj Singh, Mr Anoj Singh for them. That is the important issue.

10 **ADV SELEKA SC:** Yes.

CHAIRPERSON: Now there may be some details that are important but a lot of them might not be important.

ADV SELEKA SC: Ja.

CHAIRPERSON: Now, Ms Sooliman, you say in paragraph 22.2 of your affidavit, it is at page 1565.4 – have you got it?

MS SOOLIMAN: Yes.

CHAIRPERSON: In regard to that trip – well, you say - in regard to that trip you said:

20 “Mr Essa settled this via EFT to my Nedbank account. I subsequently transferred this from my Nedbank account to the account of Travel Excellence. I also attach hereto the receipt issued on 6 August 2014.”

That is in respect of a trip where you say:

“The booking was requested by Mr Singh’s partner and it was for Mr Singh and her to fly from Johannesburg on 6 August 2014 to Dubai and back, Johannesburg on 12 August 2014.”

You say:

“Mr Singh and his partner were issued with ticket number...”

You give the ticket numbers and you say the total cost was R60 000 which was charged to Mr Essa’s account. Is that
10 true?

MS SOOLIMAN: Yes, Sir, it was done into my personal Nedbank account.

CHAIRPERSON: Yes.

MS SOOLIMAN: Because obviously we needed the payment immediately. Sometimes if you do it like, you know, with different banks, it takes some time, so probably the cash was arranged between the two of them and given to Mr Essa. As Mr Rohan checked my Nedbank account, I could not even remember, he saw this transaction of
20 60 000 which then was written there from – it was done from Mr Essa’s account but it was obviously for Mr Singh’s travel.

CHAIRPERSON: At this time you were – which is August 2014, you were still on a part-time basis with Travel Excellence.

MS SOOLIMAN: Correct.

CHAIRPERSON: Is that right?

MS SOOLIMAN: Correct.

CHAIRPERSON: Mr Seleka, do you want to take her to those annexures?

ADV SELEKA SC: Yes, Chair. If you would please turn to page 1565.17 and you will have to compare it – well, Mr Singh raised some discrepancies in regard to the amount but let me draw your attention to the main point that he
10 was raising. The invoice on page 1565.17 has a date of 31/07/2014.

MS SOOLIMAN: Okay.

ADV SELEKA SC: And it is that amount of 60 000 but this invoice date is before the travel date, August 2014.

CHAIRPERSON: In other words, the dates on the invoice do not correspond with the dates you give in paragraph 22.2 of your affidavit. What do you say about that?

MS SOOLIMAN: You mean the invoice date and the travel date is different?

20 **CHAIRPERSON:** Well, look at the invoice at page 1565.17.

MS SOOLIMAN: Yes.

CHAIRPERSON: There the date given is 31 July 2014, it does not say that is the date for travelling so I do not know, maybe it is the date when the invoice was issued

and the account number given is 3000365. Whose account is that, do you know?

MS SOOLIMAN: Okay, so that account number, like we said to you was allocated to Mr Essa, okay?

CHAIRPERSON: Yes.

MS SOOLIMAN: Because nobody else had an account with me, Sir. So literally when Halima used to do – she had an account number for each person that we did an account for.

10 **CHAIRPERSON**: Ja.

MS SOOLIMAN: So that would go on her invoice but as you can see, on 1565.16 there is an invoice on the 31 July generated through from Serendipity Tours.

CHAIRPERSON: I am sorry ...[intervenes]

MS SOOLIMAN: The page before.

CHAIRPERSON: You are going to page 1565.16, what do you say about that invoice?

MS SOOLIMAN: Okay, so that invoice was issued on the 31 July from Serendipity. That was the day we actually
20 issued the air ticket.

CHAIRPERSON: Where does that date appear?

MS SOOLIMAN: In the little box on the right hand side, where it says document number, date, account number.

CHAIRPERSON: Okay, it says date without saying date issued or date of travelling. What date is it?

MS SOOLIMAN: No, Sir, if you see on the right hand side - you know, the invoice that has got Serendipity tours written on the top?

CHAIRPERSON: I see the box you are talking about on the right hand side.

MS SOOLIMAN: So it says date 31/07/2014, right?

CHAIRPERSON: Yes but what I am saying to you is that it does not indicate whether that is the date for travelling.

MS SOOLIMAN: No.

10 **CHAIRPERSON:** Or the date of the issue of the invoice. So I want you to explain what date it is.

MS SOOLIMAN: That is the date of the issuing. So there is system QuickTrav on travel agency ...[intervenes]

CHAIRPERSON: Date of the issuing of the invoice.

MS SOOLIMAN: And air ticket.

CHAIRPERSON: H'm?

MS SOOLIMAN: The invoice and the air ticket.

CHAIRPERSON: And the air ticket.

20 **MS SOOLIMAN:** Correct. So as soon as I issue an air ticket with Serendipity with my consortium immediately within the day before the end of the evening I received and invoice like this which got the date on the top. That means that is the day I issued the ticket, it is not the date of travel, it is the day I issued the air ticket.

CHAIRPERSON: Okay, alright, so the date of travelling

would appears somewhere in the body of the invoice. I see that in the column in the middle at page 1565.16 it says passenger Dep date, is that the date of departure, dep date? H'm?

MS SOOLIMAN: Correct.

CHAIRPERSON: Correct and then says route and then says class.

MS SOOLIMAN: Correct.

CHAIRPERSON: And then says Anoj Singh and then it
10 says 06/08/2014, would that be the date of departure?

MS SOOLIMAN: Correct, Sir.

CHAIRPERSON: And then there is a hyphen, then it says 12/08/2014, would be the date of arrival back?

MS SOOLIMAN: Return.

CHAIRPERSON: Okay, alright. So is that the invoice that you issued, that is now at page 1565.16 that you issued in respect of the booking that you talk about at paragraph 22.2?

MS SOOLIMAN: Yes, that is right.

20 **CHAIRPERSON:** Okay. And what is the – what is the tax invoice on page 1565.17?

MS SOOLIMAN: Okay, that is, like I said to you, it is for our records in our travel agency.

CHAIRPERSON: What is the total on the invoice at 1565.16?

MS SOOLIMAN: Okay, so 1565.16 is what Serendipity Tours charges us.

CHAIRPERSON: Ja.

MS SOOLIMAN: Remember, we are travel agents, we get corporate fares, Sir. If he had bought this direct from South African Airways he would have paid a ticket of 48 000 per person but being in the travel industry so long each consortium gets corporate fares. So we gave him a corporate fare which was R18 000 cheaper per air ticket.

10 So they charge us this price and we – I mean, we need to live, we need to make a commission, so basically the one where you have got here on 1565.17, is what we charge the client and what the client would pay us.

CHAIRPERSON: Okay, I see in the invoice at page 1565.17 that the total appears to have been R60 000, is that correct?

MS SOOLIMAN: That is right, Sir.

CHAIRPERSON: And the total on the invoice at page 1565.16 is it 53 420?

20 **MS SOOLIMAN:** That is right.

CHAIRPERSON: That is the total on that one.

MS SOOLIMAN: H'm.

CHAIRPERSON: So you say that is what you would get charged as Travel Excellence?

MS SOOLIMAN: Correct.

CHAIRPERSON: So you would then – for the total to go up to 60 then you added your commission.

MS SOOLIMAN: Yes and remember, we pay ticketing fees to the consortium as well.

CHAIRPERSON: Ja.

MS SOOLIMAN: So from that commission we pay the consortium ticketing fees and they are using Galileo system, we have to pay for. So all that money does not come to us, it is literally what we have to pay as well.

10 **CHAIRPERSON:** Okay, alright. Okay. But now you issued this invoice to Mr Anoj Singh, is that right?

MS SOOLIMAN: Yes.

CHAIRPERSON: I see that at page 1565.17 you wrote Mr Anoj Singh and then you wrote “walk in”.

MS SOOLIMAN: It was just a record for us as how we used to, you know, because like I said to you, I allocated his account to Mr Essa. Just it was just something that Halima used to – because he was new client, so she just named him as a walk-in client although he was not walk-in
20 client, it was via telephone.

CHAIRPERSON: Yes. Okay. Now where is something that shows that Mr Salim Essa settled this account of R6 000 via EFT?

MS SOOLIMAN: There is an EFT on the back page, if you see, 1565.18. There is my personal account.

CHAIRPERSON: That is at 1565.18? What is that document?

ADV SELEKA SC: Ja, explain to the Chairperson.

MS SOOLIMAN: Oh, so this is the EFT that was done into my Nedbank account.

CHAIRPERSON: Ja, but did Mr Salim Essa transfer the money from his Nedbank account to your Nedbank account to your Nedbank account? Or did he transfer it from his account to your Nedbank account?

10 **MS SOOLIMAN:** Correct.

CHAIRPERSON: Okay and then you subsequently transferred it from your Nedbank account to Travel Excellence account.

MS SOOLIMAN: Correct, as an immediate payment.

CHAIRPERSON: Okay. Is there dates that appears on page 1565.18 in terms of this amount?

ADV SELEKA SC: The date is...

CHAIRPERSON: I cannot see.

MS SOOLIMAN: Yes.

20 **ADV SELEKA SC:** This entry – it is 2014/08/06 or 05, I cannot see the last one.

CHAIRPERSON: Now do you still have this Nedbank account?

MS SOOLIMAN: Sir, I do not have it, this was taken by Mr Rohan, I do not even have this. He brought it to us then I

was called in first for the...

CHAIRPERSON: You closed the account or what happened?

MS SOOLIMAN: No, no, I have account but they were ...[intervenes]

CHAIRPERSON: Ja, no, that is what I am asking you.

MS SOOLIMAN: No, I have the account.

CHAIRPERSON: Do you still have the account at Nedbank, same account?

10 **MS SOOLIMAN:** Yes, yes, yes.

CHAIRPERSON: Okay, alright. So which means that this having been 2014, if this has not been done, you could ask your bank account to provide information as to where that money came from or do you have that, Mr Salim Essa – Mr Seleka? I apologise. I apologise. Have you got that?

ADV SELEKA SC: No.

CHAIRPERSON: Have we got that?

ADV SELEKA SC: Save for the description here, Chair, we – if I understand the Chairperson's question, save for
20 the description we see in there, it does indicate for Salim Essa, payment for Salim Essa.

CHAIRPERSON: What does it indicate?

ADV SELEKA SC: Okay, the – after the 60 000, this amount and then there is description. Description says part payment for Salim Essa.

CHAIRPERSON: Why would it say part payment for Salim Essa?

ADV SELEKA SC: That is the description.

CHAIRPERSON: Oh, because – well, we should get a proper record or affidavit from the bank.

ADV SELEKA SC: Yes from the bank.

CHAIRPERSON: That says their records show that this money that came into Ms Sooliman's account came from whose account where. Now it may be that in terms of the
10 laws of evidence it might not be necessary to have an affidavit on the basis that a bank record will be enough but you can apply your mind to that.

ADV SELEKA SC: Yes, Chair.

CHAIRPERSON: Ja but we need to know where it came from.

ADV SELEKA SC: Yes.

CHAIRPERSON: And entered through her account and also what we need is whether on the day that she will say she did this it was transferred into an account of Travel
20 Excellence and what is that account. Do you recall how soon after you had received this money in your account you transferred it to Travel Excellence account?

MS SOOLIMAN: I think when Rohan give a statement, when I saw it at the first meeting that we went. We actually saw the EFT done on the same day from my

account into Travel Excellence account.

CHAIRPERSON: Ja, but what I am asking is, this was a payment that was made in 2014, is that right?

MS SOOLIMAN: Sorry, Sir/

CHAIRPERSON: This was a payment that was made into your account in 2014?

MS SOOLIMAN: Correct, correct.

CHAIRPERSON: So what I am asking is whether after you had become aware that Mr Salim Essa had transferred
10 money into your account, that did not belong to you, that was meant to be transferred to Travel Excellence?

MS SOOLIMAN: Yes, correct.

CHAIRPERSON: How soon thereafter did you transfer it?

MS SOOLIMAN: The same day.

CHAIRPERSON: It might be the same day or...?

MS SOOLIMAN: Yes, yes, the same day.

CHAIRPERSON: Okay.

ADV SELEKA SC: Ja, she says the investigators – Ms Sooliman, are you saying to the Chairperson the
20 investigators have the document, the then document that shows that you transferred the money on the same day?

MS SOOLIMAN: Yes, Mr Seleka. I did not have anything of this sort so when I went to the first meeting with Mr Javu and Rohan, he brought this out to me and he even – I think he saw the transaction where it was EFT'd to Travel

Excellence.

ADV SELEKA SC: Oh, those are the investigators, Chair.

CHAIRPERSON: Ja, that must be explored so that we have got the full trail.

ADV SELEKA SC: Yes.

CHAIRPERSON: And there is proper evidence.

ADV SELEKA SC: Yes.

CHAIRPERSON: Ja because it is an issue that is disputed.

10 **ADV SELEKA SC:** Yes.

CHAIRPERSON: Ja.

ADV SELEKA SC: Yes

CHAIRPERSON: Okay and you will give your cooperation to whatever needs to be done, is that right?

MS SOOLIMAN: I did previously as well, yes.

CHAIRPERSON: Ja, okay, alright. And then if you look at page 1565.19, what is that? What is that document?

20 **MS SOOLIMAN:** Okay, so like I said, we needed to keep records of money coming in, whether it was EFT, whether it was credit card, whether it was cash payment because we obviously gave Serendipity money so we needed to know for who the ticket was and when the money was received. So obviously when I – when the EFT came in to me, I then sent it to Travel Excellence and they made the receipt out for their records.

CHAIRPERSON: That is a receipt dated 6 August 2014 and it is written Anoj Singh#S,Nike and then it is written R60 000 only, invoice number AS87301. What does AS stand for? I am on page 1565.19.

MS SOOLIMAN: Yes, I am just checking whether it is an invoice number – oh, it is our number, Sir.

CHAIRPERSON: Yes.

MS SOOLIMAN: So A just means account.

CHAIRPERSON: Oh, okay. And S?

10 **MS SOOLIMAN:** Where is S? Oh, I do not know what the S is.

CHAIRPERSON: You do not know but it is your reference, it helps you inside Travel Excellence to locate it and see who it belongs to.

MS SOOLIMAN: Basically it was just a receipt so Halima knew that the account number - you know, the invoice number 87301 was the invoice and that was the payment for the invoice.

20 **CHAIRPERSON:** Yes, I see that below R60 000 which is – it is 60 000 actually but I guess it refers R60 000, it is written EFT - Salim Essa. Who wrote out this receipt?

MS SOOLIMAN: We had a girl working in the office so she used to – one of the admin girls, so she used to make receipts out for us in order to keep record of payment.

CHAIRPERSON: Who would have told her who the money

came from and what the money was for?

MS SOOLIMAN: I would tell her.

CHAIRPERSON: You would have told her?

MS SOOLIMAN: Yes.

CHAIRPERSON: Okay, alright. And that was that trip dealt with in paragraph 22.2. Mr Seleka do you want to proceed?

ADV SELEKA SC: Yes, Chair. There is a question just before we move on, Chair, because Mr Salim – Mr Anoj
10 Singh on this particular aspect, he queried the date of your invoice, which is 31 July 2014 and a date of payment, according to the bank document you show on page 16 – I mean 1565.18, the date which I have read out with some difficulty, I think is 6 August 2014 and which shows that Mr Salim Essa made the transfer but he says you could have created the invoice after the fact and backdated it in order to match the R60 000 which you say is a bank transfer by Mr Essa, an EFT transfer by Mr Essa.

MS SOOLIMAN: So what you are saying is that the
20 receipt and the invoice date do not tally?

ADV SELEKA SC: No, okay, got to instructions

MS SOOLIMAN: Ja, the invoice you said is the 31 July, right?

ADV SELEKA SC: The EFT transfer.

MS SOOLIMAN: On what, on the 6 August?

ADV SELEKA SC: Yes, on the 6 August.

MS SOOLIMAN: Yes.

ADV SELEKA SC: It would have been – it could have been made but that you might have created your invoice after the fact, after the date of that payment and backdated it in order to match the 60 000 that is allegedly paid by Mr Essa so that you can link him to Mr Essa as Mr Essa having made the payment for him.

MS SOOLIMAN: So, Mr Chairman, that is not possible
10 because the invoice on 1565.16 for the 31 July, if you can find out from Serendipity Tours is automated – it is like as soon as you issue the ticket the invoice shoots out. So I find that there is something like this and he does not come to me, I have not done this invoice, this invoice has come from my consortium, I do not have the QuickTrav system to backtrack it.

ADV SELEKA SC: Ja, according to him, he paid for this invoice – I mean for this, yes, the invoice himself.

MS SOOLIMAN: He could have given the money – he
20 obviously gave the money to Mr Essa who then in turn EFT'd it to me. Who could I – do not know where else I could have got the money from because it is tallying up to the invoice.

ADV SELEKA SC: And then lastly on that Serendipity's invoice to you, there is a date at the foot of the page on

the left hand corner, just by your thumb.

MS SOOLIMAN: Yes.

ADV SELEKA SC: Of 13/11/2018 and he was querying that as well.

MS SOOLIMAN: I honestly I do not know where this – it is probably the IATA system that came. I mean, you can see this is a system-generated invoice. I do not know what this date is here at the bottom. It says IATA, so it is probably the IATA billing number, the date of the IATA billing.

10 **ADV SELEKA SC:** Okay, but you ...[intervenes]

MS SOOLIMAN: You know, the billings used to come out every fortnight, so probably that was the billing number.

ADV SELEKA SC: But that is not an invoice Travel Excellence generated.

MS SOOLIMAN: No, this is not Travel Excellence invoice, it is Serendipity.

ADV SELEKA SC: Okay.

CHAIRPERSON: Well, Mr Seleka, I quickly had a look at the various paragraphs in which Ms Sooliman deals with
20 bookings for Mr Essa, it would seem that the difference in their versions is narrowed down, can be narrowed down to two in terms of what is really important on the big picture.

ADV SELEKA SC: Yes.

CHAIRPERSON: She has said that most of the bookings that she made for Mr Anoj Singh Android were paid for by

Mr Singh, okay, all except one which you said was cash but on her she has also said in the affidavit that she has confirmed in her oral evidence that there is one that was – there was one account for Mr Singh that was settled by Mr Salim Essa by EFT.

Now she has testified about that, the only other one where it would appear or from her affidavit Mr Singh did not pay for his one which is in paragraph 22.7 of her affidavit starting at page 1565.6 and going to 1565.7. That
10 is a booking for Mr Singh to fly from Johannesburg to Dubai on 24 February 2017 and back on 27 February 2017.

She says she cannot recall who made this request but she says Mr Singh was issued with a ticket and she give the ticket number and she says she also booked a ticket for Mr Rajesh Kumar Gupta, Mr R Gupta, for these flights together with visa's for Mr Varoon Gupta, Mr V Gupta and Mr Srikant Singhala. She says the invoice was addressed to Mr R Gupta and was charged to account number C000349 which was the account belonging to
20 Sahara Computers, the Gupta owned entity that is what she says in her affidavit.

She then says the total amount invoiced was R134 560, and then she says:

“To the best of my recollection, I received a call from Mr Ashu Chawla who was our contact person

at Sahara Computers who informed me that a driver would be dropping off the money in cash. This indeed took place, seeing as a driver dropped R170 000 in cash shortly thereafter. The difference would have been for settlement of outstanding fees on their account, CSS26. This cash was again given to a friend who in turn made an EFT payment to our Travel Excellence FNB account.”

It seems that is the only other hooking involving Mr Singh
10 that she says was not paid for by Mr Singh.

ADV SELEKA SC: Yes.

CHAIRPERSON: Of course, she says to the best of her recollection, she received a call from Mr Chawla. You have heard me read what you have written here.

MS SOOLIMAN: Chair, remember that this affidavit is being written on behalf of myself and Halima. This first, this one here was written by Halima, she used to deal with Mr Chawla and Sahara Computers. So between Halima and I we use to split the account, so she can clarify that
20 when she comes on the stand.

CHAIRPERSON: Well, this is affidavit is not written on behalf of yourself and Ms Allana, it is your affidavit.

MS SOOLIMAN: We both had the same affidavit.

CHAIRPERSON: H'm?

MS SOOLIMAN: We both had the same affidavit.

CHAIRPERSON: Well your affidavit is, your affidavit. You did not both sign this one, you are the only one who signed this one, is it not?

MS SOOLIMAN: Yes, I signed it, but okay that is what - the story on 22.7, Halima was the one who used to deal with Sahara Computers.

CHAIRPERSON: Ja.

MS SOOLIMAN: So yes, we used to - I mean, it was both a Travel Excellence account, but...[intervene]

10 **CHAIRPERSON:** So you know nothing about it?

MS SOOLIMAN: No, no I used to see the bookings being issued and stuff. I am not saying I do not know about it but when it used to come to the accounts and some of the bookings like for the Gupta passengers, and the visas, etcetera, Halima used to deal with the Gupta account, and then that booking was made for Mr Singh was made when Mr Chawla contacted Halima to make the booking.

CHAIRPERSON: But the question is, do you have personal knowledge of what you wrote in paragraph 22.7 or
20 is it something that is only known by Ms Allana?

MS SOOLIMAN: No, I know about it because every booking that Halima made, so I make we can see each other's emails and we can see each other's bookings. So I am aware of the booking, yes.

CHAIRPERSON: Yes, but you did not deal with the people

in regard to this booking yourself?

MS SOOLIMAN: No, sir.

CHAIRPERSON: What you have written here is based on the records.

MS SOOLIMAN: Yes, I know that the booking took place because everything is on my computer, right.

CHAIRPERSON: Yes, okay.

MS SOOLIMAN: But I was not consulted to make the booking but I am aware of the booking, yes, for sure.

10 **CHAIRPERSON:** Yes, so where you say:

“To the best of my recollection I received a call from Mr Ashu Chawla who was our contact person at Sahara Computers, who informed me that a driver would be dropping off the money in cash.”

Are you talking about something that you have personal knowledge of?

MS SOOLIMAN: Of the cash?

CHAIRPERSON: Of the call.

MS SOOLIMAN: Of the call from Mr Chawla, so he rang
20 Halima to tell her that the monies will come.

CHAIRPERSON: Yes, he did not ring you?

MS SOOLIMAN: No, he rang Halima.

CHAIRPERSON: So that part of the affidavit is not correct.

MS SOOLIMAN: No, it says here, advisement...[intervene]

CHAIRPERSON: It says, I received a call from Mr Ashu Chawla.

ADV SELEKA SC: Sorry?

MS SOOLIMAN: From Mr Jabu, the first affidavit that came when I went to Sandton was the one that Halima gave the statement to the Hawks, okay and then Mr Jabu and Mr Rowan said to me that I need to agree to all of this so she gave the first affidavit and I agreed to all of this and we both had to sign the affidavit.

10 So the only second one that came in was to sign corrections was when we were approached by Mr Jabu. So where it means I this affidavit was for where Halima and I both had to speak in one day - literally, they did not call me on that day.

CHAIRPERSON: Ja, who was doing that, I mean an affidavit is for a single person, you know. Another one can confirm, if they confirmed. If you say I received a call it must be because you received the call not because that your colleague received a call.

20 **MS SOOLIMAN:** Okay, you must – Chairperson so let me tell you the first when we were called in, in March, I was not called in, I went in on my own.

CHAIRPERSON: Called in by whom?

MS SOOLIMAN: By Mr Jabu and...[intervene]

CHAIRPERSON: The investigators?

MS SOOLIMAN: Yes.

CHAIRPERSON: Ja.

MS SOOLIMAN: And Mr Rowan I think it was in Sandton. So they called her in and I myself went as well with her to accompany her. And then he said to me, that we have the affidavits from Halima and we just need to clarify that you agreed to receiving the payments, okay.

Thereafter we were – the affidavit was sent to us which I agree to everything but the call from Mr Chawla
10 Halima used to get a call from Mr Chawla for the collection of payment.

Thereafter we were both taken to the police station to sign the one affidavit and there only after that recently where we started with Mr Jabu and we had our two separated affidavits.

CHAIRPERSON: So you are saying one, it is not true that you received a call from Mr Chawla about - in regard to this booking?

MS SOOLIMAN: Halima received a call from Mr Chawla
20 and I received the payment.

CHAIRPERSON: Yes, you did not receive the call.

MS SOOLIMAN: No.

CHAIRPERSON: Okay, and did you know Mr Chawla to be Travel Excellence, a contact person at Sahara Computers?

MS SOOLIMAN: Absolutely.

CHAIRPERSON: Yes, and it is also not true that Mr Chawla informed you that a driver would be dropping off the money in cash, is that right, he did not inform you because he did not call you?

MS SOOLIMAN: Yes, he informed Halima and she in turn informed me.

CHAIRPERSON: Yes, and you say - and then you say this indeed took place, that is the dropping off of the money in cash, is that right, you say that took place?

10 **MS SOOLIMAN:** Yes, he did drop off the money in cash, correct.

CHAIRPERSON: Did you receive the money?

MS SOOLIMAN: I did, sir.

CHAIRPERSON: Yes, okay. Now, have you read this affidavit in separation for giving your evidence?

MS SOOLIMAN: I had read it, yes.

CHAIRPERSON: Again, have you read it again recently, maybe yesterday?

20 **MS SOOLIMAN:** Yes, sir the new one that I signed yesterday, I did.

CHAIRPERSON: No, no this one in preparation for giving your evidence, have you gone through it again?

MS SOOLIMAN: I did, but I did not see this one where it says I because we were - you know, the one where you asking me why it says I received a call from Mr Chawla.

CHAIRPERSON: Yes.

MS SOOLIMAN: I obviously not been in the law, you know in that, I did not know that we had to do two separate ones and where it says me, Halima or me Sameera because this affidavit was written by her first, we were questioned about it and all we did was it was sent to us and we had to sign it together.

CHAIRPERSON: Okay, now, is there anything else in this affidavit where you talk as if it's something you have
10 personal knowledge of, but you actually do not have personal knowledge of that you are aware of, or would you need time to have a look, again?

MS SOOLIMAN: No, I can tell you.

CHAIRPERSON: Ja, is there something else?

MS SOOLIMAN: Yes, there is one more.

CHAIRPERSON: Ja, tell me?

MS SOOLIMAN: So there is one more for Mr Koko, because Mr Koko's travel arrangements Halima originated the booking, okay. Let me tell you how, the email came to
20 me, okay. I probably was not available at that day, but both of us can see each other's emails. So in order for us to get the work done quicker, while I was not available, Halima started making the booking and she originated the booking. Thereafter she handled the booking, she did the visa's, she did whatever. The only other time that I got

involved was when the payment came.

CHAIRPERSON: Okay, in regard to Mr Koko?

MS SOOLIMAN: Yes.

CHAIRPERSON: Okay, in regard to Mr Anoj Singh bookings for Mr Anoj Singh?

MS SOOLIMAN: No, everything eels is, okay.

CHAIRPERSON: Everything else is fine?

MS SOOLIMAN: Correct.

CHAIRPERSON: You have personal knowledge of it?

10 **MS SOOLIMAN:** Correct.

CHAIRPERSON: It is just this particular one that we have discussed?

MS SOOLIMAN: Correct, I did know about the travel.

CHAIRPERSON: But the call did not come through to you.

MS SOOLIMAN: Correct.

CHAIRPERSON: Okay, alright, Mr Seleka.

ADV SELEKA SC: Yes, thank you Chair. That reminds me Ms Sooliman of another issue that arose when Mr Koko was testifying, which is and we can get that out of the way quickly, paragraph 14 of your affidavit.

MS SOOLIMAN: Paragraph?

ADV SELEKA SC: Paragraph 14, one four, page 15, 65.3.

Are you there?

CHAIRPERSON: What page?

ADV SELEKA SC: 15, 65.3.

CHAIRPERSON: Okay, yes.

ADV SELEKA SC: It reads:

“I have provided the investigators of the Commission with the documents I still have in my possession, including documentation attached to your previous affidavit.”

Then there is some corrections they have made with your signature. I would like you to explain to the Chairperson how did the affidavit read first, originally, and what change
10 have you made?

MS SOOLIMAN: Okay, so it says here:

“I provided the investigators of the Commission with the documents I still have in my possession, including documentation attached to previous affidavit.”

That means I had it personally. You know me, I have the documents personally and then the investigators picked up that this was from Ms Allana, so I was called back to the police station because the previous affidavit submitted to
20 the Hawks was by Ms Allana. That is why there is a plus sign there and it says Ms Allana, I had to go back to the Commission and have it resigned. So basically in the previous affidavit by Ms Allana, not by Sameera.

CHAIRPERSON: So the first – what is the first – what did the first affidavit say that was not correct?

MS SOOLIMAN: The first affidavit said that the documentation attached to the affidavit previously is held by myself, but it was not held by myself it is held by Ms Allana and she is the one who did the affidavit that was submitted to the Hawks.

ADV SELEKA SC: So should the correction then be on two respects, should the correction be on two respects? I still have in my possession; with the documents I still have in my possession?

10 **MS SOOLIMAN:** I do not have the documents in my position Halima has the documents in her position.

CHAIRPERSON: So, you say here paragraph 14:

“I have provided the investigators of the Commission with the documents I still have in my possession.”

Was that factually correct when you said that in the affidavit at that time?

MS SOOLIMAN: Sir, I never said that in an affidavit, like I said to you the first affidavit...[intervene]

20 **CHAIRPERSON:** This one?

MS SOOLIMAN: This one.

CHAIRPERSON: Do you say that in this one?

MS SOOLIMAN: This one was typed up with Mr Rohan the investigator, therefore he called me back where he added in Ms Allana's name to resign it.

CHAIRPERSON: But what did you intend this to read, what did you want to say?

MS SOOLIMAN: I was not – where it comes to the Hawks, I was not approached by the Hawks at all.

CHAIRPERSON: Ja.

MS SOOLIMAN: Only Halima was approached by the Hawks. So that statement is for Halima, not for Sameera, that is why I was called in again.

CHAIRPERSON: So did you provide the investigators of
10 the Commission with any documents at all?

MS SOOLIMAN: Me myself?

CHAIRPERSON: You, yourself.

MS SOOLIMAN: No, sir, no.

CHAIRPERSON: Ja, so that was supposed to be something that Ms Allana would say.

MS SOOLIMAN: Correct.

CHAIRPERSON: Not you.

MS SOOLIMAN: Correct.

CHAIRPERSON: So you say the investigators had
20 prepared an affidavit for Ms Allana and how did that come to be in your affidavit there, did they take that you knew the same information, you provided the same documents, or was just a mistake on their part?

MS SOOLIMAN: Sir, I suppose it was just a mistake, because I was not called in at all. I just presented myself

to accompany Halima, because I knew the people that we were dealing with, right. So that day, I was not called in at all, I myself went in with Halima.

CHAIRPERSON: Have you dealt with this in your supplementary affidavit?

MS SOOLIMAN: With this one here?

CHAIRPERSON: Ja.

MS SOOLIMAN: No, this one they have not – they have only made me do that addition where it is written Ms Allana
10 and the signature, that is all.

CHAIRPERSON: I think there should be a supplementary affidavit Mr Seleka.

ADV SELEKA SC: Yes, Chair.

CHAIRPERSON: That explains properly why we have this paragraph in there. She has this paragraph in her affidavit and how that came about and what actually - whether she disowns the paragraph in its entirety in the sense that it was some – it was a paragraph that should only have been in her colleague's affidavit.

20 **ADV SELEKA SC:** Yes.

CHAIRPERSON: Or whether it should have been in her affidavit with some qualification of it.

ADV SELEKA SC: Yes, Chair.

CHAIRPERSON: Okay, I think with regard to Mr Anoj Singh I do not know if you – if there is something else of

significance that you still wanted to question, that you still want to question here on, if so, you may proceed.

But from my point of view, I think in terms of important things she has covered and there may be some dispute about whether a particular trip happened or not but I am not sure if that matters much.

The point is there are two points or three points. The bookings were made, travelling happened for most of the trips, and she says Mr Singh paid for most of those in
10 cash and he paid once by EFT and there was once when Mr Salim Essa settled his account, Mr Anoj Singh's account.

Then there is the arrangement relating to Me Chawla that trip, she did not receive the call from Mr Chawla, her colleague received it and told her about it but she received the payment. Is that correct?

MS SOOLIMAN: That is correct, sir.

CHAIRPERSON: That is the – it seems to me that as far as Mr Singh is concerned, that is the substance of the evidence.

20 **ADV SELEKA SC:** Yes, no, that is correct Chairperson and particularly that none of the trips are disputed it has been taken, except for the purpose of the nature of the first which Mr Singh says it is a business trip and I think his argument is that it would have been paid by Transnet.

CHAIRPERSON: Ja, but in the context of her evidence it

seems to me that it is neither here nor there because whether it was paid for by Transnet or by himself it does not matter for purposes of the Commission's investigation.

The important thing was whether they were paid for by Mr Salim Essa and in so far as there may be something to be made of the cash payments, but that is a different matter. There is no dispute between them, Ms Sooliman and Mr Anoj Singh, Mr Anoj Singh himself said most of the payments were cash payments.

10 **ADV SELEKA SC:** Yes.

CHAIRPERSON: Okay, so we are at 1 o'clock, I think we should adjourn for lunch and then when we come back, she can deal with bookings for Mr Koko.

ADV SELEKA SC: Yes.

CHAIRPERSON: Will she be dealing with the bookings relating to Mr Zwane?

ADV SELEKA SC: Not her, Chair Ms Allana.

CHAIRPERSON: Okay, alright so she deals with Mr Anoj Singh and Mr Koko only.

20 **ADV SELEKA SC:** Only.

CHAIRPERSON: Okay.

ADV SELEKA SC: She is shaking her head.

CHAIRPERSON: Is that correct?

MS SOOLIMAN: No, not with Mr Koko's booking was like I explained to you just now. It was an email sent to me, but

Halima originated - she did the entire booking.

CHAIRPERSON: Oh, well, let us see when we come back, because I see here in paragraph 23 you say:

“During December 2015, I received a request from Mr Essa to arrange flight tickets for a Mr Matshela Moses Koko.”

So let us when we come back you can clarify whether that is something you have personal knowledge of, in the sense that you did receive the call or whether it is one of those
10 where the paragraph should have been in your colleague’s affidavit. Okay, let us take the lunch adjournment we will resume at two, we adjourn.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Okay let us continue.

ADV SELEKA SC: Thank – thank you Chairperson.

CHAIRPERSON: You remembered to contact Mr Koko’s lawyers.

ADV SELEKA SC: Yes. Yes.

20 **CHAIRPERSON:** Oh okay.

ADV SELEKA SC: As usual where they say.

CHAIRPERSON: Alright.

ADV SELEKA SC: Ms Sooliman shall we proceed – we are in Eskom Bundle 18(b). Chair I am still – okay I will – there are certain details she gives in regard to that. She talks

about in paragraph 22.7 which I thought should be drawn to your attention but I am still waiting for that affidavit which is signed. So Mr Sooliman let us deal with the travel arrangements for Mr Matshela Koko. And that you find on page 1565.7 of the bundle we are dealing with. And so in the course of your explanation to the Chairperson you will explain what you personally know and the role that you personally played and distinguish what you did to what if Mr Allana was involved to what she did. Ja.

10 **CHAIRPERSON:** Yes I think on paragraph 23 you say in December 2015 you received a request from Mr Essa to arrange flight tickets for a Mr Matshela Moses Koko and two of his family members. These being a Ms Mosimo Elizabeth Koko and a Mr Pheeha Koko. Did that happen? Did you receive such a request from Mr Essa?

MS SOOLIMAN: Mr Chair first I need to apologise I think it is the first time I testified. In the beginning when you asked me when my child was born it was not 2016 it was 2013.

CHAIRPERSON: Oh okay.

20 **MS SOOLIMAN:** Yes so I do apologise. It is the first time I am testifying so I was a bit nervous.

CHAIRPERSON: Ja no that is fine.

MS SOOLIMAN: Ja.

CHAIRPERSON: No that is fine.

MS SOOLIMAN: Okay where it comes to Mr Koko you have

asked me I received a request. Absolutely correct I received an email.

CHAIRPERSON: Okay. From – from Mr Essa.

MS SOOLIMAN: Correct. The email is attached.

CHAIRPERSON: Okay.

MS SOOLIMAN: I received an email requesting bookings to be made for Mr Koko however Halima and myself do receive each other's emails. I was not present to arrange the – to do the bookings – the actual booking. So you will see in the
10 next emails Halima made the actual booking – air tickets were then issued and was sent off to Mr Essa by Halima. Visas were done and was sent through to Mr Essa through my staff member Sajida at the office. Okay so where it comes to the arrangements of the flight yes it was emailed to me but she then over the booking and the only other part was then when the email had come through for the payment which I then received the payment from the driver.

CHAIRPERSON: Okay. Mr Seleka do you want to take it from there?

20 **ADV SELEKA SC**: Yes.

CHAIRPERSON: But I think if she says there is an email she received from Mr Essa let us go there. I do not remember seeing it. I do not know if it is here.

ADV SELEKA SC: Yes.

CHAIRPERSON: Is that email here Ms Sooliman?

ADV SELEKA SC: There is a string of emails.

CHAIRPERSON: Is it attached to your affidavit?

MS SOOLIMAN: There was a whole string of emails that came through.

CHAIRPERSON: Yes we are talking about an email you would have received from Mr Salim Essa in December 2015. With regard to Mr Koko because you said you received an email.

MS SOOLIMAN: Yes I did receive an email.

10 **CHAIRPERSON:** Well probably it is not here because if it was here one of us would know

ADV SELEKA SC: No we would have known yes.

CHAIRPERSON: yes.

ADV SELEKA SC: What – what you have attached Ms Sooliman is what you say CSS28. Now if you go to SS28 which is on page 1565.41.

MS SOOLIMAN: Point?

ADV SELEKA SC: Point 41. So there are emails and obviously you have to read them from – from the top up.

20 There is a string of emails which start on page 1565.45.

MS SOOLIMAN: Okay.

ADV SELEKA SC: So from the top up is an exchange of emails. Maybe you can explain that to the – I do not know if you are familiar with all of them but they are attached...

CHAIRPERSON: Well maybe let us start with this. Are you

certain that the initial request came by way of an email?

MS SOOLIMAN: Yes.

CHAIRPERSON: As opposed to a phone call?

MS SOOLIMAN: Yes Sir it was via an email.

CHAIRPERSON: You are certain.

MS SOOLIMAN: Probably...

CHAIRPERSON: And it was December 2015.

MS SOOLIMAN: Yes.

CHAIRPERSON: Yes.

10 **MS SOOLIMAN:** Yes.

CHAIRPERSON: Now the email that the evidence leader has referred you to there is on that page an email from Sahieda or Sajieda to salimessa@gmail.com sent on 23 December 2015 at twenty to twelve in the night. The subject is visa – one visa for travel and it says 3 x Koko family visa. But that is not an email from Mr Essa. The one on top of that is an email from Mr Essa to yourself dated 3 January 2016 but for now we are looking for December. If we do not have that email here do you know whether you can access it and get it

20 for us?

MS SOOLIMAN: Yes Sir Halima has it on her laptop.

CHAIRPERSON: You have got it on the laptop?

MS SOOLIMAN: Yes you mean requesting the booking?

CHAIRPERSON: Ja from Mr Salim Essa to you in December 2015.

MS SOOLIMAN: Yes.

CHAIRPERSON: You have got it?

MS SOOLIMAN: Yes.

CHAIRPERSON: Okay. Okay will you arrange for that to be given to the legal team?

MS SOOLIMAN: Yes sure.

CHAIRPERSON: Ja okay alright. I think Mr Seleka a short supplementary affidavit can be done.

ADV SELEKA SC: Yes Chair.

10 **CHAIRPERSON:** Which refers to paragraph 23.

ADV SELEKA SC: Yes.

CHAIRPERSON: And say this request referred to in paragraph 23 was made by way of an email from Mr Salim Essa to me. I attach that email to this affidavit.

ADV SELEKA SC: Yes.

CHAIRPERSON: Okay. Okay. So – so – okay Mr – I guess we do not need at this stage to go to these other emails because she says the email can be accessed.

ADV SELEKA SC: Yes.

20 **CHAIRPERSON:** Ja.

ADV SELEKA SC: Yes Chair.

CHAIRPERSON: You can obviously deal with them in terms of your plan at whatever time you want to deal with them.

ADV SELEKA SC: Ja. Yes if necessary.

CHAIRPERSON: Ja. Ja.

ADV SELEKA SC: Because the issues that arise here if I may go into them Chair.

CHAIRPERSON: Ja.

ADV SELEKA SC: From Mr Koko's evidence. So Ms Sooliman the trip here relates to what you have said and we have seen from the evidence is a request to Travel Excellence to do flight bookings for Mr Koko, his wife and his child from Indonesia to Dubai. You confirm this is what it relates to?

10 **MS SOOLIMAN:** Yes I confirm.

ADV SELEKA SC: That was the one leg of the trip. The other trip – okay that one leg was on the 4th of January 2016. The other leg is on the 5th of January 2016 from Dubai back to South Africa.

MS SOOLIMAN: Correct.

CHAIRPERSON: Yes.

ADV SELEKA SC: You confirm that you did that booking?

MS SOOLIMAN: Yes we did.

CHAIRPERSON: And that is not in dispute

20 **ADV SELEKA SC:** Yes.

CHAIRPERSON: Ja. So just to – Mr Koko admits that Travel Excellence did that booking for both legs for the leg from Indonesia to Dubai and from Dubai to Johannesburg.

ADV SELEKA SC: Yes.

CHAIRPERSON: And he accepts that the booking was made

by Travel Excellence and he says he never asked Travel Excellence to make the booking himself and I think from your side you say you have – you are not saying that he asked Travel Excellence as I recall here and he thinks that Ms Daniels from Eskom a colleague of his must be the one who had – who asked Mr Salim Essa to ask Travel Excellence to make the booking. I do not think that there are any issues between the two of you on that aspect.

MS SOOLIMAN: No but I do not know who Suzanne Daniels
10 is.

CHAIRPERSON: Ja. Okay. Okay. So – so here you confirm that it was Mr Essa who requested that bookings be made for Mr Koko and his two family members.

MS SOOLIMAN: Yes the email will confirm that.

CHAIRPERSON: Ja okay alright.

ADV SELEKA SC: Yes.

CHAIRPERSON: Do you recall by any chance what date that email was or you cannot? We will see it in any event when we see the email.

20 **MS SOOLIMAN:** I think it was maybe around about like in January I cannot remember the exact date maybe 16th or somewhere around there. No, no it cannot be I lie. Because he travelled on the 4th or 5th of January.

CHAIRPERSON: Ja.

MS SOOLIMAN: I do not know the date.

CHAIRPERSON: Ja you say in here it is during December 2015.

MS SOOLIMAN: Yes I do not know the exact date.

CHAIRPERSON: Ja no that is fine we will see it when it – when we get there. Continue Mr Seleka.

ADV SELEKA SC: Yes. Well did you have those emails which are from 22 December 2015 on those pages I have referred to but we will wait for the right email.

MS SOOLIMAN: Oh okay.

10 **ADV SELEKA SC:** What I am talking about is if you go to page ...

CHAIRPERSON: Maybe while Mr Seleka is looking for the right page do you – did you ever have any interactions with a Miss Suzanne Daniels from Eskom in relation to any matters relating to Mr Koko?

MS SOOLIMAN: Not at all. I saw her name for the first time in an article.

CHAIRPERSON: Ja.

MS SOOLIMAN: I do not know who she is.

20 **CHAIRPERSON:** You have never interacted with her.

MS SOOLIMAN: Never.

CHAIRPERSON: Ja.

MS SOOLIMAN: Never Mr Chairman.

CHAIRPERSON: Okay alright.

ADV SELEKA SC: Yes if you – I have given you that page of

1565.41.

MS SOOLIMAN: Hm.

ADV SELEKA SC: And then Point 45 – 1565.45.

MS SOOLIMAN: Yes.

ADV SELEKA SC: So the string of emails.

MS SOOLIMAN: Yes.

ADV SELEKA SC: Starting from 22 December 2015.

MS SOOLIMAN: Correct.

ADV SELEKA SC: I see that on the – so we are starting
10 from the top – from the end to the beginning on page
1565.44 at the bottom of that page I see an email where
Halima Allana is copied.

MS SOOLIMAN: Yes correct I see it.

ADV SELEKA SC: Would you have...

CHAIRPERSON: Well let us say first who the email was
from and to who it was to and what the date was and the
subject matter.

ADV SELEKA SC: Yes.

CHAIRPERSON: What the subject matter was.

20 **ADV SELEKA SC:** So Chair then let start at page 1565.45.
Ms Sooliman at the bottom of the page there is an email.

MS SOOLIMAN: Yes I see it.

ADV SELEKA SC: There is an email from – then it says
Visas – visas@climaxtourism.com sent on Tuesday
December 20 – 22 December 2015 at 15:56 pm. And it is

sent to Pajeer.madgeeclimaxtourismllc and Mohammed Abdoe subject is 1 visa for travel. Thanks and regards.

There is no message. I V Ventura Visa Department.

Are you familiar with this email?

MS SOOLIMAN: Yes I am.

ADV SELEKA SC: Can you explain to the Chairperson what it related to?

MS SOOLIMAN: Sure.

CHAIRPERSON: Ja tell us who it was from? Visas Mileto
10 visas climax tourism. Who is that?

MS SOOLIMAN: Climax Tourism was our visa agent in Dubai.

CHAIRPERSON: Was another travel agent – agency that you went to see.

MS SOOLIMAN: No we – we cannot do visas ourselves in South Africa for Dubai.

CHAIRPERSON: Yes.

MS SOOLIMAN: So we have an allocated agent in Dubai.

CHAIRPERSON: Ja.

20 **MS SOOLIMAN:** That does visas for us.

CHAIRPERSON: Okay.

MS SOOLIMAN: So Haja at Climax Tourism LLC was the agent at that time that used to do our Dubai visas. Because in...

CHAIRPERSON: I am sorry who was Haja?

MS SOOLIMAN: She is the visa lady in Dubai. The company in Dubai.

CHAIRPERSON: Of the other travel agency?

MS SOOLIMAN: No, no ours – our ...

CHAIRPERSON: Your – your...

MS SOOLIMAN: She was our – our agency – she was a lady in ...

CHAIRPERSON: Travel Excellence person.

MS SOOLIMAN: Not necessarily she did visas for anybody
10 but we used her – we used Climax Tourism specifically at that time to do visas for Dubai.

CHAIRPERSON: Oh she was independent?

MS SOOLIMAN: Yes.

CHAIRPERSON: Ja and – but you would ask her to do visas for you?

MS SOOLIMAN: Correct.

CHAIRPERSON: Okay. Alright. And you say visas miletovisas@climaxtourism was a travel agency in Dubai.

MS SOOLIMAN: That is right.

20 **CHAIRPERSON:** That you were using.

MS SOOLIMAN: Correct. A tour operator and visa agency.

CHAIRPERSON: Okay alright. Continue Mr Seleka.

ADV SELEKA SC: Yes so – who would have specifically made the request for – for Climax Tourism to assist with the visas for Mr Koko?

MS SOOLIMAN: Okay so we received an email with copies of the passports for Mr Koko and his family and then Sajeeda is the –

CHAIRPERSON: Well – I am sorry Mr Seleka said for Mr Koko.

MS SOOLIMAN: Yes.

CHAIRPERSON: It is not apparent from this that it was for Mr Koko. Who was this – who did this email relate to?

MS SOOLIMAN: So Sajeeda sent the passport copies. She
10 is the lady that works for us.

CHAIRPERSON: Ja.

MS SOOLIMAN: She sent the copies to our visa agent in Dubai.

CHAIRPERSON: Ja. Whose visas was she dealing with?

MS SOOLIMAN: The three visas for Mr Koko and the two.

CHAIRPERSON: Okay.

MS SOOLIMAN: Ja.

CHAIRPERSON: Alright.

MS SOOLIMAN: The two of them – the family members.

20 **CHAIRPERSON:** Okay Mr Seleka continue.

ADV SELEKA SC: Thank you Chair. Yes so did you say who specifically made the request from your side?

MS SOOLIMAN: Yes.

ADV SELEKA SC: To Climax Tourism?

MS SOOLIMAN: Yes. Sajeeda sent the email through.

CHAIRPERSON: Yes.

ADV SELEKA SC: Yes.

CHAIRPERSON: Well I do not know Mr Seleka whether we need to bother about those details.

ADV SELEKA SC: Yes.

CHAIRPERSON: Because it is common cause the – the visas were applied for processed by Travel Excellence.

ADV SELEKA SC: Yes.

CHAIRPERSON: The only issue is that actually I do not
10 even think it is an issue because Mr Koko says I never asked
them and they are not saying he asked them.

ADV SELEKA SC: Yes.

CHAIRPERSON: To do that. So as far as I am concerned as far as the visas are concerned she cannot assist more.

ADV SELEKA SC: Ja.

CHAIRPERSON: Because what she is saying is not disputed.

ADV SELEKA SC: Correct Chair.

CHAIRPERSON: So I think we need to move onto ...

20 **ADV SELEKA SC:** Move on yes.

CHAIRPERSON: Ja the details about the travel agents outside of South Africa in the end it is neither here nor there.

ADV SELEKA SC: That is right.

CHAIRPERSON: Ja.

ADV SELEKA SC: That is right.

CHAIRPERSON: I think what – what may be important is to go to these emails that you referred to at page 1565.41.

ADV SELEKA SC: Yes.

CHAIRPERSON: Yes that email Ms Sooliman the first one from the bottom it came from Sajeeda and it was addressed to salimessa@gmail.com do you know that email address salimessa@gmail.com?

MS SOOLIMAN: Yes.

CHAIRPERSON: Whose email address is it?

10 **MS SOOLIMAN:** It is – well it is Mr Essa's email I am not sure if it was the receptionist.

CHAIRPERSON: Ja.

MS SOOLIMAN: But there is...

CHAIRPERSON: Did you use it when you were interacting with Mr Essa or his secretary?

MS SOOLIMAN: Yes we used to use it quite often.

CHAIRPERSON: Okay alright. And the subject is 1 Visa for Travel. Who is Sajeeda? Or is it Saheeda?

MS SOOLIMAN: Sajeeda.

20 **CHAIRPERSON:** Ja who is that?

MS SOOLIMAN: She is the consultant that works at Travel Excellence offices.

CHAIRPERSON: Oh okay. Okay. Now she seems to have sent an email to Mr Essa's email address and she says

“3 x Koko family visa. Thanks or much

regards Sajeeda – is it Mahet”

MS SOOLIMAN: That is right.

CHAIRPERSON: Yes. Did you know about this email at the time you said you have access to one another’s emails is that right?

MS SOOLIMAN: Yes. Yes correct.

CHAIRPERSON: Ja. Did you know about this email?

MS SOOLIMAN: Yes Sir.

CHAIRPERSON: Yes.

10 **MS SOOLIMAN:** It was with an attachment.

CHAIRPERSON: Okay alright. And then the one at the top Mr Seleka.

ADV SELEKA SC: Yes. Just before that I see two people seemed to be copied there Mr – I mean Ms Sooliman in that email the Chairperson was talking about of Sajeeda. There is cc Sameera Travel Excellence and Halima Travel Excellence is that you being copied there?

MS SOOLIMAN: Yes.

ADV SELEKA SC: Together with Ms Allana?

20 **MS SOOLIMAN:** Yes it is because Sajeeda is just our consultant and whatever work she does she has to copy us in in order for us to know what is happening in the office.

ADV SELEKA SC: Yes.

CHAIRPERSON: And do you remember receiving this email?

MS SOOLIMAN: Yes absolutely.

CHAIRPERSON: At the time?

MS SOOLIMAN: Yes.

CHAIRPERSON: Ja okay.

ADV SELEKA SC: Then at the top there is an email from Mr Salim Essa Sunday the 3rd of January 2016 at 13:53. On the face of it it appears to be an email to you Sameera Sooliman, is that yourself?

MS SOOLIMAN: That is correct.

ADV SELEKA SC: And the subject is Forward, forward 1
10 Visa for travel. And then the attachments. Are Travel Matshela Koko Moses, Travel Mosimo Elizabeth Koko and the last one Pheeha Koko. Can you explain to the Chairperson why was this email being forwarded to you if it is a forward to you?

MS SOOLIMAN: It does show as it was forwarded to me but I do not know for what reason because I do receive the copies anyway of the visas. So I am not sure why it was sent to me again.

CHAIRPERSON: Are you talking about the top email Mr
20 Seleka?

MS SOOLIMAN: Yes Chairperson. The one of the 3rd of January 2016.

CHAIRPERSON: Yes. Did you – do you remember receiving it – having received it around that time or you do not?

MS SOOLIMAN: Well it shows that it was sent to me so I

must have received it on my laptop definitely because it was the time we were dealing with the booking.

CHAIRPERSON: Yes.

MS SOOLIMAN: But I did have copies of the visas irrespective I did have copies of the visas. I do not know why it was forwarded to me again.

CHAIRPERSON: What is your understanding of – if you have any what was the message being sent to you? I see there is nothing written. It just says attachments.

10 **MS SOOLIMAN:** Yes there was no message it was just forwarded to me.

CHAIRPERSON: Ja

MS SOOLIMAN: So it could have been in error – in error Mr Chair because everybody did get copies of the visas.

CHAIRPERSON: Okay. Okay Mr Seleka.

ADV SELEKA SC: Yes then there is an email quickly in Ms Sooliman on page 1565.50. In fact two emails.

CHAIRPERSON: I am hoping we can be done with her by three o'clock.

20 **ADV SELEKA SC:** Yes.

CHAIRPERSON: Mr Seleka.

ADV SELEKA SC: Yes Chair.

CHAIRPERSON: So that we can – I can hear her colleague's evidence.

ADV SELEKA SC: Yes.

CHAIRPERSON: Before the evening session.

ADV SELEKA SC: Indeed Chair.

CHAIRPERSON: So we need to – ja – try and move fast.

ADV SELEKA SC: So...

CHAIRPERSON: 1565.50?

ADV SELEKA SC: Point 50. There is – are you there Ms Sooliman?

MS SOOLIMAN: I am there.

ADV SELEKA SC: So there is the top email from Mr Salim
10 Essa on the 4th of January 2016. And then there is a
message.

“Okay please go ahead.”

Just below that there seems to be the first email on 4
January 2016 at 17:55. It seems to be sent by Mr Halima
Allana Travel Excellence it says:

“Salaam Mr Essa please confirm the below.”

Were you aware of that email?

MS SOOLIMAN: Yes Sir like I said we used to receive each
other’s email so I am aware of it.

20 **ADV SELEKA SC:** Yes.

MS SOOLIMAN: And I was copied in it anyway.

ADV SELEKA SC: Ja I see that.

CHAIRPERSON: I am sorry Mr Seleka. This is all still about
the – the trip.

ADV SELEKA SC: Yes this one relates to the change of his

booking from economy to business.

CHAIRPERSON: Yes. Ja but why do we need to go into details about it?

ADV SELEKA SC: Ja we – no not the details Chair.

CHAIRPERSON: Ja because it is common cause.

ADV SELEKA SC: Ja – not the details.

CHAIRPERSON: Let us look for – let us look for those things that are in dispute.

ADV SELEKA SC: Ja.

10 **CHAIRPERSON:** Let us use our time to establish what evidence there is in regard to issues that are in dispute.

ADV SELEKA SC: Yes.

CHAIRPERSON: Because this – as far as the visas and this trip Mr Koko admits their role of Travel Excellence.

ADV SELEKA SC: Yes. Then Ms Sooliman the – the issue that Mr Koko raised pointedly in regard to this aspect was the payment. There is a payment and maybe you can explain to the Chairperson rather how you were paid for the service that you rendered in respect of this booking and the
20 application for visas?

MS SOOLIMAN: So Mr Chair we did the bookings obviously the cost of the booking with the visa was R100 000.00. I do not know Mr Koko from anywhere. I do not know Suzanne Daniels from anywhere. The only means of receiving the payment we received it from Mr Essa. I know that his – that

Mr Koko is saying that the R100 000.00 could have been from Mr Essa's travels. Okay. But if you go into our records there were two sets of bookings. One for Mr Koko's family and one for Mr Essa's family. Mr Koko's family was R100 000.00 which we received payment on the 20th of January. We deposited it and we receipted it for that. Okay. Mr Essa flew out I think his wife flew out in December he flew out in January something like that. His bookings if you work out according to the tickets worked out to R118 000.00.

10 We do not – we do not have the R118 000.00 all at once because we had an account for him. So he gave the money to a colleague who was in turn supposed to give it to us but that colleague was a client of ours at Travel Excellence as well and he paid us in drips and drabs to make up the amount for Mr Essa's ticket.

CHAIRPERSON: But ultimately was the amount of R118 000.00 in respect of Mr Essa paid?

MS SOOLIMAN: Yes it was paid.

CHAIRPERSON: Ultimately. And your own – in the records
20 of Travel Excellence are there records that showed when it was paid for in drips and drabs?

MS SOOLIMAN: Correct. Halima has the statements.

CHAIRPERSON: Ja.

MS SOOLIMAN: And she has written on there the amounts that come in.

CHAIRPERSON: Yes.

MS SOOLIMAN: Because if you see our statements we have an amount of a ticket say for instance R68 000.00 and R30 000.00 was paid towards that ticket she would write in and allocate R30 000.00 was paid from this to that. Balance so much.

CHAIRPERSON: So well Mr Koko put up a letter from Mr Essa's attorneys that was yesterday which said that on the 20th of January an amount of R100 000.00 in cash was paid
10 but it was for Mr Essa not for Mr Koko. Your response is that Mr Essa's cost of his travelling was not R100 000.00.

MS SOOLIMAN: No Sir.

CHAIRPERSON: It was R118 000.00.

MS SOOLIMAN: Correct.

CHAIRPERSON: And it was Mr Koko's costs that came to R100 000.00.

MS SOOLIMAN: Correct.

CHAIRPERSON: And that cash payment you say was definitely in respect of Mr Koko's travelling?

20 **MS SOOLIMAN:** Correct.

CHAIRPERSON: And you say in regard to Mr Essa payment was made but over a period.

MS SOOLIMAN: Correct. Actually Mr Essa paid in full the person who was supposed to give it to us.

CHAIRPERSON: H'm.

MS SOOLIMAN: But like I said, he was another client and he was falling – he was paying in drips and drabs.

CHAIRPERSON: Why would Mr Essa have given the money for his own ...[intervenes]

MS SOOLIMAN: Because ...[intervenes]

CHAIRPERSON: ...travelling to somewhere else rather than give it to you directly.

MS SOOLIMAN: He was not in the country.

CHAIRPERSON: He was not in the country?

10 **MS SOOLIMAN:** No.

CHAIRPERSON: So he sent it to somebody else?

MS SOOLIMAN: Correct.

CHAIRPERSON: Who did he send it to?

MS SOOLIMAN: One of Halima's clients.

CHAIRPERSON: Yes. So Ms Alana would be able to tell us the name of that person?

MS SOOLIMAN: Correct.

CHAIRPERSON: Okay alright. And she will be able to deal with those payments?

20 **MS SOOLIMAN:** Correct, sir. She deals with the payments. So she can give you a breakdown.

CHAIRPERSON: H'm.

MS SOOLIMAN: Also, Mr Chair, I need to ask you. If the payment did not come for Mr Koko, how did he paid it? And he proved how he paid the tickets to me.

CHAIRPERSON: No, no. He says he had never – he never had anything to do you with your or Travel Excellence, Mr Koko. He says he had paid his travel, his own travel agency.

MS SOOLIMAN: Which is Thompsons.

CHAIRPERSON: Thompsons for that. So, but he had asked Ms Daniels to assist him with regard to the visas and he says Ms Daniels must have decided to ask her friends to sort them out for – and that is how Travel Excellence got
10 do the visas and the bookings.

MS SOOLIMAN: Okay.

CHAIRPERSON: Okay alright.

ADV SELEKA SC: Yes.

CHAIRPERSON: So you – in your own mind, you are quite clear that the payment of R 100 000,00 on the 20th of January was not for Mr Essa but for Mr Koko?

MS SOOLIMAN: Correct, sir.

CHAIRPERSON: You have no doubt?

MS SOOLIMAN: I do not have a doubt because there is
20 no other payment made for his ticket.

CHAIRPERSON: Yes.

MS SOOLIMAN: And these are exactly R 100 000,00.

CHAIRPERSON: Okay alright. Mr Seleka.

ADV SELEKA SC: Yes. Ms Sooliman, I have shown you the emails that are attached to Mr Salim Essa's attorneys.

That email where Mr Essa says on the 18th of January 2016 that he is sending R 100 000,00 with Shahid to cover, he says, “this and the 11th and leave me with some credit”.

That email comes after what seems to be a booking communication between you and him. And the amount there for his ticket appears to be R 54 836,72. So if the amount was R 54 000,00 and he is paying R 100 000,00, does that not explain why he says he is paying for this and that will leave him with some credit?

10 **MS SOOLIMAN**: But he says that I am paying for this and the 11th. So the 11th was the previous trip that his child and his wife flew.

CHAIRPERSON: H’m.

MS SOOLIMAN: So if you count up those three air tickets it worked about R 118 000,00. It leaves you with no credit.

CHAIRPERSON: H’m.

ADV SELEKA SC: I think you may want to provide us also with information relating to the trip you say was of the 11th.

MS SOOLIMAN: Sorry, can you repeat that?

20 **ADV SELEKA SC**: You may want to provide us with details ...[intervenes]

MS SOOLIMAN: H’m?

ADV SELEKA SC: ...of the information – of the trip you say was of the 11th.

MS SOOLIMAN: Okay.

ADV SELEKA SC: Ja. Chair, I think that was the only contention.

CHAIRPERSON: Ja, I think that covers...[intervenes]

ADV SELEKA SC: Yes.

CHAIRPERSON: ...Mr Koko. So, basically, it appears that you only did the visas for Mr Koko and his family members and his flight bookings from Indonesia to Dubai and from Dubai to Johannesburg.

MS SOOLIMAN: Correct.

10 **CHAIRPERSON:** And throughout this you interacted with Mr Salim Essa because you say he is the one who requested you to make the bookings.

MS SOOLIMAN: Correct.

CHAIRPERSON: And you never interacted with Mr Koko or Ms Daniels?

MS SOOLIMAN: Never.

CHAIRPERSON: Okay. I think that covers that.

ADV SELEKA SC: Ja.

20 **CHAIRPERSON:** I do not know what is in the supplementary affidavit, whether there is anything that relates to Mr Koko.

ADV SELEKA SC: Yes, there is a paragraph, I think, but I am ready to regularise that affidavit, Chairperson, because I have the signed ...[intervenes]

CHAIRPERSON: Ja?

ADV SELEKA SC: ...portion of it.

CHAIRPERSON: Is that the supplementary? I am talking about the one that came yesterday.

ADV SELEKA SC: It came this morning, yes.

CHAIRPERSON: Oh, this morning.

ADV SELEKA SC: Yes, the signed portion.

CHAIRPERSON: Ja.

ADV SELEKA SC: That is on page 1565.

CHAIRPERSON: Ja?

10 **ADV SELEKA SC:** Point 67 point 1.

CHAIRPERSON: Oh, have you got – you want us to replace – okay let me have...

ADV SELEKA SC: That page ...[intervenes]

CHAIRPERSON: Mr Seleka, talk to me about this.

ADV SELEKA SC: Yes. Chairperson, I have given you – oh, what the orderly has is the entire affidavit ...[intervenes]

CHAIRPERSON: H'm?

20 **ADV SELEKA SC:** ...which is the original. The affected pages, which can simply be replaced, is 1565.67.7.

CHAIRPERSON: H'm?

ADV SELEKA SC: And point 67.8.

CHAIRPERSON: But the first page also has only one – oh, okay, no the initials are in different ...[intervenes]

ADV SELEKA SC: Yes ...[intervenes]

CHAIRPERSON: ...one.

ADV SELEKA SC: Yes.

CHAIRPERSON: So is that the only page that is affected?

ADV SELEKA SC: That is correct, Chair.

CHAIRPERSON: Yes?

ADV SELEKA SC: Ms Sooliman, let us look at this affidavit in order to admit it. We looked at it this morning. It starts on page 1565.67.1. It is titled Supplementary Affidavit. It ends on page 1565.67.9 with the deponent's
10 signature on page 1565.67.8. Is that our signature?

MS SOOLIMAN: That is correct.

ADV SELEKA SC: You signed the affidavit on the 17th of May 2021. You confirm that?

MS SOOLIMAN: I did.

ADV SELEKA SC: You confirm that the affidavit is true and – the contents of the affidavit are true and correct?

MS SOOLIMAN: Yes.

ADV SELEKA SC: Does the affidavit have annexures as well?

20 **MS SOOLIMAN:** [No audible reply]

ADV SELEKA SC: Does it have annexures?

MS SOOLIMAN: No.

ADV SELEKA SC: Chairperson, then I ...[intervenes]

CHAIRPERSON: Well, what is at page 1565.67.11? Is that not an annexure? Are those not annexures that come

after that? Is that others annexures to that affidavit as well as 1565.67.10?

ADV SELEKA SC: Yes, from point 10 onwards. What seems to be tax invoices from Serendipity.

MS SOOLIMAN: Yes, and air tickets.

ADV SELEKA SC: Yes.

CHAIRPERSON: Is that an annexure to your supplementary affidavit?

MS SOOLIMAN: No, I was only given these two.

10 **ADV SELEKA SC:** Which ones?

MS SOOLIMAN: From one to nine.

ADV SELEKA SC: Oh.

MS SOOLIMAN: 67.1.

ADV SELEKA SC: Yes.

MS SOOLIMAN: To 67.9.

CHAIRPERSON: Ja, it does like – well, in – I am looking at 20 – paragraph 29:

20 “In response to the evidence of Mr Singh, I attached hereto the computer generated tax invoices received from Serendipity for both Ms Sing and R Gupta.

I further attached hereto the tickets issued to both Ms Singh and R Gupta.

Ms Singh and R Gupta from the tickets used...”

So you are attaching certain annexures to the

...[intervenes]

MS SOOLIMAN: Affidavit.

CHAIRPERSON: To the supplementary affidavit.

ADV SELEKA SC: To the supplementary...

CHAIRPERSON: Yes.

ADV SELEKA SC: Yes.

CHAIRPERSON: Look at page 1565.67.10. Can you see that?

MS SOOLIMAN: [No audible reply]

10 **CHAIRPERSON**: It is a computer generated tax invoice.

MS SOOLIMAN: Yes, Chair.

CHAIRPERSON: You see in paragraph 29 that I have just read ...[intervenes]

ADV SELEKA SC: Yes.

CHAIRPERSON: You say: I attached hereto the computer generated tax invoices received from Serendipity.

MS SOOLIMAN: [Indistinct] [Speaker not clear]

CHAIRPERSON: So one of you just did not mark them.

ADV SELEKA SC: Yes and ...[intervenes]

20 **CHAIRPERSON**: That must be SASS-1 and then the one at 1565.67.11, that must be 2. And you then referred to 3 and 4 which must be page 1565.67.12 and – yes, then there is a – that must be 12 and then 13. That must be one attachment, I think.

ADV SELEKA SC: Yes.

CHAIRPERSON: Then you have got 1565.67.14 which must be – which I think goes to point 15. Those are your annexures to the affidavit?

MS SOOLIMAN: Correct.

CHAIRPERSON: I think, Mr Seleka, you need to have this properly marked.

ADV SELEKA SC: Yes, marked. Yes.

CHAIRPERSON: She needs to have them marked or you – they need to be marked. I do not think she must mark
10 them.

ADV SELEKA SC: Yes.

CHAIRPERSON: And then we will admit it once everything is in order.

ADV SELEKA SC: Yes, Chair.

CHAIRPERSON: Ja, okay. I see that the supplementary affidavit just sought to clarify certain things.

ADV SELEKA SC: In Mr Anoj ...[intervenes]

CHAIRPERSON: Which are discrepancies. Ja, okay. You have – you confirm the contents of your supplementary
20 affidavit as true and correct?

MS SOOLIMAN: Yes.

CHAIRPERSON: And it deals with matters that are within your personal knowledge?

MS SOOLIMAN: Correct.

CHAIRPERSON: Except where it is clear from the

context?

MS SOOLIMAN: That is right.

CHAIRPERSON: That is not in your personal knowledge?

MS SOOLIMAN: Correct.

CHAIRPERSON: Okay. Alright. Are we done with her?

ADV SELEKA SC: That concludes the end of my questions for Ms Sooliman, Chair.

CHAIRPERSON: Ja, okay alright.

ADV SELEKA SC: Yes.

10 **CHAIRPERSON:** Thank you very much Ms Sooliman. Thank you for availing yourself once again to assist the Commission.

MS SOOLIMAN: Thank you.

CHAIRPERSON: We appreciate it. Okay.

MS SOOLIMAN: Thank you.

CHAIRPERSON: Thank you.

ADV SELEKA SC: Yes.

CHAIRPERSON: So you have had the experience now.

MS SOOLIMAN: [No audible reply]

20 **CHAIRPERSON:** [laughs] Okay. You are excused.

ADV SELEKA SC: Yes.

CHAIRPERSON: And ...[intervenes]

ADV SELEKA SC: Chair, may I provisionally beg leave to have this admitted as an exhibit, pending the proper marking of the annexures?

CHAIRPERSON: Why do you not arrange for her or for somebody to talk to her and get it marked in the meantime?

ADV SELEKA SC: Okay.

CHAIRPERSON: There is no urgency to provisionally admit it.

ADV SELEKA SC: Okay, Chair.

CHAIRPERSON: Ja, but somebody can just speak to her and that can be done so that it does not – I will take a short adjournment now while you arrange for the next
10 witness.

ADV SELEKA SC: Yes, Chair.

CHAIRPERSON: Ja. That will be ten minutes. We adjourn.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Okay, Mr Seleka, are you ready?

ADV SELEKA SC: Thank you, Chair. Yes, we are, Chairperson. The next witness is Ms Halima Allana and she is ready to take the oath or affirmation.

20 **CHAIRPERSON:** Good afternoon, Ms Allana, thank you for availing yourself to help the Commission. Thank you, switch on your mic and the registrar will administer the oath or affirmation to you.

REGISTRAR: Please state your full names for the record?

MS ALLANA: Halima Allana.

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

MS ALLANA: No.

REGISTRAR: Do you affirm that the evidence you will give will be the truth the whole truth and nothing but the truth. If so, please raise your right hand and say so I truly affirm.

HALIMA ALLANA: I truly affirm.

CHAIRPERSON: Thank you, you may be seated. Mr Seleka?

10 **ADV SELEKA SC:** Thank you, Chair. Chairperson, before you is bundle 19 and I am going to ask for the Chairperson's guidance. Ms Allana has submitted an affidavit to the Commission which is on page 353.261.5 of that bundle.

CHAIRPERSON: These extension of the page numbers. Yes?

ADV SELEKA SC: Ja, 353.261.5. Now it has been incorporated in EXHIBIT 41 which is Mr Zwane's exhibit of bundles. We have to mark this one appropriately.

20 **CHAIRPERSON:** Well, all you are saying is that it is in a bundle that contains documents relating to Mr Zwane.

ADV SELEKA SC: Correct, Chair.

CHAIRPERSON: Ja, that is fine.

ADV SELEKA SC: Which have already been marked 41.1, 41.2, his affidavits. But let me do...

CHAIRPERSON: Is this her only affidavit? I think there is another one, is it not?

ADV SELEKA SC: There is a confirmatory of hers where she confirms Ms Sooliman's affidavit and that is in the bundle we were dealing with 18(b).

CHAIRPERSON: Ja.

ADV SELEKA SC: And then we have that affidavit which she submitted to the Hawks which we have now kind of put behind in view of her own affidavit directly to the
10 Commission.

CHAIRPERSON: But this is her main affidavit?

ADV SELEKA SC: Correct, Chair.

CHAIRPERSON: Okay, alright, go through what you need to go through.

ADV SELEKA SC: Yes.

CHAIRPERSON: Ja.

ADV SELEKA SC: Ms Allana, on page ...[intervenes]

CHAIRPERSON: So she will cover bookings in relation to Mr Zwane.

20 **ADV SELEKA SC:** Yes.

CHAIRPERSON: And Mr Koko.

ADV SELEKA SC: And a bit on Mr Koko.

CHAIRPERSON: Ja.

ADV SELEKA SC: But she is explaining something that may not be an issue anymore, Chair.

CHAIRPERSON: Ja. Okay, alright. And do we not – what about travel bookings that were made by their agency that relate to Mr Gama?

ADV SELEKA SC: Yes, we saw it yesterday.

CHAIRPERSON: Ja.

ADV SELEKA SC: And then Mantsha, I think Mr Dan Mantsha.

CHAIRPERSON: Ja and Mr Mantsha.

ADV SELEKA SC: Yes.

10 **CHAIRPERSON:** Because I think it would have been convenient for them to cover everybody so that they do not have to come back.

ADV SELEKA SC: Yes. It is not covered in their affidavits, Chair.

CHAIRPERSON: Ja No, what I am saying is, to the extent that their travel agency made bookings in respect of other people even if they fall under different work streams it would have been convenient to make sure that once they are here they give oral evidence in respect of everybody
20 that they make bookings for so that they do not have to come back. So that would have been much better.

ADV SELEKA SC: Convenient, yes.

CHAIRPERSON: But I guess it might be too late because those other people would not have been notified.

ADV SELEKA SC: Yes, yes.

CHAIRPERSON: But soon after this I think you must talk to the people involved in the other work streams so that arrangements can be made for them to then come back and just deal quickly with those issues, they should not delay too long.

CHAIRPERSON: Ja, it is just a pity that it was not arranged otherwise we could have saved them from having to come to the Commission twice. Sorry about that, Ms Allana.

10 **MS ALLANA:** No problem, Mr Chair.

CHAIRPERSON: Ja, ja. Okay, alright. Okay, let us continue.

ADV SELEKA SC: Yes. Ms Allana, in that bundle page 353.261.5 it is an affidavit which read:

“I, the undersigned, Halima Allana...”

Is that you?

MS ALLANA: Yes, that is me.

ADV SELEKA SC: Confirm that is you. The affidavit is fairly short, it runs up to page 353.261.8. Do you see
20 that?

MS ALLANA: Yes.

ADV SELEKA SC: There is a signature above the name Halima Allana, do you confirm that to be your signature?

MS ALLANA: Yes, that is my signature.

ADV SELEKA SC: The affidavit is dated 12 May 2021.

Do you confirm the contents to be true and correct of this affidavit?

MS ALLANA: Yes.

ADV SELEKA SC: You do. Chairperson, I beg leave to have – oh, the affidavit has annexures, Ms Allana.

MS ALLANA: Yes.

ADV SELEKA SC: From page 261.9. So 353.261.9 to 353.261.51.

MS ALLANA: Yes.

10 **ADV SELEKA SC:** Do you see that?

MS ALLANA: Yes.

ADV SELEKA SC: Chairperson, I beg leave to have this affidavit admitted as exhibit – the Chairperson and I should agree on, U41.3.

CHAIRPERSON: U41.3?

ADV SELEKA SC: Yes, Chair, together with the annexures thereto.

CHAIRPERSON: Ja, why do you sound doubtful or uncertain about the exhibit number?

20 **ADV SELEKA SC:** It is because of 41 belong to Mr Zwane.

CHAIRPERSON: No, it is fine.

ADV SELEKA SC: It is fine, thank you, Chair.

CHAIRPERSON: The affidavit of Ms Halima Allana which starts at page 353.261.5 is together with annexures

attached to it admitted as an exhibit and will be marked as EXHIBIT U41...

ADV SELEKA SC: 3.

CHAIRPERSON: It is the 3 at the end?

ADV SELEKA SC: 3, yes, Chair. Thank you, Chair.

AFFIDAVIT OF HALIMA ALLANA FROM PAGE 353.261.5 TOGETHER WITH ANNEXURES HANDED IN AS EXHIBIT U41.3

ADV SELEKA SC: Ms Allana, thank you for assisting the
10 Commission. Your colleague, Ms Sooliman, has mentioned you a couple of times. Could you please by way of a background tell the Chairperson who you are and your connection with this company which is being mentioned, Travel Excellence?

MS ALLANA: Good afternoon, Mr Chair.

CHAIRPERSON: Good afternoon.

MS ALLANA: I have been in travel for many, many years and as Mrs Sameera Sooliman ...[intervenes]

ADV SELEKA SC: Just sorry, just drop the mic, further
20 back, yes.

MS ALLANA: Yes. As Mrs Sameera Sooliman started, we worked together at Freeway Travel. This was before 2013. I am not aware of the exact dates but I think I could have started there in 2011. In 2013 – beginning of 2013, to be precise, February, I started my own travel agency which I

registered – my dad basically is a director but he has nothing to do with the running of the travel agency, it was all me, myself. And Sameera at that time was working still at Freeway Travel and then she joined me later on. It would have been the end of 2013 beginning of 2014, around that time, but in the interim, as she was expecting she would still pass me over bookings to do for her on her behalf. We were not partners at that time, we did become partners in the business, not on paper, in the business, in
10 2014.

ADV SELEKA SC: Yes.

CHAIRPERSON: So when you say you became partners in business but not on paper what does that mean?

MS ALLANA: Because my dad is still the director.

CHAIRPERSON: Yes.

MS ALLANA: But we are – we basically run the company 50/50. In that sense we both have the same say in the company dealings.

CHAIRPERSON: Ja, okay, from 2014.

20 **MS ALLANA:** Yes.

CHAIRPERSON: Okay. Because her evidence was that she was part-time with Travel Excellence.

MS ALLANA: Ja.

CHAIRPERSON: Until 2016 but she did later on say she gave birth in 2013.

ADV SELEKA SC: '13, yes.

CHAIRPERSON: And she had initially linked her commencement of permanent appointment at Travel Excellence with the time after she had given birth and initially she had said she gave birth in 2016, I think.

ADV SELEKA SC: Yes.

MS ALLANA: Yes.

CHAIRPERSON: But we did not ask her whether the fact that she clarified the year when she gave birth to be 2013
10 when it affected the question of when she started at Travel Excellence.

MS ALLANA: I think she was confusing the 2016 and 2013 but she did start fulltime at Travel Excellence in 2014.

CHAIRPERSON: In 2014. Okay, alright. Okay, so maybe when she does a supplementary affidavit, Mr Seleka, she will address the issue of whether given that she had now said that she gave birth in 2013 whether it affects what she said, namely that she started at Travel Excellence on a
20 fulltime basis in 2016.

ADV SELEKA SC: Yes, Chair.

CHAIRPERSON: Okay, alright. Yes, in 2014 she became fulltime at Travel Excellence.

MS ALLANA: Yes.

CHAIRPERSON: And she became a partner with you in

the business.

MS ALLANA: Yes.

CHAIRPERSON: And you have an equal say on the business.

MS ALLANA: Yes.

CHAIRPERSON: Okay, alright. Did she work part-time at Travel Excellence at any stage?

MS ALLANA: Yes before she became fulltime.

CHAIRPERSON: Ja.

10 **MS ALLANA:** So while she was pregnant with her baby she was working then part-time.

CHAIRPERSON: Okay, alright. Okay, Mr Seleka?

ADV SELEKA SC: Yes. And, Ms Allana, also just explain to the Chairperson briefly how big is the company, if it is a company, the number of employees you have. We know that you do travel bookings, if you could explain to the Chairperson the bouquet of services that you offer.

MS ALLANA: Okay, Mr Chairperson. We are a fairly small company, a baby company, as such, because we only
20 commenced in 2013. We have always just had – it was just myself, Sameera and maybe another staff. So at the moment now we have Sajeeda, but fairly small. Basically there has always just been three ladies and because we – well, Sameera has children, so just Sajeeda and I have one child as well, we generally tended to work in our own time

as in we did not have to come to an office although we had an office, so the office was manned by the girl and I would be sometimes at home and Sameera would be, because she is picking up her children from school, it was not like a job where we had to sit, you know, in the office, but we did all our work in our own time and that is why we have the system of the copying of the cc's of the emails. So if I am out somebody at least is attending to the work whether it be myself, whether it be Sameera, whether it be the girl at
10 the office. So it was basically a very flexible job for us mothers so we could also attend to the children. Travel Excellence, since it started, we were favoured by good clientele and it grew. Obviously not a huge growth, I mean, we are still only three but as in service wise a very good service and a very good client base.

ADV SELEKA SC: Ms Sooliman has testified before the Chairperson about a particular client of hers who moved with her from her previous employment to Travel Excellence and this is Mr Salim Essa. Did you come to
20 know Mr Salim Essa?

MS ALLANA: So Mr Essa basically was Sameera's client. I only knew of him, I seldom interacted with him because it was basically via email. I would always reply to his emails or – you know, with regard to work but on a personal level I did not know him and generally in travel it is quite normal

for clients to move with their travel agents so if I worked at Freeway Travel and I left to go to another travel agency you would find because now I have established a relationship with my client they want to come with me because they are comfortable dealing with me and I know how they work and I know what they like, what their preferences are. So you always tend to keep your clients with you whenever you move. So even with myself when I started on my own a lot of my regular clients from these
10 other – like from Freeway Travel or, you know, the travel agencies I may have worked before would come with me so in the same case Mr Essa moved with Sameera when she came and joined me. So I did not really know him on a personal level but yes, I did do his work at times because, as I mentioned, we all could see each other's emails and we just – the object was to get the work done and to give the client the quotation and make sure that, you know, we get the sale as I said because we all need business.

ADV SELEKA SC: And – okay, that is on the one hand Mr
20 Salim Essa. What cropped up also in her affidavit is the name Mr Ashu Chawla. Did you know him?

MS ALLANA: Yes, I did know Mr Ashu Chawla, Mr Ashu Chawla was again referred to us through Salim Essa where by the entire Sahara account was given to us through Salim Essa whereby he introduced Sameera to Mr Rajesh

Gupta and said you know what, deal with these ladies, they are awesome, they are good travel agents, they look after you and from there I got to know Mr Ashu Chawla because he handled all the Sahara travel as *per se* and he would normally email me, so it was basically Halima, I need a booking or Halima, please help with this fare or -you know, all via email. I did know him on a personal level, I have met with him quite a few times and so that is how I got to know Mr Chawla.

10 **ADV SELEKA SC:** So did you say know him on a personal level?

MS ALLANA: Yes because we developed a relationship. Obviously I have been booking for him for now six years. I mean, like I visited him, you know, to drop off tickets or – just like that.

ADV SELEKA SC: Okay. Did you know Mr Zwane, Mosebenzi Zwane?

MS ALLANA: No, I did not know him on a personal level, I do not know – I only knew I made bookings for him.

20 **ADV SELEKA SC:** Can you tell the Chairperson about a booking you made which involved Mr Zwane?

MS ALLANA: So we were asked to check through our records for any bookings made for Mr Zwane and I did pick up an email that I received from Salim Essa which was actually addressed to Sameera, but remember we tended to

everybody's emails whereby he requested flight bookings for himself and Mr Rajesh Gupta and for Mr Zwane and when I replied back to the email I actually sent it to him and I cc'd Mr Chawla because anything to do with Mr Rajesh Gupta I would obviously include Mr Chawla because he was Mr Rajesh Gupta's travel PA, as such, so any travel bookings for the Guptas we would send it to Mr Chawla. So I replied back to Mr Salim Essa to say this is the bookings we have made and this is the fare and did you
10 want to proceed and generally they would go back and – they would reply back and say okay, go ahead and issue and as we had an account for them, you know, 14 days. Sometimes they would pay in seven days or sometimes they would pay in 14 days. We would just issue and then obviously the pay would come later. We had that sort of trust factor because we knew them in that sense.

ADV SELEKA SC: Yes. Just take it slowly, can you recall the date – if you could tell the Chairperson the timeline, the date when you received the email, what ...[intervenes]

20 **MS ALLANA:** Yes, the email was received on the 4 September, if I am not mistaken, I do have the copy of the email, it is in the annexures but it was definitely the 4 September and – ja, it would be the 4 September, that is when the booking was initiated.

ADV SELEKA SC: I see an email ...[intervenes]

MS ALLANA: Yes, it was on the 4 September.

ADV SELEKA SC: Give us the page number?

MS ALLANA: 353.261.19.

ADV SELEKA SC: Point 19, the one marked HA5.

MS ALLANA: The annexure is HA5 but the page number is 353261.19.

ADV SELEKA SC: Yes. So then explain – just tell the Chairperson, the email from who to whom on which date?

MS ALLANA: So this basically is an email from
10 Sameera's email to Salim Essa stating flight bookings for Mr Rajesh, Mr Salim and Mr Zwane.

ADV SELEKA SC: So somebody is copied there.

CHAIRPERSON: I am trying to look for Mr Zwane.

MS ALLANA: It is on the next page, Mr Chair.

CHAIRPERSON: Oh.

MS ALLANA: It is 20. So it was two separate emails. One was for Mr Rajesh and Mr Essa and the other one was for Mr Zwane. I had book all on the same date.

CHAIRPERSON: Oh, okay.

20 **MS ALLANA:** And the same route.

CHAIRPERSON: Okay.

ADV SELEKA SC: So the same route – are you able to take us through that please?

MS ALLANA: Yes, okay, so it is – do you want the dates of travel as well.

ADV SELEKA SC: Ja, you can give the dates.

MS ALLANA: Okay, 13 September, Johannesburg to Dubai, 14 September Dubai to Delhi, 16 September Delhi to Dubai, 17 September Dubai to Zurich, 20 September Zurich to Dubai, 21 September Dubai to Jo'burg.

ADV SELEKA SC: I see. So you say for – how many were you booking for?

MS ALLANA: There are three bookings here.

ADV SELEKA SC: Yes, mention the names.

10 **MS ALLANA:** Mr Rajesh Gupta, Mr Salim Essa and Mr Mosebenzi Zwane.

ADV SELEKA SC: Okay. And the route for all three of them was the same?

MS ALLANA: The route for all three of them is the same and the dates for all three of them is the same.

ADV SELEKA SC: Is the same. So you said to the Chairperson it was Mr Essa who requested you to make that booking?

20 **MS ALLANA:** The reason why I say that, I do not have an email from Mr Essa but the bookings were sent to Mr Essa, so it is most probably Mr Essa because obviously the booking was sent to him.

ADV SELEKA SC: So the booking sent to him is in respect of all three persons.

MS ALLANA: Yes. All three persons sent to Mr Essa.

ADV SELEKA SC: So how was payment made for the service you rendered?

MS ALLANA: So as per my records when I did a check, I have a payment which was made on the 5 September which amounts to R166 290 which is for these tickets and obviously the – not obviously, I know the ticket was issued on the 5 September and the payment was made at the same time. So this payment was made for this. I just cannot recall who did the payment because it was an EFT,
10 but I do not recall who did it if it came from Sahara account or if it came from another account.

ADV SELEKA SC: Do you think – oh, the bank account in which the payment was made, does it still exist?

MS ALLANA: Yes, that is my company account.

ADV SELEKA SC: Do you think the bank would be able to show you where the payment from?

MS ALLANA: Where it came from? I am sure. I am sure if we can get a record, I am sure.

ADV SELEKA SC: Yes. Ja, I see in paragraph 12 you
20 talk about there is payment, right on top on page 353.261.7 and it reads:

“On 5 September 2014 a payment in the amount of R166 290 for the air travel as mentioned above was received in Travel Excellence’s ABSA bank account. I, unfortunately, cannot recall from whom we

received the EFT payment. A printout of the bank statement in which the transaction is reflected is attached hereto marked HA14.”

Now that HA14 is on page 353.261.44 but it is a very fine print.

MS ALLANA: Yes, I see that, there is just a reference Sameera, so I do not know where it came from but it could have been ...[intervenes]

CHAIRPERSON: But your bank can say, hey?

10 **MS ALLANA:** I am sure the bank will be able to tell us where it came from.

CHAIRPERSON: Ja, if you can arrange that because you, being the client, it would be a matter of going to the bank or phoning them and ...[intervenes]

MS ALLANA: They will give me the name of the account it came from.

CHAIRPERSON: Ja, we need something that says that in regard to this transaction, this deposit or transfer that came into this account and such and such a date, it came
20 from whose account in which bank and so on. Ja, that is what we need.

MS ALLANA: Yes, okay.

CHAIRPERSON: Okay.

ADV SELEKA SC: Thank you and just before you go back, I see the pages that come after that page A14.

MS ALLANA: [indistinct – dropping voice]

ADV SELEKA SC: I beg your pardon?

MS ALLANA: Oh, the pages after 14 is [inaudible – speaking simultaneously]

ADV SELEKA SC: That is right, yes. HA15 and so on.

MS ALLANA: Yes.

CHAIRPERSON: Well, let us deal with them.

ADV SELEKA SC: Yes.

CHAIRPERSON: At page 353.261.45 there is – what is
10 that? What is that document?

MS ALLANA: It is a passport copy.

CHAIRPERSON: Both passport copies.

MS ALLANA: That is Mr Rajesh Gupta's passport copy.

CHAIRPERSON: And it is written Rajesh ...[intervenes]

MS ALLANA: Rajesh Kumar Gupta, that was his full
name, yes.

CHAIRPERSON: Yes. And it has got his identity number
there.

MS ALLANA: Yes.

20 **CHAIRPERSON:** And that is his picture.

MS ALLANA: Yes.

CHAIRPERSON: Do you know that, have you met him?

MS ALLANA: I have never met him.

CHAIRPERSON: You have never met him.

MS ALLANA: No.

CHAIRPERSON: But was this – was his passport given to you?

MS ALLANA: Yes.

CHAIRPERSON: And you ...[intervenes]

MS ALLANA: He – it was emailed to me by Mr Chawla.

CHAIRPERSON: By Mr Chawla.

MS ALLANA: Yes.

CHAIRPERSON: Okay, that was for purposes of [inaudible – speaking simultaneously]

10 **MS ALLANA:** Yes part of – we needed everybody's passport details because when they travel we have to make sure the name is exactly the same on the passport and we need to insert the passport numbers in the bookings to do their online check-ins or visas, everything related to travel yes.

CHAIRPERSON: Yes, and then the next page that is 353.261.46.

MS ALLANA: That – yes that is Mr Salim Azeez Essa's passport copy.

20 **CHAIRPERSON:** Yes, and there's an ID number provided there.

MS ALLANA: Yes.

CHAIRPERSON: And the picture there, is that his picture?

MS SOOLIMAN: That is his picture.

CHAIRPERSON: Ja, you said although – did you say although you didn't interact with him, but you knew him?

MS ALLANA: Well, I knew his picture yes.

CHAIRPERSON: You knew his picture.

MS ALLANA: Yes.

CHAIRPERSON: Oh, but had you met him even once?

MS ALLAN: I met him only once like for two minutes, I think I went to go drop off a ticket or a passport, it was just basically outside ja.

10 **CHAIRPERSON:** Okay, alright and we go to the next page, namely 353.261.47, what do you have there on that page?

MS ALLANA: That's Mr Mosebenzi Joseph Zwane's passport.

CHAIRPERSON: Yes, and did you ever meet him?

MS ALLANA: No, never, this was also sent to me via email.

CHAIRPERSON: Yes, and who sent it to you?

MS ALLANA: I cannot recall...[intervenes].

20 **CHAIRPERSON:** You can't recall?

MS ALLANA: Yes, it could have been Chawla.

CHAIRPERSON: Yes, okay what purpose was his...[intervenes].

MS ALLANA: Also, to make the flight booking.

CHAIRPERSON: To make the flight booking?

MS ALLANA: Yes.

CHAIRPERSON: It means Mr Mosebenzi Joseph is one and the ID number is provided, and his picture is given there and then the next page 353.261.48?

MS ALLANA: This is Mr Surya Kant Singhala's passport.

CHAIRPERSON: Ja.

MS ALLANA: He is Mr Rajesh Kumar's nephew.

CHAIRPERSON: Rajesh Kumar Gupta's nephew?

MS ALLANA: Yes.

10 **CHAIRPERSON:** Okay.

MS ALLANA: He is Mr Ajay Gupta's son.

CHAIRPERSON: Okay, was he travelling as well?

MS ALLANA: Yes, he was travelling, although I think, his route was – I don't know if it was the same, I can't recall, it could have been the same, I have the ticket attached but...[intervenes].

CHAIRPERSON: Yes.

MS ALLANA: The routing, let me just check that the routing was the same.

20 **CHAIRPERSON:** H'm.

MS ALLANA: Yes, he also travelled on the same routing.

CHAIRPERSON: Oh, okay and just for the sake of completeness, page 353.261.49, what is that document?

MS ALLANA: This is Surya Kant Singhala's Indian passport. So, he held two passports, one was Indian, and

one was South African.

CHAIRPERSON: Do you have any understanding as to whether he was related to anybody among these people?

MS ALLANA: Yes, he was Mr Ajay Kumar's son which was Mr Rajesh Kumar's nephew.

CHAIRPERSON: H'm, yes and the next page 353.261.50, what is that document?

MS ALLANA: The back page of Mr Surya Kant Singhala's Indian passport, the back page, the bio data page. If you
10 look at that page you can see, name of father is Ajay Kumar Gupta, name of mother is Shivani Gupta.

CHAIRPERSON: And then the next page 353.261.51, what is that document?

MS ALLANA: This is Mr Ashu Chawla's passport.

CHAIRPERSON: Yes, did you ever meet him?

MS ALLANA: Yes, I met him.

CHAIRPERSON: That is his picture?

MS ALLANA: This is his picture.

CHAIRPERSON: Ashu Chawla and the ID number is still
20 there.

MS ALLANA: Yes.

CHAIRPERSON: Was he also going to travel, or he was not travelling?

MS ALLANA: No, he was not travelling on this trip he just initiated the booking – well not initiated the bookings he

was involved in making the bookings or changes to the bookings as *per se* and I sent all the emails of the tickets to him.

CHAIRPERSON: Okay, Mr Seleka?

ADV SELEKA SC: Thank you Chair. The – was this the only or were there other bookings that you have had to make for Mr Zwane – involving Mr Zwane?

MS ALLANA: When I checked initial records with regards to his name, I could only pick up this one, so I'm not too
10 sure if there were others, I don't think so because I did search all my emails with regards to past travel and this was the only booking, I could find.

ADV SELEKA SC: Yes, now in regard to Mr Chawla there is a paragraph in Ms Sooliman's affidavit ...[intervenes].

CHAIRPERSON: Well, before you go there, Mr Seleka, she says these are the only ones, I don't think that these cover some of the trips that are in the outer report, isn't it?

ADV SELEKA SC: Yes, no they don't.

CHAIRPERSON: But they were made – they appear to
20 have been made by Travel Excellence, isn't it?

ADV SELEKA SC: Not, the others, we could pick up these...[intervenes].

CHAIRPERSON: Well, the one, for example about the ...[indistinct] and Zwane, were they not made by Travel Excellence?

ADV SELEKA SC: We couldn't pick that up from the documentation.

CHAIRPERSON: Ja, but from the outer report, what's your recollection of who had made – the trip with the choir, the trip for the choir, my – or that may have been made by Mr Chawla, without the travel – without this particular travel agency.

ADV SELEKA SC: Yes, the – what is it, the information go to the extent of only showing that the choir travelled
10 with Mr Zwane and Mr Ashok Narayan.

CHAIRPERSON: H'm.

ADV SELEKA SC: But it doesn't indicate who did – arranged the bookings, the flight and...[intervenes].

CHAIRPERSON: Oh, okay, no that's fine, let's continue then.

ADV SELEKA SC: Yes, Ms Allana, there is a paragraph in Ms Sooliman's affidavit which is in a different bundle, Chair, I could simply read to her, or should we go there?

MS ALLANA: You can read it, it's fine, you can
20 read...[intervenes].

ADV SELEKA SC: I can just read it to you.

MS ALLANA: Yes.

CHAIRPERSON: I'm sorry, Mr Seleka I am trying to go back to the witness' affidavit, and I thought I had it...[intervenes].

ADV SELEKA SC: Ja, the page numbers – it's 261.5.6.7.8.

CHAIRPERSON: Just repeat?

ADV SELEKA SC: 353.261.5.6.7.8.

CHAIRPERSON: H'm this number is just too long [laughter].

ADV SELEKA SC: No, I'm giving you pages for the entire affidavit.

CHAIRPERSON: I only want the first page Mr Seleka.

10 **ADV SELEKA SC:** Point 5 Chair.

CHAIRPERSON: 353.261.5?

ADV SELEKA SC: Yes.

CHAIRPERSON: Okay, ja you can continue.

ADV SELEKA SC: Yes, Ms Allana, I will come back to your affidavit but because we're dealing with these names including Mr Chawla in her affidavit, Ms Sooliman was asked about this paragraph and she mentioned that you would be more – the appropriate person to ask about this and the paragraph reads in Eskom Bundle 18(B), just for
20 the record, page 1565.6, paragraph 22.7,

“A booking was requested for Mr Singh to fly from Johannesburg to Dubai on 24 February 2017 and back on 27 February 2017. I cannot recall who made this request, Mr Singh was issued with ticket number, and the number is given, we further also

booked a ticket for Mr Rajesh Kumar Gupta, for this flight together with visas for Mr Varun Gupta and Mr Surya Kant Singhala. The invoice was addressed to Mr R Gupta and was charged on – was charged to account number, C000349 which was the account belonging to Sahara Computers, the Gupta owned entity. The total amount invoiced was R134 560.00”.

To the extent that I’ve read, do you have any
10 recollection of this?

MS ALLANA: Yes, I do recall the booking with Mr Anoj Singh and Mr Rajesh Gupta and I’m sure Mr Singhala. The booking was made, the payment was invoiced to Mr Rajesh Gupta, if I’m not mistaken – the invoice, sorry was made out to Mr Rajesh Gupta but the payment, I think, came from an EFT, it was an EFT.

ADV SELEKA SC: Well, let me read further, it says here,
20 “To the best of my recollection I received a call from Mr Ashur Chawla who was our contact person at Sahara Computers who informed me that, a driver would be dropping off the money in cash. This indeed took place, seeing as a driver dropped off R170 000 in cash shortly thereafter, the difference could have been for settlement of outstanding fees on the account. This cash was again given to a

friend, who in turn made an EFT payment to our Travel Excellence, FNB account”.

MS ALLANA: Yes, so it was quite common, when Mr Rajesh travelled with another person, depending on the nature of the travel, either Sahara Computers would pay for it, or the other person involved. I cannot recall precisely but it could have been made by Sahara Computers.

ADV SELEKA SC: And then in a paragraph thereafter you
10 say,

“In the past we had frequently assisted the Gupta’s with booking flights for themselves or for other parties on the request of either the Gupta’s or Mr Essa, is that correct?

MS ALLANA: Yes, we often did do bookings for other parties on the request of the Gupta’s or for that matter, Mr Essa, whereby they gave us instructions to book. As you know, you can even see with Mr Zwane, we do not know him, but we were given instructions to book for him
20 travelling with the Gupta’s or even travelling with, maybe even solo but it was not – it was quite normal, sometimes, that they gave us other people’s bookings to book, even though we didn’t know the person travelling, personally.

ADV SELEKA SC: So, would you have known the Gupta’s prior to you establishing Travel Excellence or during the

time of its existence?

MS ALLANA: No, the Gupta's were introduced to us after Travel Excellence was initiated. So, they were referred to us by Mr Essa and they became our account holders after that, where Mr Essa stood guarantor and said to Samira, you know what, you can trust them, you can give them an account, you can do their bookings, you know, they're definitely good for their word. So, we gave them that facility and thereafter, that's when we held that whole
10 Gupta account and they in turn also gave us other referrals and booked for other people and we got quite a few referrals from Salim Essa, from the Gupta's, you know, other clients that we then built up a client base from – for Travel Excellence, you know, quite a big client base in that sense.

ADV SELEKA SC: This client base, referred to you by the Gupta's, were you able to determine whether these are Government officials, Ministers, or just ordinary people?

MS ALLANA: No, ordinary people, ordinary companies,
20 Sechaba Computers, just basically, normal companies, not Government officials. There were, for example, I don't know who Mr Zwane is but there were some names that I booked for, I didn't even know they were Ministers of high profile people, because we were just given names, and we were told book. So, I wouldn't even know if I was booking

for a Government or a high profile person but come later, then I realise, oh, this was a high profile person. So, the referrals for, maybe, high profile people, I think the Gupta's booked directly, but they gave us other companies, you know, normal companies we dealt with everyday travel businesses in that sense, not to say high profile people only as such.

ADV SELEKA SC: So, if we could, as the Commission then give you names of certain persons, you would be able
10 to search in your records as to whether these people, you would have booked for them at the behest of the Gupta's or Mr Essa?

MS ALLANA: Yes, if you gave me names, I could search my emails, our records, we have lost a few records, but I have emails which is dated a few years back and I could search as per the name, if you gave me a name.

ADV SELEKA SC: Okay, then, lastly there was a query raised by Mr Koko in regard to that R100 000 payment – well a cash slip which is signed by you, I think it's signed
20 by you for the R100 000 payment said to be – to have been received on the 20th of January 2016. Ms Sooliman says the payment was delivered at her house, but the cash slip bears your name and we were wondering how did that come about?

MS ALLANA: So, Mrs Sooliman never really issued any

receipts the receipt book used to stay in the office. If Mrs Sooliman received cash, it was at her house and she would WhatsApp me or call me and say, Halima I received so and so from Mr Essa or whoever it was being and I would issue a receipt or I would instruct the girls in the office, please issue a receipt because if I was not in the office then the receipt book is in the office. So, it could have been me or it could have been one of the girls and we would just issue a receipt based on her verbal consent that she received

10 the money. So, bear in mind, we're a small travel agency and when we started we weren't – we could not afford, like, big accounting systems so everything was done manually over the phone and you're trying to be a working mother, you're trying to juggle a whole lot of things, so there is that little bit of error, it's cash and she takes an EFT or if it was Mr Essa – you know, just small little minor things whereby you could have done some small little error on the receipt but generally we had a record of all the tickets issued and the monies coming in and we knew that it came from Mr –

20 Sahara Computer's account or Mr Essa account or Mr Anoj Singh account, we were aware of those details and also if they had accounts, payments would not come – if a ticket was R55 000, hypothetically, not necessarily we would get R55 000 they would give us R30 000, one week later R10 000 or – you know one week later R5 000, it would come in

batches which we would then allocate. So, when they say that the R100 000 is not allocated to this particular person or in Mr Koko's case it was not allocated to him we have – they have no ground to really believe that it's true because these people were booking on a continuous basis and the money was coming in on a continuous basis. So, we could not pin this amount was for this person as *per se*, we knew, okay it was for the Sahara account, put it to the Sahara account, this ticket was issued on the Sahara account.

10 Obviously, I'm not going to give you a ticket and not take payment for it, so if I gave you this ticket and it was on Mr Essa's account and the payment came for that, it was booked on the basis of this person. So, we obviously are not going to give you a ticket for free, Mr Chair, I mean, we would have got the payment for it. So, if they cannot prove otherwise that this payment was not made or we just gave a ticket randomly because we felt, you know, I want to give Mr Koko a ticket because I don't even know him, it sounds very ridiculous.

20 **CHAIRPERSON:** Well, did you have an account for Mr Anoj Singh?

MS ALLANA: No, not particularly Mr Anoj Singh, because Mr Anoj Singh was a referral for Mr Essa. So, Mr Essa stood as a guarantor for quite a lot of the new referrals we got because Mr Essa introduced Samira to Anoj Singh, Mr

Essa introduced Samira to Mr Rajesh Gupta, Mr Salim Essa introduced her to – you know, a few clients.

CHAIRPERSON: Okay, no, I'm asking because earlier on you did mention Mr Anoj Singh in relation to...[intervenes].

MS ALLANA: Well just like, example.

CHAIRPERSON: As an example?

MS ALLANA: Yes.

CHAIRPERSON: Okay, alright now you also say something along the lines that if a payment was made it
10 couldn't be pinned down to a particular person, is that right?

MS ALLANA: It would be pinned down to a particular account so if a payment was made and Samira got it from the driver and the driver says, okay this is from – example sake, this is from Mr Ashur Chawla or this is from Mr Anoj Singh or, it will be pinned down to that account and then I know, okay, this payment of R50 000 was for Sahara Computers, this payment of R50 000 was for Mr Essa, this payment of – obviously because of the tickets we issued
20 for those particular accounts.

CHAIRPERSON: Yes, well that would be in respect of somebody for whom you kept an account?

MS ALLANA: Yes.

CHAIRPERSON: Okay, for somebody that – for whom you didn't have an account would you always be able to pin the

payment to a particular person...[intervenes].

MS ALLANA: Yes, for people who did not have an account we would collect the payment straight away and allocate it to that person straight away, you know, hypothetically Mrs Allana came and booked a ticket, and it was R10 000 I would receipt it there and then issue the ticket only after the payment was received because we wouldn't issue anybody a ticket if they did not have an account with us, without the payment.

10 **CHAIRPERSON:** Yes, now Ms Sooliman gave evidence with regard to the role played by Travel Excellence in relation to the visas for Mr Koko and his two family members as well as the bookings at Travel Excellence made for Mr Koko and his two family members in regard to the flight from Indonesia to Dubai and from Dubai to Johannesburg and she said that Mr Koko's cost came to R100 000 and that Mr – I think Mr Salim Essa called and said that he would send a driver to drop off the cash which she says, happened but Mr Koko has put a letter from Mr

20 Essa's attorneys and that letter says that, that amount of R100 000 was in respect of Mr Essa's own trip. Now, with regard to your evidence saying you can't always – or you can't pin down payment to a particular person, what do you say about that?

MS ALLANA: Mr Chair, the likeliness of that R100 00

being for Mr Koko is like 99% because the figures are exact. The R100 000 and the invoice is R100 000 but in any case even through some 1% it is not for Mr Koko we still did receive the payment from Mr Essa for Mr Koko's trip because if not that R100 000 we received a payment on the 11th of January for R119 000, so it could have been that and then you know, when issuing the receipt they put this for Koko and that so – and maybe Mr Essa just also emailed and said, this payment is for my own personal
10 travel but being his own personal travel as in his account, it's going towards his account and all the people who are booked on his account, so it could have also meant that. Obviously, it's too old, we can't remember exactly but the fact of the matter is, the ticket was booked and we did receive money for it we would not give a free ticket.

CHAIRPERSON: Let me ask this question, you say, even if that R100 000 or in the unlikely event as – because you say there might be 1% chance, in the unlikely event that that R100 000 was not for Mr Koko, Mr Koko's travelling,
20 you say nevertheless, Mr Koko's bill was settled by Mr Essa because I guess because Mr Koko never paid...[intervenues].

MS ALLANA: I don't know Mr Koko, I don't know him and who gave the booking to me, it was Mr Essa.

CHAIRPERSON: Yes.

MS ALLANA: So, you, Mr Chair, would not come and pay for Mr Koko's bill if you did not initiate the booking, obviously the person who initiated the booking paid for it. This booking was done on Mr Essa's account, whether Mr Koko gave Mr Essa the money, I'm not sure but the booking was initiated by Mr Essa, the payment was put on Mr Essa's account so be it he paid me on the 18th or be it he paid me on the 11th the booking was on his account and the payment would have come from him.

10 **CHAIRPERSON:** So, you say, the payment for Mr Koko's travelling, I guess, and the visas came from Mr Essa?

MS ALLANA: Yes.

CHAIRPERSON: Whether it was that R100 000 or another payment, in the end it came from Mr Essa and he never said, you know, you have charged me for somebody that I had nothing to do with?

MS ALLANA: No, and Mr Koko did not pay so.

CHAIRPERSON: Mr Koko did not pay?

MS ALLANA: So bottom line then, who would have paid.

20 **CHAIRPERSON:** Yes, but you say that the request for Travel Excellence to make this booking had come from Mr Essa?

MS ALLANA: Mr Essa's email.

CHAIRPERSON: And you say he paid as well, okay, alright.

ADV SELEKA SC: Thank you Chair. Have you ever had to deal – or have you ever had to receive requests for bookings from a Ms Suzanne Daniels?

MS ALLANA: Never, I don't know who she is, I never heard of her, the only time I ever heard of her was now when this whole – she's all over the news, I don't know who she is.

CHAIRPERSON: How was – or let me ask this question, do you still have interactions or do business with Mr Salim
10 Essa?

MS ALLANA: No.

CHAIRPERSON: When did you stop doing business with him?

MS ALLANA: When – I think it was last year, he used to speak to Samira as I said, it was Samira's client, so it was last year when we were asked to give affidavits for the Hawks I think after that he had a fallout with her.

CHAIRPERSON: Yes, but was there a discussion about him stopping to give you business or he just stopped?

20 **MS ALLANA:** No, I think he – she would know better, but I think he just stopped talking to her yes.

CHAIRPERSON: Yes, how was your relationship as the organisation with him throughout the time that you...[intervenens].

MS ALLANA: Absolutely fabulous he was a very good

client of ours and he gave us a lot of referrals as a new upcoming company he really boosted our sales in the sense that he gave us a lot of good business. We had no problems, he had a very good relationship with Samira you know...[intervenues].

CHAIRPERSON: And he paid well?

MS ALLANA: He paid very well, we never had to wait for money, and he was a man of his word. If he told us, he would pay this money it would come he never stalled us for
10 payments he was a very honourable client in that sense, we never had to worry about money and if he stood guarantor for any other client we would actually not even hesitate. If he said, you know what, this Mr – this client is good, it would not be a problem at all because he was very honourable in his payment.

CHAIRPERSON: Would you have any reason, yourself, or Ms Sooliman, as far as you know, would you have any reason to falsely implicate him in having made these –
asked you to make these bookings if, indeed, it was not –
20 that was not the case?

MS ALLANA: No, never, we would not do that to...[intervenues].

CHAIRPERSON: You never had issues with him?

MS ALLANA: Never, we would not do that to him because he was really a good friend of Samira's, he was always

helpful, you know, and he gave us a lot of business. It's through him that Travel Excellence did prosper. Mr Chair, we as a small agency as we are – serendipity which had 420 travel agents in that consortium from 2013 till 2018 we won Top Agent Award every year and that was all through Salim Essa and his referrals.

CHAIRPERSON: Yes.

MS ALLANA: We would have no reason at all to put him down in any way, just the sad fact is, whatever his circle was, it's unfortunate.

CHAIRPERSON: And would you or your agency have any reason to say that he asked you to make bookings for Mr Koko or Mr Zwane or Mr Singh, if he had not asked you to do that?

MS ALLANA: Mr Chair, there would be no reason to lie, I wouldn't lie for anybody, but you have the emails, it's in black and white the proof is there. I can't say, you know, a spade is not a spade, he did initiate the bookings, the emails came from him...[intervenues].

20 **CHAIRPERSON:** He was a good man?

MS ALLANA: He was a good man. Whether he did it through or for Sahara Computers or whether he did it on behalf of another friend or whether he did it just, you know at the wrong time in the wrong place with the wrong friend, you know, that I'm not sure but he is a good man.

CHAIRPERSON: Okay, alright, anything Mr Seleka?

ADV SELEKA SC: Nothing further Chair.

CHAIRPERSON: Alright, thank you very much Ms Allana for availing yourself to assist the Commission, we appreciate it very much.

MS ALLANA: Thank you very much Mr Chair.

CHAIRPERSON: Thank you very much. You probably may be asked or Ms Sooliman to come back here to give evidence relating to other people, I think Mr Mantwa.[?]

10 **ADV SELEKA SC:** Yes.

CHAIRPERSON: And maybe one other person, I'm not sure.

ADV SELEKA SC: Yes.

CHAIRPERSON: But those arrangements will be made, thank you very much, you are now excused.

MS ALLANA: Thank you very much.

CHAIRPERSON: Thank you, we are going to adjourn the day session now, I'll adjourn for about 15 minutes and then I will come back, we will then start the evening session, Mr
20 Seleka, and your junior, can I see you in my chambers after we adjourn, we adjourn.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Good afternoon Mr Seleka, good afternoon everybody.

ADV SELEKA SC: Good afternoon Chairperson.

CHAIRPERSON: Yes.

ADV SELEKA SC: The next stream is here for the evening session. The next witness is Ms Baleka Mbete. She is legally represented. The Advocate will place himself on record.

ADV SEMENYA SC: Chairperson good evening to you.

CHAIRPERSON: Good evening Mr Semanya.

ADV SEMENYA SC: I am here representing the witness.

10 **CHAIRPERSON:** Thank you. Thank you.

ADV SEMENYA SC: Thank you Chair.

CHAIRPERSON: Thank you. And good afternoon Ms Mbete. Thank you, thank you. Yes.

ADV SELEKA SC: Just switch on the microphone.

CHAIRPERSON: Oh yes.

ADV SELEKA SC: Yes.

CHAIRPERSON: Ja. Okay.

ADV SELEKA SC: Chairperson my colleague Mr Freund will lead the witness.

20 **CHAIRPERSON:** Ja.

ADV SELEKA SC: But I will just stay for the swearing in or affirmation of the witness.

CHAIRPERSON: Yes okay. Good afternoon Mr Freund.

MS MBETE: Muted.

CHAIRPERSON: We cannot hear you from – we cannot hear

you this side. You probably need to unmute yourself.

ADV FREUND SC: Well no I will repeat myself. We were clear a moment ago. Can you not hear me now Chair?

CHAIRPERSON: Now we – now I can hear you.

ADV FREUND SC: Alright well if I might just repeat what I said. Good afternoon Chair, good afternoon Ms Mbete.

MS MBETE: Good afternoon.

CHAIRPERSON: Good afternoon. Yes. Okay Mr Freund will lead Ms Mbete's evidence from outside the borders of the
10 country because he – we could not hear your evidence while he was here but that is in order and thank you to Mr Seleka and his junior who have been able to assist as well. Registrar please administer the oath or affirmation. I do not know whether we – if we can hear you with your mask on Ms Mbete that would be fine but if we do not hear you there might be a problem but I think there is enough social distance. Are you comfortable to take it off?

MS MBETE: Yes Sir.

CHAIRPERSON: Yes okay alright. If you could take the
20 oath or affirmation.

REGISTRAR: Please state your full names for the record.

MS MBETE: My name is Baleka Mbete.

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

MS MBETE: No objection.

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

MS MBETE: Yes.

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

MS MBETE: So help me God.

CHAIRPERSON: Thank you. You may be seated.

10 **MS MBETE:** Thanks.

CHAIRPERSON: So let me take this opportunity to thank you Ms Mbete for availing yourself to come and assist the commission with regard to issues relating to Parliamentary Oversight. Thank you very much for availing yourself. Thank you. Mr Freund.

ADV FREUND SC: Yes (inaudible).

CHAIRPERSON: The witness has be sworn in. Yes you may.

20 **ADV FREUND SC:** Ms Mbete I hope that you have in front of you your own affidavit which commences in PO Bundle 5 at page 980. Is that the commencement of your affidavit and do you have that with you?

MS MBETE: Yes.

ADV FREUND SC: Number from the top left (inaudible).

MS MBETE: Yes it is here.

ADV FREUND SC: And then if you go place – please to page 996 is that your signature to this affidavit?

MS MBETE: 900 and?

ADV FREUND SC: 96.

MS MBETE: Yes Sir. It is my signature.

ADV FREUND SC: And can you confirm that this is a – this is your affidavit and are comfortable with the correctness of the facts in this affidavit?

MS MBETE: Can you say that again.

10 **ADV FREUND SC:** Can you confirm that the facts in this affidavit are correct?

MS MBETE: Correct Sir.

ADV FREUND SC: Thank you. Now Ms Mbete is it correct that some week ago or so you prepared a – a written version of what you intended to be your introductory remarks and that we find those at pages 998 to 999?

MS MBETE: 900 and?

20 **CHAIRPERSON:** 998 and when he refers to page numbers always look for the black numbers on the top left hand corner.

MS MBETE: Yes. 998 to 999 yes.

CHAIRPERSON: Ja.

ADV FREUND SC: And is it correct Ms Mbete that – that you have furnished to me there your revised version that (inaudible) not.

MS MBETE: Yes Chairperson.

ADV FREUND SC: I will come to those shortly. Ms Mbete if you go to page 1000 through to page 1004 can you confirm that that is a further document you prepared in relation to your testimony today headed Curtain of Matters related to the period of 2014 to 2019.

MS MBETE: Yes Chairperson.

ADV FREUND SC: Chair I will come shortly to deal with the revised introductory remarks but those are not yet paginated
10 in accordance with the system of the – of the commission. So in these circumstances I request leave that we admit as Annexure ZZ16 the affidavit starting at page 980 the further document to which I have just referred.

CHAIRPERSON: Before we do that Mr Freund I note that on the version of Ms Mbete's affidavit that I have although she has signed it the Commissioner of Oaths there is a stamp and there is some signature but I do not know whether that is the Commissioner of Oaths – the part where normally one finds the signature of the Commissioner of Oaths is without a
20 signature but I see there is a stamp and some signature but I do not know whether that is the signature of the Commissioner of Oaths. Do you – and of course it is not initialled – not every page is initialled but the initialling might be one thing is – this is the signature of the Commissioner of Oaths is the more important aspect. Unfortunately I cannot

read there but it may be that it is Commissioner's certificate – I certify that – but then it is not legible. Do you know anything about that part?

ADV FREUND SC: Chair might I intervene?

CHAIRPERSON: Sorry.

ADV FREUND SC: Might I just intervene?

CHAIRPERSON: Ja.

ADV FREUND SC: Just to indicate that the copy that I have which may or may not be a better copy than the copy that
10 you have suggests to me that a certain Warrant Officer who is a policeman well (inaudible) did sign and commission this – in this – in the version that is stamped but that is a matter that perhaps the witness could be in a position to confirm.

CHAIRPERSON: Does it indicate that – that police officer is a Commissioner of Oaths – the signature – the stamp?

ADV FREUND SC: No in fact on the contrary Chair now that I have looked at more carefully it certifies that it is a true copy of the original. So it is still on the stamp.

CHAIRPERSON: Ja. – Ja so of course the fact that she will
20 confirm or she has confirmed that the contents of the document are correct – true and correct will confirm only contents the same status as that of an affidavit. So maybe we should not be concerned about it but maybe it could be replaced after today with an affidavit that is properly commissioned so that anybody who finds it does not think

that it was an irregular affidavit. What do you think Mr Freund?

ADV FREUND SC: Chair that would certainly seem to be in order with me and since the witness is legally represented I imagine you could ask (inaudible) in that regard.

CHAIRPERSON: Yes. Mr Semanya what do you say?

ADV SEMENYA SC: I would agree with a resolution of the problem that I need an affidavit subsequent to her testimony.

CHAIRPERSON: Yes. Okay no that is fine. So – so Ms
10 Mbete after today if you could have this affidavit – the contents will be fine but maybe it can be printed again and be commissioned properly. It is obviously not your fault but the – maybe the person who signed the police officer is a Commissioner of Oaths but the certificate does not seem to describe him or her as a Commissioner of Oaths. So – but your legal team will assist in that regard. Okay we can continue.

MS MBETE: Thanks Chairperson.

CHAIRPERSON: We can continue. But you have confirmed
20 that the contents of the document let us call it an affidavit is – they are true and correct as far as you are concerned?

MS MBETE: Yes Chairperson.

CHAIRPERSON: Ja. Okay alright. Mr Freund continue.

ADV FREUND SC: Thank you Chair. Ms Mbete as we have already referred to you have now (inaudible) revised version

– revised written version of your introductory remarks. Is that correct?

MS MBETE: Can you say it again Mr Freund I lost something in what you were saying.

ADV FREUND SC: Is it correct Ms Mbete that you have now prepared a revised written version of your intended introductory remarks.

MS MBETE: Yes Chairperson.

ADV FREUND SC: And Chair I have been informed that a
10 copy of that revised written version should be on your desk,
is that correct?

CHAIRPERSON: Yes I have what I believe is the revised version separate from the bundle yes.

ADV FREUND SC: And Chair with your leave what I would suggest is that in due course we just add that to the end of this exhibit once it has been duly paginated.

CHAIRPERSON: Yes or it could replace the one that is in the bundle because I am told there is one that is in the bundle.

20 **ADV FREUND SC:** Alright.

CHAIRPERSON: And then with regard to the admission of Ms Mbete's affidavit shall we do that after we have one that has – that will have been properly commissioned or do you suggest this should be admitted

ADV FREUND SC: Chair my suggestion is it should be

admitted because the witness is going to be asked about it.

CHAIRPERSON: Yes.

ADV FREUND SC: In the – in the questioning today.

CHAIRPERSON: Yes.

ADV FREUND SC: And then we can stop them at (inaudible) duly commissioned properly attested affidavit.

CHAIRPERSON: Yes okay. You request that I admit it and mark it as Exhibit?

ADV FREUND SC: ZZ16.

10 **CHAIRPERSON:** 16?

ADV FREUND SC: 16.

CHAIRPERSON: Okay. The affidavit Mr Ms Baleka Mbete that starts at page 980 will be admitted and marked as Exhibit ZZ16. Okay.

ADV FREUND SC: Thank you Chair. Mr Mbete subject to the Chair's directions my suggestion is that this might be the opportune time for you to make the introductory remarks that you wish to make.

20 **CHAIRPERSON:** I give you that opportunity Ms Mbete to make your introductory remarks.

MS MBETE: Thank you Chairperson.

CHAIRPERSON: Yes.

MS MBETE: Chairperson today I appear here willingly to talk about my past role in Parliament as Speaker in the National Assembly and to convey my commitment to the

purpose and envisaged outcome of the commission's work.

I thought by way of introduction I should first share with the commission a little bit of my background.

Chairperson I left the country in 1976 and joined the ANC in Swaziland. I returned to South Africa in June 1990 and continued to work in different capacities towards the new South Africa's constitutional dispensation.

The key areas in which a lot of my life was contributed were for the advancement of women's rights and
10 I am also a devout cultural worker.

I was elected the first Secretary General of the ANC Woman's League after the unbanning. I was part of the ANC delegation to the South African Constitutional talks towards the interim constitution and later the final constitution.

I became Deputy Speaker of the National Assembly in 1996. I had since spent many years being part of the leadership of the evolving legislative sector in the new democratic state.

In my last term in Parliament, I saw the finalisation of
20 the Rules Book the 9th Edition in the National Assembly and led the high level panel program at the Speaker's Forum as its Chairperson.

I was a founder member and National Convenor of the Progressive Woman's Movement of South Africa in 2006. My first experience at leading a national non-partisan entity.

During the transition in 2008 I was appointed Deputy President of South Africa. At the 2007 ANC National Conference I was elected the first woman National Chairperson of the organisation.

In that role, I led the ANC's national program of marking the centenary of the ANC until the Centenary Conference in December 2012. My term as Chairperson ended in 2017.

At an international level, I was a member of the
10 Africa Peer Review Mechanism. I was also a founder member of the Pan-African Parliament and its committee on international relations.

I am currently a founder trustee of the National Liberation Heritage Institute of South Africa NaLHISA which seeks to pursue the unearthing better organisation and preservation of the history of our people's proud legacy of freedom

Having concluded the aspect about my background
Chairperson my understanding is that this commission gives
20 us the opportunity as a democracy in the making among other things to be self-critical and to honestly address the wax we see in the mirror as the commission listens to what happened in the past.

The need to enhance the capacity of Parliament is already part of the testimony before commission. I wish to

build on what has already been said in the – in this regard
Chairperson.

The first Parliament after the 1994 elections had the task to discuss the constitution in its capacity as the constitutional assembly to finalise the constitution making process which had started at the World Trade Centre and produced the interim constitution.

A schedule form of 34 constitutional principles was the basis on which the final constitution was to be judged by
10 the Constitutional Court.

Constitutional Principle Number 6 made provision for the three separate arms of the state which are the legislature, the judiciary and the executive and I quote:

“There shall be a separation of powers between the legislature, executive and judiciary with appropriate checks and balances to ensure accountability, responsiveness and openness.”

The political culture has since evolved which has
20 given the executive what in my view are unequal powers that meditate against the principle of separation in relation to the other arms in as far as procurement of finances from the National Fiscus or work of each arm is concerned.

The judiciary’s budget is through the Minister of Justice and Correctional Services and that of Parliament

comes through the Minister of Finance. This is not in keeping with the spirit of this original relevant constitutional principle – principle 6 if anything it is a practice which are unwittingly promotes the supremacy of the executive as opposed to the separation of powers.

One of the most important negative results of this has been that our Presidents role has been confined to head of the executive as opposed to him acting as actual Head of State as well.

10 As a Head of State the President's pre-occupation should be fairly spread covering all arms of the state as opposed to sometimes being so drawn into the nitty gritty of only one of the arms.

The President must be above the dynamics of every day priorities but must be reasonably accessible to all three arms of state.

The above are anomaly must change and the correct approach can be attained if a process which was left unfinished during the Fourth Term were to be finalised.

20 This was when the then Heads of the three arms of state engaged on the matter. And in brackets I have (Speaker Sisulu and Chairperson Mahlango from Parliament, Chief Justice Ngcobo and President Zuma) who had correctly gone back to the constitutional principle 6. The former DG in the Presidency Dr Lubisi Headed the technical team and he

was the one to retire most recently about a year ago. Had this process been completed we as a democracy would have learnt a lot from other countries that had been identified around the globe.

That exposure would have helped us improve our own system and I believe it is not too late to correct ourselves.

My view is that the committee's section in particular needs a great boost in terms of resources for them to extend the Portfolio Committee members capacity to do a lot more
10 by way of oversight. They could be better enabled to do oversight on more entities in their respective portfolios than they had been able to do so far.

In addition every MP needs a lot more to spread themselves across the many other different roles they play including in the constituencies and communities whose needs they have to help look after.

Correcting the imbalance which is referred to above would go a long way in improving Parliament's Oversight work in general and broadly the capacity of every public
20 representative.

The environment in which politics plays itself out daily is one in which our people remain very alert and sensitive to the often politically highly charged media reports.

Sadly not all media reporting is always based on

accurate factual and verified evidence. The Zondo Commission has heard testimony in this regard. As a result South Africa was shocked by my decision of the 8th August 2017 in relation to the secret ballot. It was unexpected as it was not in keeping with what had been dished out in the public domain for a very long time which had been contrary to reality and fairness.

Thank you Chairperson.

CHAIRPERSON: Thank you Ms Mbete. I must just say that
10 when the commission started in 2018 I think you were still the Speaker. I must just record that you provided very good cooperation to the commission in terms of various documents and records that it wanted and you assisted the commission with reports of various Portfolio Committees. Thank you for that. Thank you. Okay Mr Freund you may proceed.

ADV FREUND SC: Thank you Chair. Now Ms Mbete perhaps we could start with paragraph 1 of your affidavit that is at page 980. Just for the record can you confirm that you are a former Speaker of the National Assembly – that you
20 have served twice in that capacity; firstly in the period 2004 to 2008 and then secondly in the period 2014 to 2019.

MS MBETE: Yes Chairperson.

ADV FREUND SC: Ms Mbete I am then not going to deal with paragraphs 2 through to 9 in which you set out so legal background which the commission is familiar with. If I could

take you to paragraph 10 of your affidavit page 983.

MS MBETE: Yes Chairperson.

ADV FREUND SC: I just would like to give you a brief opportunity to – to make the points that you – that you make in paragraph 10.1 through to 10.9 where you are drawing attention and I do not think there is any controversy about this to some of the instruments which exist and which have been created by Parliament in order to discharge its constitutional oversight mandate. Perhaps you would just
10 like to put on record very briefly what you see as these main instruments for oversight?

MS MBETE: Well there main instrument through which Parliament exercises oversight is the committee system.

It is the fact that we divide the members of Parliament into Portfolio Committees relating to each of the portfolios in the executive in order that those committees can have you know direct line of sight of what is going on in that particular portfolio including interactions with the relevant people that will be working across in the executive
20 that they would need information from and so on and so forth.

So committees are a very, very important part of the way through which Parliament exercises oversight because it is in those smaller collectives that members of Parliament are able to sit look into reports, look into issues, if they to

travel to various points of the country to familiarise themselves with the matters with which they are being informed by way of documents and reports and so on and so forth.

So committees are a major part but secondly we have various activities as the House through which questions for information for clarification or occasions are made possible for members of the executive to come and share information with members of Parliament.

So questions are very, very important and throughout the
10 calendar year there will be parts of the time that is allocated for those particular activities that would make it possible for members of the executive but in addition to that, you have the Head of the Executive being the President as well as the Deputy President, also coming on certain calendar days, that would have been agreed through the Parliamentary Programme Committee that it is time for them to appear before Parliament, to come and answer specific questions that would relate to those matters that are under their own particular responsibility, as would have
20 been shared between Parliament and the Executive.

So those are some of those activities and ways in which parliament does make use of certain mechanisms and tools that are there at their disposal to ensure that this oversight is exercised.

ADV FREUND SC: Before I can take you to paragraph

10.1 where you refer to the fact that there are as many committees of Parliament as there are portfolios of government. That is clearly correct. But an aspect that has been debated with your successor as Speaker, Ms Modise, also with your successor as Chairperson of the party, Mr Mantashe is, whether there might be value in some type of committee or committees or structure that focuses specifically on the President and the presidency, whether there should be, as it were, a Portfolio Committee
10 in relation to the presidency. Do you have any views on that question?

MS MBETE: That is a matter, actually, that has been, Chairperson, before Parliament for some time. The proposal has been made and we have been looking at it and turning it around and checking whether there really would be a reason why there would be a specific committee exercising oversight over a president who, in fact, has divided up the executive function in the various portfolios.

20 And as we know, in our country, we have got about 30, mid-30's number of portfolio of government and in the way Parliament structures itself it ensure that there is a collective of people looking specifically at each of those portfolios.

And really, the debate is still out there. I must not say we are done with it but there have not been

anything compelling, really, at this point. It does not mean there is no way or there will never be a day when the, you know, those that do not yet feel convinced there is a necessity, they are not convinced. Maybe a case can still be made.

ADV FREUND SC: Well, can I put to you for comment that actually a compelling case is illustrated by the history of the 5th Parliament that there were ongoing serious allegations implicating the President, the presidency, the
10 President's family and there was no portfolio committee that considered it within its rank – within its agreement to investigate and to deal with those and that might illustrate precisely why there might be merit in some type of committee with oversight over the President.

MS MBETE: Well, Chairperson, you will also agree that the issues that arose are around which there were many repulse and complaints and in fact a lot of noise in the fifth term. We are scattered in different portfolios that are already allocated to departments and ministries and,
20 therefore, the fact that part of the narrative would be referring to the role or other of the President, does not for me, necessarily make the case for a portfolio committee over the President.

It is the issues that must be looked at and as Parliament, actually in fact, provides for. When there is no

specific portfolio committee or maybe the matters are all over the place, we create an ad-hoc committee. Those are the times we create ad-hoc committees and we take members that are sitting in different portfolio committees to the extent that they would be relevant and they are insights and they are exposure and knowledge, would be relevant.

They would be brought together in an ad-hoc committee to deal with those matters and that was what was done whenever it was necessary during the fifth term.

ADV FREUND SC: Well, Ms Mbete, you would be aware that this Commission has heard quite a bit of evidence on this very topic and the evidence shows that a proposal debate on the floor of the National Assembly in September of 2016 for an ad-hoc committee to investigate allegations of state capture was rather(?) defeated by the African National Congress MP's.

Does that not indicate precisely the opposite of what you just said, namely, that Parliament did not use the ad-hoc committee structure which was available to them in circumstances when there was a need to do so?

MS MBETE: Now the subject of ad-hoc committees was very often a reason to have disagreement in particular when some members of Parliament would be arguing for an ad-hoc committee and in our view, who – we who run

Parliament and I am talking about not just the presiding officers but the management without whom we cannot, actually, play our role including the legal department and the administration of Parliament.

In each House, there is a secretary who has other managers under them. We would always examine the case that would be argued in particular or very often from the opposition benches, so, and ad-hoc committees as if you just create ad-hoc committees just for the sake of it.

10 Every portfolio in government has a portfolio committee that corresponds with it. When in the rare occasion there is a necessity to bring people from different portfolio committees and create an ad-hoc committee even in the 5th Parliament, as the affidavit makes out, we created ad-hoc committees but you do not just create an ad-hoc committee because somebody has thought of it and they think it is the best way.

 Why can we not use an existing portfolio committee? It is the first question we would ask ourselves.
20 And only when we are convinced that no one portfolio committee is able to take on whatever it is that needs to be looked into, only then do we go of the ad-hoc committee and we take people from different portfolios because, Chairperson, taking people away from their portfolio committees adds to the volume of work that MP's have.

And Chairperson, I want to tell South Africa. Members of Parliament work very hard. Members of Parliament have a lot of to do. There are 12-months in a year. It is not an easy time. It has got to be divided into bits and pieces because they have got to dash off to that corner of the country to do constituency work.

They have got to go and do political work. They have got to go and do oversight work. Not all the time. Not all the year is oversight. In fact, I think there is
10 somewhere where I am pointing out that in the current term only 11-weeks are set aside and once that programme – because remember the programme is not decided by one person.

We are all in a committee that is, in fact, a committee of all parties, a multi-party committee. It meets every Thursday to discuss the programme of Parliament. So where you must take time away from what already is in the programme is not an easy decision to make but now and again it becomes an easy ball in the political of cause
20 which are always part and parcel of the environment that Parliament has to conduct its business in.

CHAIRPERSON: Can I take you back to the question Mr Freund asked ...[intervenes]

MS MBETE: Yes.

CHAIRPERSON: ...about a portfolio committee that would

be dedicated to performing oversight over the President or presidency? Is part of your answer that when one has regard to the fact that the President would have divided his or her, because we are not talking about the party ...[intervenes]

MS MBETE: Yes, you never know, hey.

CHAIRPERSON: [laughs] Ja. His or her executive authority among various ministers' portfolios.

MS MBETE: H'm?

10 **CHAIRPERSON**: When you take that into account, which means that any issues that relates to those portfolios would go to the particular portfolio committees.

MS MBETE: H'm.

CHAIRPERSON: When you take that into account plus the fact that Parliament has the power and opportunity of establishing an ad-hoc committee ...[intervenes]

MS MBETE: H'm?

CHAIRPERSON: ...when an issue has arisen that does not fall under any of the portfolio committees or that
20 cannot be dealt with by any one of the committees. Is part of your evidence that that should take care of any situation that might arise where there is a need for oversight or for certain issues to be looked into relating to a president?

MS MBETE: In fact, Chairperson, my evidence is so far. Having worked in that environment, I know that if anything

arises for which we do not have a specific structure, we would form the necessary structure, make it an ad-hoc committee because it is a matter for which there is not a permanent structure but it – you give it and you use the necessary human resources that are around you.

And you get it to – you agree the terms of reference and those terms of reference would be agreed to in a multi-party structure. So the chances of blaming one party for being protective or something of the President.

10 No, you agree a structure and you get it to have all the resources that it needs and you get it to look at the specific issues that are the problem.

CHAIRPERSON: H'm?

MS MBETE: And after that, you let the MP's go back to their other jobs which are the various portfolio committees because every MP would belong to at least two portfolio committees.

CHAIRPERSON: H'm, h'm.

20 **MS MBETE:** Now if you look at the volume of work in front of each portfolio committee. For each MP to get on top of the subject of the portfolio they are working in is a very difficult job. And therefore, you know, you really want to give them the chance to master the portfolio in which they must be more, you know, have insight, more in that particular portfolio or two.

CHAIRPERSON: H'm. Of course, a challenge with regard to creating an ad-hoc committee or a committee – ja, an ad-hoc committee to look into certain issues that may have arisen at a particular time in relation to a particular president. A particular challenge that might arise would be if the majority party does not even want that committee to be established because that party – that committee can only be established if the majority party goes along. That you would accept?

10 **MS MBETE:** That is not a major problem in Parliament, actually.

CHAIRPERSON: H'm?

MS MBETE: This issue of – you know, I hear a lot of noises being made here in this Commission.

CHAIRPERSON: Yes, yes.

MS MBETE: Especially by honourable members for – in the opposite benches. There is no issue that is not canvassed, that is not processed by the whips in Parliament and it is among the whips if you want to really
20 process something to a level where there is what we used to call sufficient consensus.

CHAIRPERSON: H'm?

MS MBETE: The whip is really the engine because it is a multi-party body. If for some reason there is a convincing argument being made – in fact, the Chief Whip is going to

be able to think about it and discuss it and even bring it forward to other colleagues including in the majority party.

So it is not impossible for things because they were not originating from the majority party to be agreed upon if, in fact, there is a good reason and they are argued, they are put on the table. People look at the issues and they tend to agree to convince each other across the political parties.

CHAIRPERSON: So you say the difficulty, if there is any
10 in that regard, is not as big as it might seem but – or you say there is no difficulty at all?

MS MBETE: There is no difficulty. You know – and you know, Chairperson, we each have our own little moments where is a pain you suffered and it never goes away and therefore wherever you go and you tell the story of your term or your time in Parliament, it is that particular pain.

And yet, actually, it was not like it was bringing the whole country down. Yes, proposals were made by MP's to make ad-hoc committees, to create ad-hoc
20 committees. They were looked at. Nothing was ever dismissed just out of hand. We would take those proposals and turn them around, as I say. We would use, of course, the insights of the Committee Section, both the House Chairperson, the relevant house chairperson as well as the management, the senior management in that particular

section, the Committee Section to look at the viability of a proposal of an ad-hoc committee.

There is no magic in an ad-hoc committee. An ad-hoc committee is – remember it is a group of MP's brought together. So you will take them away from somewhere else where they are doing work where they are actually focussed on and my point is.

Only when it is absolutely unavoidable must you take people away from their jobs for which they hardly
10 have enough time, enough energy, enough resources, you know, because these are the challenges of being an MP.

We go to other countries and we see how an MP is supported by ten different people, just one MP. He has a lawyer to himself, there is a researcher, you know, an administrator and you say: Wow! Our MP's work hard, Chairperson. If I say nothing else to convince you, let me convince on that one thing.

CHAIRPERSON: [laughs]

MS MBETE: Our members of Parliament work very hard.

20 **CHAIRPERSON:** Ja, ja. Mr Freund.

ADV FREUND SC: Thank you. Ms Mbetete, there has been overwhelming evidence before this Commission that by no later of March 2016 and, in fact, one can make a compelling case for a lot earlier than that but by no later than March 2016, there was enormous public concern

about allegations of corruption and state capture. And not one portfolio committee saw fit to adhere to requests to investigate those allegations. Does that not negate the evidence you have just given?

MS MBETE: What I am saying, Chairperson, is. In March 2016, MP's were very busy. What exactly they were doing, each of them, I will not be able to say here but it cannot be argued that they were sitting around, they had all the time and the consciousness and awareness and the
10 understanding about everything about what was going on and they did not do anything about it.

There came a time at a certain point, Chairperson, when, in fact, those issues, because you are right that in 2016 suddenly we were hearing noises and we were reading and seeing that they are disturbing reports about things that were happening, about which we were hearing rumours. No concrete information or understanding.

And because at that time when individual public
20 representatives are hearing these matters, they are not just sitting around... I am trying to just point that out. So when you say they did not respond, they did not go and do oversight. Maybe sitting in this point where we are with a lot of hindsight, we are stronger.

We, in fact, are better off than where those MP's

were in that moment in that year. So, at a certain point later, of course, things will come directly to them through reports to their specific portfolio committees, documents that they – that come to them and they have to pay attention to.

And yes, some of those matters started receiving attention, portfolio committee by portfolio committee at few portfolios. But what I am correcting, Chairperson, is a tone that seeks to suggest that when MP's had all the
10 knowledge and they had all the power given by legislation and the Constitution, they did not do anything when they understood. Probably, they did not understand as much as we do know.

CHAIRPERSON: I think, probably, Mr Freund will have quite a few follow-up questions on that. Mr Freund.

ADV FREUND SC: Thank you, Chair. Ms Mbete, this is not a matter of the benefit of 20/20 hindsight. We have got matters that the National Executive Committee of the African National Congress itself by March in 2016 regarded
20 as of the utmost gravity. And it appears that MP's could not be faltered for having the same insight, it does not bear scrutiny.

And what also does not bear scrutiny, I want to put to you, is the failure of members of Parliament and in particular the portfolio committees – let us leave aside ad-

hoc committees – to investigate these allegations which were widely publicised by no later than March of 2016.

MS MBETE: Chairperson, I know that testimony has been put before you, also, about certain information that came to the attention of the structure of the African National Congress and National Executive Committee that Mr Freund refers to.

I am also aware that the Speaker herself, when she was here, did raise the concern that you do not just
10 take something because someone has said it and you plunge it into the space of the Parliament.

And I want, Chairperson, an occasion when - at that time, I was – it was my first term as the Deputy Speaker and the Speaker was away, so I was the acting Speaker. When a document was slipped under my door and as it turned out when I read it, it was about the arms deal. The famous arms deal. Yesterday, the case was again postponed and so on.

That document had no signature, had no author
20 but yes it was containing scary things that were being claimed in this document. I had to apply my mind for hours and I took a decision. Parliament is very busy. We never have enough time and I must now take this dramatic document, yes, and say Parliament must take this into this programme. On what basis? Who is the author? And I just

did not act on it.

And I am saying this and if another opportunity like that happens, I would still decide that. I am not going to take this document, which in fact, is a lot of rumour, drama. Very concerning but it must have an author. Why is there no author? The person who has slit it under my door must come out, must face me and tell me they are concerned about this and that is why they are bringing it to me. Then I will act on it.

10 So the fact that someone tells us something does not put it in the kind of shape that, as a responsible person running this very complicated complex space, must take it and say in addition to every other havoc we have, here is something else. Find a way. Maybe create an ad-hoc committee.

So I am trying to, therefore, answer Mr Freund by saying the fact that the MEC was told something, in fact, just gave me to the status of a rumour.

CHAIRPERSON: Well, I do not think that anybody
20 suggests that anything that comes to the attention of members of Parliament, irrespective of its status or quality, must be a ground for a member of Parliament or members of Parliament to start doing something. I think nobody suggests that because otherwise Parliament will never do its work because there are so many of those things.

But at the same time, I think you would also agree that, probably, Parliament should not wait until there is the kind of evidence that may be would be expected in a court of law before it does something. So, probably, as I see it, I think the differences of opinion may well be at what stage should Parliament...

At what stage did Parliament have enough to be able to say: Well, some investigation should be done. We do not have something that is certain but what we have is
10 enough to justify that we investigate. I think that is where most of the people... They might differ about, in 2012, was there enough? Maybe no. In 2013, 2014? Maybe yes, maybe no.

But I think some of the MP's have said in 2017 when the Portfolio Committee to look into Eskom and so on, was established. At that stage, they thought there was enough. But there may be people who say there was enough much earlier. So what do you say to that approach to say nobody says take everything that get slit under your
20 door ...[intervenes]

MS MBETE: Sure.

CHAIRPERSON: ..and run with it but also nobody says wait until you have the kind of evidence that will be accepted in a court of law before you investigate. Because if you wait until then, probably there is no need to

investigate. Somewhere in between is – there should be a time when Parliament should say: Well, there is enough to investigate. What would you say to that?

MS MBETE: I say, Chairperson, you are correct and in fact, members of portfolio committees did take initiatives and started themselves, without being prompted, to look into what they had been picking up which were of concern to them.

And yes, there were tensions because, you know,
10 invariable – remember, when you are in Parliament you are – you continue to be yourself, the individual MP who must use your integrity to think through things, interact with your colleagues within the parliamentary system. Listen to differences from other parties, people coming from different parties, but also, there is always a political environment surrounding everybody and that goes not just for the people from the ruling party, it also goes for every other member of parliament from every political party.

So yes there would be those moments - for
20 instance, the portfolio committee on Public Enterprises decided for themselves that they want to look into the issues of Eskom and worked very hard on that issue. By the time the noise increases and in fact there is the Gupta Leaks and all of these things all over the place, indeed they were already on the way having decided for

themselves that they are going to do this work because also, people have different strengths. While others will be more easily frightened to think about if we do this, what happens to us. Others are actually strengthened by the very fact that there is something that looks smelly here and I think we should pursue it.

Most people, I want to say, that I was aware of, were the type that would not hesitate to pursue things just because, you know, of political considerations, for
10 instance, but that is a factor because parliament is a political environment.

CHAIRPERSON: Mr Freund?

ADV FREUND SC: Thank you. You said that some people might be frightened. Can I ask you, frightened of what?

MS MBETE: Of whatever fears they might have for themselves, for political careers, you know, but that is always a consideration in a parliamentary setup because, remember, you are not elected by people, you are elected by the party. You come there on that strength and that is
20 not like the worst thing that can happen to you in the world, Mr Freund.

ADV FREUND SC: No, I am not suggesting it is but it is a great public privilege and onerous responsibility to be a member of parliament and of course you are quite correct that nobody goes to parliament, as things stand, without

going there on a ticket of a political party.

Ms Mbete, can I take you to paragraph 27 of your affidavit please?

MS MBETE: 27.

ADV FREUND SC: You will see that that deals with what we refer to in this Commission as the Frolick letters of June 2017.

MS MBETE: Yes.

ADV FREUND SC: I am sure you will recall that period.

10 **MS MBETE:** H'm.

ADV FREUND SC: Can I ask you what role you played personally in relation to the letters that were sent by Mr Frolick to the Chairs of four Portfolio Committees at that time?

MS MBETE: What role I personally played?

ADV FREUND SC: H'm.

MS MBETE: I actually will not lie to say to you I remember crisply but by the time this was happening, this is the time of the Gupta Leaks.

20 **ADV FREUND SC:** That is correct.

MS MBETE: So we would have been talking. I mean, Mr Frolick himself, we would have been talking as Presiding Officers, we would have also talking in the political committee which is a structure that exists which we form each time after, you know, a parliament has been formed in

order to enable those members in particular of the majority party that are in the leadership to be able to come together as quickly as possible to share information, clarify matters to themselves, as a collective, and therefore, enable each one of us go back to your office with better understanding having benefited from the collective wisdom.

So we would have probably also gone through that, I imagine, probably in the political committee already and we would have probably called Mr Frolick to come in
10 specifically even if he would not have been a member of the political committee himself but for the specific reason of being able to collectively look at the issues that were facing the whole country, you know, we would have called him in to find out what information, what insights he, as the house chairperson concerned, he could share and shed light on so that we could then collectively reach a particular understanding to enable the Chief Whip to go back to his role as Chief Whip and having benefited from that collective wisdom and Frolick and I, because would
20 have worked in my – under myself, we would then have a further discussion talking more in detail about what he knew, what he understood. But, as I say, I cannot claim to you that I remember crisply what exactly was the detail of what happened at that time but I remember these discussions and the mood of the time.

ADV FREUND SC: Is it fair to say that you believe that this decision to facilitate portfolio committees becoming more active in relation to these specific allegations of state capture and corruption, would it have been preceded by some discussion in the political committee?

MS MBETE: I suspect so because it is exactly this kind of moment that would have been a very difficult moment in the country generally that your leadership must be ready to come together quickly, share information and therefore
10 empower themselves collectively to be able to get back to their leadership roles in the different offices that they were playing a role in and therefore be able to lead with better understanding.

For instance, if I may make an example of how it would be helpful, the questions of where else some of these matters were receiving attention, would have been an important issue because as we in parliament were thinking where must there be an inquiry that must be encouraged. If it has not started we must actually ensure
20 that it starts. We would be interested to know whether in the security cluster there are any investigations going on because we would always – especially we in parliament, resources are a big issue, big area of consideration, so we would think there is no point in asking us or people here to start some investigation when, in fact, there is an

investigation happening somewhere else because remember, the national fiscus, we all draw from the same national fiscus, so there is no need in having to have, you know, number of investigations on the same thing, if you can avoid it.

ADV FREUND SC: Can I ask you please to explain to the Commission the different roles played by the ANC's political committee by contrast to the strategy committee?

MS MBETE: The strategy committee was actually the
10 Chief Whip's space. The Chief Whips, over the years, I have always known, would always create this little space depending on what was on the agenda at the time. For instance, what debates are happening at that time. Maybe we are going through budget votes so all those that come from the ANC would be invited to come there just to get a sense of strategy and who is dealing with what and then you go and do what you are supposed to be talking or focusing on.

CHAIRPERSON: Can I take you back to your answer
20 immediately before this one where you were saying the question of who else may have been investigating certain allegations would have been an important issue when parliament would have had to consider whether it itself investigates those allegations. Now obviously one can see that there is – that is a legitimate issue to consider

because of the limited resources that you are talking about because there would be – parliament would be alive to the need to avoid duplication of course and resources and so on but at the same time, if you take, for example, and investigation that is being done say by the Hawks or the police which they do for a particular purpose namely crime, it might take years. So parliament might be needing to understand why certain things are happening and what should be done by parliament to try and arrest the situation

10 and if they were to wait for the police to complete their investigations it might take long. So the question that I would like to ask is whether you would say the position is that parliament must just make a judgment call based on the situation at the time, it must make the decision whether to investigate, it cannot be a situation where they say all the time as long as the police are investigating, we will not investigate, it would always depend on the issues and all relevant factors. There may be cases where even if the police are investigating, parliament because of its

20 constitutional obligation and its desire to understand how certain things are happening might decide nevertheless that it would investigate. Would that be something you would go along with?

MS MBETE: Yes, Chairperson.

CHAIRPERSON: Yes.

MS MBETE: That is exactly the point, parliament would have to look at the kind of investigation that in fact can be done by parliament because parliament is not the police. You know, there are just things it would not be able to do because it is not designed that way, it is not about getting into that kind of detail of investigation like a forensic investigation. In fact, we send things of that nature to relevant structures in the security cluster but where there is some work happening elsewhere that we are conscious
10 of, we would look at it and see whether we really think we should get into it or we should wait.

There also came a time when – I think it was in 2016 what we decided that it was time to look at this matter of this Commission and that discussion started before 2017 and we were convinced that we needed to have such a Commission that would also be able to be given the kinds of resources it needs to get to the bottom of what is it that has been going wrong all over the place and so I am elated that we are here.

20 **CHAIRPERSON:** Thank you. Mr Freund?

ADV FREUND SC: Yes, thank you. I just want to go back to the political committee and the strategy committee. I understand – please just confirm, that you would have been a member of the political committee.

MS MBETE: I was member of the political committee

because I was – I am a member of the MEC.

ADV FREUND SC: Yes.

MS MBETE: So the political committee would be formed out of the leadership that would be in parliament.

ADV FREUND SC: Yes. The strategy committee, the ANC's strategy committee, you, as Speaker, would you have attended meetings of that committee?

MS MBETE: No.

ADV FREUND SC: No?

10 **MS MBETE:** I would attend maybe once when I am part of a debate, you know?

ADV FREUND SC: [inaudible – speaking simultaneously]

MS MBETE: And it is just – but it was not a place I went to – I mean, I did not go to caucus regularly, I went from time to time so strategic committee.

ADV FREUND SC: Meetings of the Chief Whip's Forum would you typically attend those meetings?

MS MBETE: No.

ADV FREUND SC: No?

20 **MS MBETE:** No, not unless I was invited because there was a particular matter the Chief Whip's needed the Speaker to clarify and so on. No, if the – so the late Jack Mthembu has furnished an affidavit but of course we have not had the opportunity regrettably to ask him some questions arising but in relation to this, what we call the

Frolick letters, if he says that this was ...[intervenes]

MS MBETE: In relation to? Sorry, I did not hear that.

ADV FREUND SC: To the letters ...[intervenes]

CHAIRPERSON: The Frolick letters.

MS MBETE: Okay, the Frolick letters.

ADV FREUND SC: I am in June of 2017. And he says in relation to those letters that the proposal that the portfolio committees or that there should be investigation by portfolio committees was discussed at the ANC strategy community at a Chief Whip's Forum meeting and he does not refer to any discussions involving Mr Frolick but Mr Frolick's evidence was as follows that on that particular day, the 15 June 2007, he was away – he was not at parliament for an understandable reason but on his return he was called to a meeting with yourself and with Mr Mthembu and there was a discussion which in due course resulted in him sending these letters. So what I am trying to piece together is what happened here factually in sort of chronological sequence. You have said that on the probabilities this would have been discussed in the political committee, would it be reasonable to assume that the strategy committee would have taken direction from the political committee?

MS MBETE: The strategy committee's leader would have been the Chief Whip. The Chief Whip was a member of the

political committee.

ADV FREUND SC: Yes.

MS MBETE: Because he was a leader, so he was part of the leadership collective that gave political leadership whenever it was necessary. As I say, what each person depending on the role they had been deployed to, a Chief Whip is a Chief Whip so he will sit with the other leaders, they have a discussion of what was obtaining, they would share perspectives and then they let go and they go and do
10 their each job, each one do their own job. So the Chief Whip might have already shared his thinking with some of the whips under him but I do not know. So I cannot quite say to you first there was a political committee of not, it might even have been the other way around, he might have come to the political committee, already having tested his thoughts or he – you know, these are human interactions.

ADV FREUND SC: I understand that.

MS MBETE: So we should see a parliament setting as a setting where here are human beings who have come from
20 various corners of the country, they have come very seriously to play a role to service the needs of our people. So he is the Chief Whip, this one is a Speaker, that one is the other thing, others are ministers. There are many more of them who are together there in being ministers and as part of the executive. So play leadership roles there in

those corners separately, we do not have to be instructed on the detail of how do you execute your leadership function in your own corner, no. We do not – I mean, we read that we are expected to be getting calls from Luthuli House. No, there is nothing like that, nothing could be more ridiculous than that. Who in Luthuli House has even an understanding of how parliament runs, you know?

So you take advantage of the collective to come together as the political committee, share your
 10 understanding, get information. Then you get to know, okay, someone else is doing something else about this same matter we are busy grappling with here in this environment so how then do we take it forward? So I hope I am answering you, I am clarifying your question, Mr Freund. If not please say so, I will try again.

ADV FREUND SC: Thank you. The Chief Whip's Forum is that a forum that involves whips other than ANC whips?

MS MBETE: Yes. It is a multiparty forum.

ADV FREUND SC: Multiparty structure.

20 **MS MBETE:** Multiparty, h'm.

ADV FREUND SC: Whereas the strategy committee and the political committee are African National Congress [indistinct – dropping voice]

MS MBETE: Yes, it will be the ANC people.

ADV FREUND SC: Right, now I want to go back to the 15

June 2017 because what Mr Frolick says and I just want to see whether you agree or disagree with what he says. He says that when he returned he was called to a meeting with you and Mr Mthembu and there was some discussion between the three of you about the proposal that had been raised by opposition MPs but now was the time for an *ad hoc* committee to be established. He says the three of you agreed that it was not time for that but it was indeed time to call upon the relevant portfolio committees to themselves investigate these allegations that are now very widely circulated. Do you agree with Mr Frolick's evidence on that?

MS MBETE: That we put our heads together the three of us, that makes sense. We probably had to do that quite often at certain periods that parliament would have been going through but that we said – I do not know the detail of we said it is not time for other committee and so on, I would not remember that kind of detail.

ADV FREUND SC: Well, these details are extremely important, that is why I am spending some time talking to you about them and what he says is that you personally – Mr Mthembu and him agreed that it would be best for the portfolio committees to investigate and then to report back to the house and that you then asked Mr Frolick to then write to the portfolio committee chairs concerned to give

effect to that. Do you dispute that, do you have anything to ...[intervenes]

MS MBETE: No, if you put it that way, Mr Freund – Chairperson, earlier on I said to you there are portfolio committees and what makes sense to anyone running parliament, as I was, is for things to go to the relevant space where they are every day having the people who are focused on them. Why created an *ad hoc* committee that pulls people from elsewhere? Let the portfolio committees
10 concerned deal with the issues. That would have made sense to me.

CHAIRPERSON: So is the position – or would it be fair to say you are saying you cannot remember there was such a meeting and that in that meeting there was a decision that creating an *ad hoc* committee was not the right thing to do but that the matter could go to the relevant committees is something that is consistent with your – what you would have wanted to do?

MS MBETE: Correct, Chairperson.

20 **CHAIRPERSON:** Yes, okay, alright.

MS MBETE: It comes more naturally.

CHAIRPERSON: Yes, okay.

ADV FREUND SC: Let me make clear that I am not particularly concerned about whether such investigative process such inquiries should take place in a portfolio

committee or in an *ad hoc* committee. I am not focusing on that at all for now. What I am much more interested in is the principle that you seem to be accepting and that is the principle that it is perfectly appropriate and to be expected that you, as Speaker, and the Chief Whip in consultation with the Chair of Chairs would take a decision to instruct that portfolio committees should now investigate these allegations. Do you accept that?

MS MBETE: I am not quite sure I am understanding...

10 **CHAIRPERSON:** Ja, you might have to repeat your question. I think the first part ...[intervenes]

MS MBETE: Because the thing you have said ...[intervenes]

CHAIRPERSON: The first part was not so clear.

ADV FREUND SC: Alright ...[intervenes]

MS MBETE: Because I understand, Mr Freund, the facts as you put them but I am just trying to figure out where is the problem area in what you are saying because we are talking about our job in parliament and we share this kind
20 of information all the time on an ongoing basis.

CHAIRPERSON: I think let him repeat the question so we understand, ja. Yes, Mr Freund.

ADV FREUND SC: Let me cover the same question from a different direction. There is to my knowledge nothing in the preceding five years remotely comparable to the four

letters sent by Mr Frolick to the four chairs of portfolio committees, letters from the Chair of Chair ostensibly on behalf of the Speaker and with the authority of the Speaker directing that the particular portfolio committees should investigate particular allegations. I want to check firstly that you agree that that is what happened, that you were party to a decision to issue such an instruction via Mr Frolick that there should now be these types of investigations.

10 **MS MBETE**: Chairperson, I am saying I have no specific memory.

CHAIRPERSON: Yes.

MS MBETE: But I am saying if it happened, in fact I have raised it and it makes a lot of sense to me.

CHAIRPERSON: Ja, ja, ja.

MS MBETE: Because that moment was a moment of great concern and noise and a lot of agitation and scary news in the public domain and as individual leaders and collectively whenever we had an opportunity we would put
20 our heads together to say what is going on?

CHAIRPERSON: So your response is you do not have a specific recollection of the meeting.

MS MBETE: No, I do not.

CHAIRPERSON: But bearing in mind what the atmosphere was around that time you would think it would be the right

thing to do that the relevant committees be asked to do investigations. Is that right/

MS MBETE: Actually, Chairperson, Mr Frolick would not have needed to mention that he has a discussion with the Speaker, he would have been playing a role that made sense that he should do that, he should give that leadership because that was part of his portfolio as the house chairperson relevant in relation to the work of committees.

10 **CHAIRPERSON:** Okay. Okay, Mr Freund?

ADV FREUND SC: It would be part of Mr Frolick's duties, as you understand them, when there was scary noise in the public domain to request relevant portfolio committees to investigate the allegations.

MS MBETE: Yes, Mr Freund. Yes, Mr Chairperson.

ADV FREUND SC: Now when referred a moment ago, I just want to check for the purposes of the record that you said at that time there was scary noise in the public domain. Did you have in mind when you said that the
20 allegations in and relating to the so-called Gupta Leaks emails?

MS MBETE: That would have been part of it, h'm.

ADV FREUND SC: What else might – what else, in addition?

MS MBETE: I do not know, Mr Freund, I cannot – unless I

read through somewhere where I read specific reports.

CHAIRPERSON: Yes.

MS MBETE: But the many wrongdoings that we unearthed in the Public Enterprises portfolio committee that came out as the Eskom inquiries were underway in parliament, the things that were happening at the SABC also which the Portfolio Committee concerned had gotten into even earlier than the others that were dealing with the Gupta leaks, so the amounts of monies that had been looted you know
10 those are the things that I find scary even today.

ADV FREUND SC: Yes, now the problem of course as you I believe understand is that those allegations were not made for the first time in June of 2017. In fact, allegations were made, for example, by a Deputy Minister in March of 2016, that he had been offered a very substantial bribe if he would assume the office of Finance Minister, and then do the bidding of the Gupta's from him, he says he received this offer.

That is just one example of the scary noise in the
20 public domain, not in June 2017 but in March of 2016. Do you agree that that was deeply disturbing and if you do agree, can you explain why you would not together with the Chief Whip, and Mr Frolick as early as March of 2016 have directed inquiries at the time that were only directed in June of 2017?

MS MBETE: Because there is logic in how an institution like Parliament does – it is very complex job. It would not just go class clutching at information that arrives, as I told you earlier on, even when I found a document under my door, I decided - and that was very early on in the first Parliament actually that I am not going to act on this, because it has no author, it has no face. It can be the basis on which I just read this thing and bring it here. But by the time you are referring to Mr Freund, Chairperson by
10 that time, I think there was enough to make even a person who was so fast asleep, to wake up and realise that no, there is something very, very wrong.

But even as they - that was being attended to, it could not just be a question of I have heard this now, I am dashing to go and instruct. There is a process, there is a program, there are structures, and therefore, although right now this very minute, I might not be able to answer you in terms of the detail of that specific question that you are asking.

20 I know that it would be a matter that would have been looked at not only by the opposition by all MP's, in the relevant spaces where that information was affecting them. Whether they did act or not, is a matter of detail and I would have to go and find the details.

CHAIRPERSON: The time...[intervene]

ADV FREUND SC: But, sorry Chair.

CHAIRPERSON: I am sorry, Mr Freund, the time that you refer to I do not want to put words into your mouth but I think you said something along the lines that even somebody who was sleeping would have become aware by that time that something needed to be done because of what was in the public domain. Is that in 2016, around the time when Mr Jonas made revelations about the Gupta offer?

10 **MS MBETE:** I remember the report of Mr Jonas, but by that time, also, there would have been a lot of public mobilisation.

CHAIRPERSON: Yes.

MS MBETE: So it was not only in Parliament or in the NEC of the ANC, by that time, I think people were mobilising in the streets, you know. I was going through this talking to colleagues saying, you know, it was the first time I saw white people toyi-toying in the streets, you know. So there was the unprecedented level of public
20 mobilisation simply around the issue of discoveries of wrongdoing including misuse of money.

CHAIRPERSON: Yes, so as I understand you, you are saying it is not just when Mr Jonas made the revelation even before that, as far as you are concerned, the stage has been reached where there was mobilisation in the

public domain, yes okay, Mr - of course, a few years earlier, that is earlier than the revelation of Mr Jonas, in 2013, there had been the Waterkloof landing of the Gupta aeroplane, which also seems to have caught the attention of many people in the country.

MS MBETE: It got my attention but at that time, I was out of Parliament for that term.

CHAIRPERSON: Oh, for that term, yes.

MS MBETE: For that term I was at Luthuli House and it
10 hit me, even that time.

CHAIRPERSON: Yes.

MS MBETE: That particular incident.

CHAIRPERSON: Yes, okay Mr Freund.

ADV FREUND SC: So that time of great public protest, it is a matter of record, there is a lot of evidence on it. But it commences long, long before June of 201 and the allegations that were being made very publicly, were really allegations of subversion of our entire Constitution, of improper influence over the highest levels of office, both at
20 the level of the Presidency, at the level of the Cabinet, at the level of Director Generals, at the level of Chairs of State of entities, at the level of Executive State owned entities.

And Parliament, was under an obligation to hold the executive to account, to oversee the executive and hold

the executive to account. Can you explain why that simply did not happen through the Portfolio Committees, or through an *ad hoc* Committee at all in 2016?

MS MBETE: I would have to go back to my submission to read about this specific question you are asking me now of 2016. But all I am saying Chairperson, is that we did what is contained in this submission. The record is here of that which was done, whether it was by way of questions to the President, questions to specific Ministers, that is a part
10 from the Portfolio Committees. That is a part from the motions of no confidence. So it is simply untrue to say the fifth Parliament sat through a massive amounts of corruption and did totally nothing. It is not true.

What did happen is here might be inadequate and yes, I dare say actually it was inadequate, because the resources are not adequate. The capabilities, even as the other testimonies have been put before the Chairperson, and we hope the Chairperson will highlight that matter, the capability, the resources need attention.

20 **ADV FREUND SC:** And now may say Ms Mbete that I for one, take no issue with the facts that you set out in your affidavit as to things that did not happen. But I am focusing particularly on Portfolio Committees as engines for ferreting out the truth and bringing about accountability, for the very same reason that you emphasise that right at

the outset of your presentation this afternoon.

When you said that is the engine of oversight. I want to put to you for the last time because I think we have covered this material. But it is at that level, that the failure really took place, the failure of investigation, inquiry and holding the executive to account in relation to allegations that had an ostensible credibility and were extremely serious.

MS MBETE: Chairperson, I do not deny that there were
10 failures, that is not my point but I am saying a lot more could have been done. If, for instance, the fortunate place where we are now, where we have put a lot of research and investigative powers, we have put a lot of resources precisely as we had thought originally, it would work. It is good that we now know what we know. So that we know how to correct it. That it went wrong, yes, it went wrong, it is true.

ADV FREUND SC: Right. So let us now from my side try to be more constructive. I wanted to focus on some of the
20 issues, which you highlight in your affidavit. Firstly, if I can take it to paragraph 20 of your affidavit.

CHAIRPERSON: Did you say paragraph 20?

ADV FREUND SC: Paragraph 20, it is page 988. I think this may have been the paragraph you had in mind Ms Mbete when you referred quite some time ago, to Portfolio

Committee sitting for 11 weeks a year. In fact, what you said here is ten and a half weeks a year.

Now, I have no reason to dispute that what you say is correct, but it does strike me as a matter of concern. If one of the core functions of Parliament is to hold the executive accountable? If it is correct, that only ten and a half weeks of the year, the Portfolio Committees engaged in this type of activity. Is that not a matter in itself, that should be of concern to us?

10 **MS MBETE**: We hope so that is why it is a good thing that it is here, it is before the whole of South Africa so that we know what is going on in our institutions and we can therefore understand when cases are being made about what must change, and what needs to be put into creating better capacity for this institution to work better.

ADV FREUND SC: Now, the second factor that you have highlighted and it has been highlighted by other witnesses is the question of budget, the budget for Parliament and in particular budget for Portfolio Committees, but I am a little
20 puzzled and you could assist to educate me.

When the Speaker of Parliament complains, that the resources available to Parliament for it to carry out its functions are dictated by the executive. It had always been my impression that the executive needed to come to Parliament for its budget to be approved.

In other words, that the ultimate decision maker is Parliament and not the executive. Do I misunderstand the situation?

MS MBETE: No, you do not Mr Freund, you do not but it is a complex relationship, it is a complex process working relationship, how the whole thing starts, who determines amounts. But it is a matter that we are proposing., I am proposing needs attention. In particular, in my introductory note, additional document, I am actually reminding us that
10 in the fourth term, when I was out in the head of the ANC, the President and the other heads of other institutions started to have this discussion about what was not right, but they did not complete it.

And it is correct to say the budget of the executive even comes to Parliament, so that it goes to the relevant committees that receives the necessary detailed attention and then it comes to the house and it gets adopted and all of that.

But the actual reality is at the beginning of the
20 process of getting to decide how and the quantum of what is procured by Parliament for itself, for its own workers as an arm and the other - the judiciary is not satisfactory. But I am just introducing a matter that I think needs a lot more detailed attention.

CHAIRPERSON: I think it is an important issue because

Parliament's constitutional obligations in regard to oversight and holding the executive accountable is very important for the country, it is very important and yet, if it does not have resources, it cannot really do its work properly.

Obviously, one, we all know that resources are limited and it is always difficult to reach a point where you say, I have got adequate resources. But from what I have been hearing, it looks like there is a lot of improvement in
10 terms of Parliament, in terms of resources. Yes, Mr Freund.

MS MBETE: Now, Ms Mbete I was being quite, quite straight with you when I asked you to help to educate me on this question of Parliamentary oversight in respect of the budget, because it seems to me the very little I have looked at this afternoon, which I have looked at only in response to what you just admitted to us

But that the situation is far from simple and that I have just downloaded off the Parliamentary budget office
20 website a document that explains how the budget operates and the whole budgeting process and so forth. But right at the end of it, it says this under the heading amended power:

“The budget bills are money bills, ones with appropriate money where it imposes taxes, levies or

duties. Although the Constitution says an Act must be passed to allow Parliament, to allow to amend money bills, this has not yet been done. At present, Parliament can only either accept the bill as it is or reject it entirely.”

So my first question to you arising from that is, whether as far as you know, that is correct and remains the situation right now?

MS MBETE: I think that question should have gone to the
10 Speaker, maybe I am not the right person, for me to answer that question at this moment.

ADV FREUND SC: You are not sure.

CHAIRPERSON: But when you left in 2019, was that the position?

MS MBETE: Yes, it was.

CHAIRPERSON: Ja, it probably has not changed, but we can check. Okay, alright, Mr Freund.

ADV FREUND SC: And does that mean Ms Mbete, that although Parliament may take the view, that what is
20 proposed by the Minister of Finance when he introduces a budget, as being the allocation for Parliament, is in its view, insufficient. And for present purposes, I am focusing specifically on insufficient to enable it to perform its oversight functions.

MS MBETE: It's always...[intervene]

ADV FREUND SC: The situation as you understand it, that Parliament can do nothing about this, it can either accept the budget and reject the budget, but otherwise has no power to determine.

ADV FREUND SC: It is not that we cannot do anything, we could use the money bills in a space that exists but we make the choice for stability.

ADV FREUND SC: I see, so you are saying as I hear you that Parliament has acted consciously not to rock the boat
10 and has accepted the consequences of that?

MS MBETE: No we have raised the issues, we have had interactions in fact at a certain point, we took the issues up as the Speaker's forum. In other words, the forum that includes the Speakers of all the legislatures from around the country, because they are even in a worse situation, because they relate to their MEC's of Finance and invariably the relationships there are very tricky.

And so we took the issues up with the then Minister of Finance Pravin Gordhan at the time to initiate this
20 engagement to say, you know that this relationship does not work okay. In other words, we were looking at it from a political point of view saying let us first put the issues on the table just peacefully to explain to one another where we are each coming from.

How this situation affects us adversely and in fact

when he left, we continued with Minister Gigaba. So the whole legislative sector were seized with the matter when I left. We had started discussions even with the current President.

CHAIRPERSON: I guess that it may be that Parliament and the provincial legislatures, but it is more convenient to talk about Parliament. Parliament may be has not - I want to say asserted its authority enough. Maybe that is not the right wording but from what you say, it seems to me that it
10 is a question of when Parliament wants to draw the line and say, we have had enough peaceful discussions now they have not led us anywhere.

So would you agree that it is a question of when Parliament would decide now the discussion, the peaceful discussions have not achieved anything, and we cannot allow this situation to go on forever, therefore, we will now take stronger action.

MS MBETE: Thank you, Chairperson for asking a question I cannot answer.

20 **CHAIRPERSON:** But well you might not be able to answer now but during your term you had the same problem.

MS MBETE: Yes.

CHAIRPERSON: Do you not agree that what I am saying would have applied during your term?

MS MBETE: Yes, as I say, we have taken it up as a factor

and even started to engage the Head of State at that time.

CHAIRPERSON: Okay, Mr Freund.

ADV FREUND SC: Can I change the subject, please, can I refer you to paragraph 22 of your affidavit.

CHAIRPERSON: paragraph 22 is at page 989.

ADV FREUND SC: You refer there to the following you say:

10 “It can be appreciated that the much harmonised
 and agile security environment would serve as an
 early warning sign regarding covert operations,
 such as we have come to know about a subject like
 State Capture.”

I would like to ask you a few questions arising from that. There is an Act of Parliament that creates the Joint Standing Committee on Intelligence and which requires that committee to report annually to Parliament in relation to its oversight functions over the intelligence agencies. I presume you are aware of that, is that correct?

MS MBETE: Correct Chairperson.

20 **ADV FREUND SC:** I will refer to that committee as the JSCI. Is it correct that while you were Speaker for two or three years, it is not clear to me which it is, that committee failed to report at all to Parliament?

MS MBETE: I am aware of that, Chairperson.

CHAIRPERSON: Yes.

ADV FREUND SC: Can you tell us what you know about that?

MS MBETE: There is not much I can tell you Chairperson except that, indeed...[intervene]

CHAIRPERSON: It happened.

MS MBETE: It happened, and you know that it is an area that tends to work behind the scenes really.

CHAIRPERSON: In secrecy.

MS MBETE: And therefore we get deeply embedded in our
10 hands to accept that you do not go out of your way to be probing because it might even be misunderstood.

ADV FREUND SC: But, Ms Mbete you were the Speaker and if I understand you correctly, you were telling the Chair, that you were aware, the JSCI had failed in its legal duty which was a duty to Parliament which you led, is that correct?

MS MBETE: Chairperson, I do not claim to have a lot of recollection specifically about the JSCI I know that in the fifth term – there had started to be questions about the
20 reports that were due to the JSCI, but were not coming.

CHAIRPERSON: Were due from or by to Parliament?

MS MBETE: From - to the JSCI, which is a committee of Parliament.

CHAIRPERSON: Yes.

MS MBETE: So because this is an area that is generally

removed in its nature, and which, in fact has arrangements that are such that we have never had to be probing into that particular corner of things. So I was aware, at that time, very vaguely that there seems to be disquiet about something that had changed where the reports were supposed to be arriving from into Parliament.

CHAIRPERSON: So, but Mr Freund was speaking about reports that were supposed to be given to Parliament by this particular committee.

10 **MS MBETE:** The JSCI.

CHAIRPERSON: Yes, are we talking about the same thing.

MS MBETE: I am talking about the same thing.

CHAIRPERSON: Yes, okay.

MS MBETE: In order for the JSCI to do anything, it needs to receive reports...[intervene]

CHAIRPERSON: From somewhere else.

MS MBETE: From somewhere.

CHAIRPERSON: That is where you wanted...[intervene]

20 **MS MBETE:** That is where there seem to be issues.

CHAIRPERSON: Ja, okay.

ADV FREUND SC: Now, even if that were correct, it would not make the situation acceptable would it from the perspective of Parliament.

MS MBETE: Of course not, it cannot.

ADV FREUND SC: And now, the problem is even deeper because were you aware that for a period of two years, Parliament failed to discharge its legal obligation to appoint an Inspector General of Intelligence?

MS MBETE: I am aware Chairperson.

ADV FREUND SC: Well, could you explain to us how that could be permitted to happen?

MS MBETE: I think with a lot of these situations we are dealing with it is not a matter of things being allowed to
10 happen. They simply just do not happen, or they happen the way they happen and what we have since now been faced with is the revelations that did come out at a certain point during the fifth term and today, piece by piece, we are trying to unravel exactly what is the true nature of those matters was.

ADV FREUND SC: Would you accept Ms Mbete, that as Speaker, you bore a personal responsibility to ensure that that Parliament addressed two issues.

The first was the failure of the JSCI to report to
20 Parliament and the second was the obligation of Parliament to appoint an Inspector General of Intelligence.

MS MBETE: Chairperson, I did not hear what - I heard the last part, but I did not quite connect it to the first part of the sentence.

CHAIRPERSON: He said personal responsibility, I think

he said, he said would you accept - or maybe repeat it Mr Freund.

ADV FREUND SC: Chair, you are correct but what I am – we only focusing on here Ms Mbete because we have agreed already that this is an unacceptable situation and what I am really trying to establish from you is, whether you think that the person who was the Speaker at the time bore a personal responsibility to do whatever was necessary to address these two problems.

10 The first was the failure of the JSCI to report to Parliament and the second was the failure of Parliament to appoint an Inspector General of Intelligence.

MS MBETE: I am prepared to take responsibility if that is what I need to do Chairperson because I was Speaker, but that I could have done anything about it is a matter of detail that I do not sitting here I am not prepared to say I was consciously responsible for.

ADV FREUND SC: Are you inclined by that that although you now realise that those facts are correct at the time it
20 did not even occur to you that that was the problem.

MS MBETE: Not to the extent that I now know.

ADV FREUND SC: Alright. In paragraph 23 of your affidavit you deal with something that has also been debated in quite some detail before the commission. It is the problem of tracking resolutions.

MS MBETE: Yes.

ADV FREUND SC: Now the evidence of Mr Gordi if I recall correctly if you take SCOPA as an example but it would not be confined to SCOPA is that the Portfolio Committee prepares a report, submits the report to the House and then the ordinary course the House of Dots the reports of Portfolio Committees. Are you with me so far?

MS MBETE: Pardon. I am sorry Chairperson I ..

CHAIRPERSON: Oh he was just telling you what the
10 evidence has revealed.

MS MBETE: Of Mr Gordi

CHAIRPERSON: Revealed in terms of committees making resolutions and how they take them forward but the problem – one of the problems being to track whether they are implemented and so on by the executive. Did I get that right Mr Freund?

ADV FREUND SC: Chair maybe it would be simpler if I repeat and (inaudible).

CHAIRPERSON: Ja. Okay.

20 **ADV FREUND SC:** And do it slowly.

MS MBETE: Yes Mr Freund.

CHAIRPERSON: Ja.

ADV FREUND SC: Ms Mbete is it correct that it routinely happens that Portfolio Committees issue reports which are submitted to the National Assembly for consideration and

adopted it is called appropriate.

MS MBETE: Huh-uh.

ADV FREUND SC: And is it correct that that when those reports ...

CHAIRPERSON: That was yes.

MS MBETE: Pardon.

CHAIRPERSON: That was yes.

MS MBETE: Yes.

CHAIRPERSON: Your answer. Ja okay.

10 **ADV FREUND SC**: And is it correct that when those reports contain proposals or recommendations or matters that need to be attended to the procedure is for the Speaker to convey that to the responsible Minister?

MS MBETE: Yes Chairperson.

ADV FREUND SC: Now the allegation made by Mr Gordi butt similar allegations have been made elsewhere they are consistent for example with the evidence of the late Mr Makwetu the former Auditor General the allegation is that there was in place – there was no process in place to track
20 and monitor to what extent if any Ministers responded to such requirements or instructions or recommendations. Is that factually accurate?

MS MBETE: It is true Chairperson. Actually I believe the mechanism is still missing and in my brief interaction with Mr Frolick I did find that it is one of the areas in fact that I am

also proposing must be strengthened, must receive attention.

ADV FREUND SC: And I think you address that if I can refer you to paragraph 25.1 of your affidavit, is that correct

MS MBETE: 25?

ADV FREUND SC: Point 1 at page 992.

MS MBETE: Yes.

ADV FREUND SC: Where you say

10 “I acknowledge that there may be areas with
follow up on the implementation of
recommendations may be improved and I am
informed that there are steps being taken to
address the situation.”

MS MBETE: Yes. Yes Chairperson.

ADV FREUND SC: What is the understanding of the situation right now if any if you have any inside knowledge?

MS MBETE: Not in detail but I know it is receiving attention because it is the one place in the committee section that could do a lot to boost the capabilities of the committee section to help us with the oversight function of Parliament.

20 **ADV FREUND SC:** I want to change the subject again. I do not want belabour the point but I want to take you to paragraph 28.

MS MBETE: Yes.

ADV FREUND SC: You will see that this is the paragraph in which you deal with the issue of criticism of the lack of

independence of the Speaker and I do not propose to get involved in the discussion about what you personally did or did not do when you were Speaker. There was or was not any bias. I do not think it would be constructive at all.

But I would like to discuss with the principle and here in your case you served as Chairperson of the African National Congress. You sat in on its meetings presumably of the NEC and you were a very active participating member of the ANC.

10 Do you not think that the person who serves as Speaker for the duration that he or she serves the Speaker should refrain from active involvement in the politics of the political party that appointed him or her?

MS MBETE: Chairperson it is not a point on which I can express you know violently strong views but I do not see that there is any problem with the current system we have. We have had that system since Frene Ginwala our first Speaker we decided this is our system and it has worked very well. Because also Chairperson every MP from every party comes
20 from a political party space that is why actually Parliament itself makes specific arrangements for them to satisfy that particular role of the reality of them having come from competition between political parties and that competition in the elections results in the people that get – the number of people that get elected and they end up being the MP's.

So that we must now pretend that this one person – I mean the very President themselves are President of their party. Everybody comes there as a member of a political party but you get there and you learn how to play your role in a specific responsibility you get given in that space.

So if you have to be the Chief Whip you are a Chief Whip from a party but you are also accepted and embraced as this person that coordinates the views of political parties represented by different Chief Whips.

10 So sometimes suddenly somebody just pretends there is a horrible thing happening. A person who is a National Chairperson of a political party is also a Speaker if that – that way that is how it is everywhere in the world. You come from a political party but you play a role and the question is are you playing your role according to the protocols of that role – of that office? Are you playing your role according to the rules of the institution of that particular office? And that is what guides a person who gets given the role of Speaker

20 And I used to always say in Parliament do you know that if you were to put to me a President of the country called F W De Klerk I would play my role as Speaker in relation to that President the very same way as I am playing for a President who comes from my political party because I understand the imperatives of the office I am in and the role I am playing when I am sitting in that chair.

CHAIRPERSON: At a practical – okay. At a practical level if there is an issue that your party has to deliberate on and take a position on and you are Speaker of the National Assembly and that issue is going to come before you and – and the deliberations you are part of the leadership of your party would you recuse yourself from those deliberations or would you be party to those deliberations and if you would be maybe irrespective of whether you would be part of the deliberations or not if you have to make a decision now
10 wearing your hat as the Speaker but you know that your party has taken a certain decision on the issue maybe you were part of the deliberations how does that work at a practical level?

Is the position that there ought to be and maybe there is understanding that even if you are part of the deliberations when you are sitting there you are wearing a different cap and therefore you are free to decide as you see it and there should be no complaints from the party that you made that decision maybe which they might not like. How
20 would it – how does it work practically?

MS MBETE: I do not know Chairperson whether you want us to go to the 8th of August.

CHAIRPERSON: I do not want to.

MS MBETE: Because it is a specific event that happened.

CHAIRPERSON: I am not touching anything.

MS MBETE: You are not being specific I know.

CHAIRPERSON: I am not being specific.

MS MBETE: But I am saying your description sounds very much like it fits that occasion.

CHAIRPERSON: I am -...

MS MBETE: It is a difficult moment. It is a very difficult moment but it is a moment for which if you have been Speaker you have been playing every day because every day you have to apply the rules on members of Parliament. Not
10 political parties sitting in the House.

When you are presiding over the House you see individual members of Parliament who have rights are allowed opportunities by the rules and that is what determines how you see what is happening in that House at that moment.

So that – because you have taken the oath remember so that oath is to your role as an impartial person not – in fact the first time I had to make a ruling over a MP who had done something and I had to do something drastic or chase
20 them out of the House or something it was an ANC MP. So you cannot play the role of an impartial arbiter if you are seeing parties. You must see ordinary individual members of Parliament who have rights in the House as people who have come to represent people out there.

It has so happened Chairperson that in our lifetime it

is one of those things that have happened in my own life, in my own role that I suddenly had to be in a space where there was this difficult choice of what position do I learned on as the Presiding Officer. Not as a member of caucus.

The fortunate thing is that as Speaker you hardly attend regular caucus meetings because the responsibilities you have on a regular basis are just so much that you will squeeze and make time and go all out to attend a particular caucus meeting of particular interest.

10 Maybe there is one of the leaders whom maybe the President is coming or the Deputy President or something like that but it is a difficult decision but you have to learn to play that role honestly to it – to the office. No other consideration and that is what happens.

And yes your neck can be chopped and that possibility is always there. So as you take that position you know your neck.

CHAIRPERSON: Ja I am sure it cannot be an easy position. Thank you. Mr Freund.

20 **ADV FREUND SC:** Thank you.

CHAIRPERSON: I – I know – I see that you – I think we have done more than two hours. We could take a break or if we are close to finishing we could finish but we could take a break and then come back depending on how long.

ADV FREUND SC: I do not mind doing that I am in your

hands. I could finish quite quickly if you would like me try to do so.

CHAIRPERSON: Well as long as you do justice to ...

ADV FREUND SC: Chair I think five or ten minutes would probably – would probably do it.

CHAIRPERSON: Would that still be fine with you?

MS MBETE: It will be fine Chairperson.

CHAIRPERSON: Okay alright. Let us continue and finish then.

10 **ADV FREUND SC:** Thank you Chair. Now Ms Mbete one of the issues – one of the instruments of oversight to which you draw attention in paragraph 10.4 of your affidavit is questions and answers.

MS MBETE: Yes.

ADV FREUND SC: And you are clearly correct when you say that that is an oversight mechanism and you are clearly correct when you say it is a mechanism that is used and has been used. But this commission has heard evidence of two types of problems in relation to questions and answers in the
20 House.

There has been evidence of failure to submit answers within the time required or at all and that the evidence of questions that are simply evaded and never properly answered. Could you comment on both those problems the delay issue and the evasion issue?

MS MBETE: Well with the delaying issue we would have to rely on our management to assist us in follow up. We would also use the mechanism of the structure of three which involve the Deputy President who is the leader of government business, the Chief Whip and the Speaker. We often put our heads together to deal with issues of that nature so that the Deputy President would take those issues to cabinet meetings and in fact apparently a lot of naming and shaming would obtain in that space through the leader of
10 government business.

On the second one Mr Freund you were saying.

ADV FREUND SC: Evasion – the answers that are...

MS MBETE: The evasion yes. That one that you really created a lot of tension between me in the Chair and probable the members of the opposition have been complaining about that here.

But the point is you cannot determine the words – the choice of words of a Minister or a member of the Executive. You cannot choose their answers for them. And yes I
20 probably agree with this MP who is complaining but they would kind of want to force me into a corner of determining and choosing the words for someone whose answer – supposed to answer the question which my answer would be please ask a follow up question. Find another mechanism of pursuing the matter but there is nothing I can do about the

fact that the Honourable member has answered and in an unsatisfactory way as far as you are concerned I accept that maybe but it is not a matter that is in my hands to determine.

ADV FREUND SC: Well Ms Mbete I fully understand you.

MS MBETE: Pardon.

ADV FREUND SC: I fully understand you when you say that the person who puts the question cannot dictate to the answer of what – what form of words the person answering will use. That is obviously correct. But is there not a
10 difference between the way in which it is answered and whether it is answered in truth at all and does the Speaker not bear a responsibility to ensure that the question is in fact answered and I have the impression that you do not accept that. So could you clarify your views?

MS MBETE: Chairperson I think as I am sad to expect the Speaker to pre-empt an answer. The Speaker receives the questions so that you – you apply your mind on them. They are – whether they are questions that are said to the person to whom they are being posed or perhaps they ought to be
20 directed elsewhere and those kinds of things.

So – but to try and get the Presiding Officer into a role that they are actually not involved in because I am not in the executive. I simply am ensuring that they respond here to issues that are being raised in Parliament. To then want the Speaker to go beyond that I think is unfair.

CHAIRPERSON: Well let me put it this way. Are you saying that even where as the Speaker having listened to the question and having listened to the answer it is clear to you that the – say man or Minister has manifestly avoided the question and therefore has not answered the question the Speaker has no role to play or are you saying where it is manifestly clear that the question has not been answered the Minister has avoided to answer the questions the Speaker has a role to play to say Minister you have not answered the
10 questions or – and but where there may be an argument whether it is – he has answered – she has answered or she has not then the Speaker should rather not get involved.

MS MBETE: Actually Chairperson the Speaker must not be thrust into that space.

CHAIRPERSON: Into – at all.

MS MBETE: It is an unfair – it is an unfair role to try to make a Presiding Officer to determine.

CHAIRPERSON: Ja.

MS MBETE: Whether the question is answered
20 satisfactorily. It is not of them to determine that.

CHAIRPERSON: Okay.

MS MBETE: They must ensure that they are presiding and the executive is there to answer the questions.

CHAIRPERSON: Yes.

MS MBETE: But to say now you must figure out and I mean

who determines what is fair and what is not fair. And most of the time members of the executive want to give the information. So they welcome the opportunity to come to the House and answer questions by way of putting that information before Parliament and before the public representatives.

CHAIRPERSON: Are you saying that the remedy of the member of Parliament who is not satisfied with the answer is to ask a follow up question?

10 **MS MBETE:** To ask a follow up question.

CHAIRPERSON: Ja and not ask the Speaker to...

MS MBETE: No.

CHAIRPERSON: To rule on whether the question – the answer is a proper answer or not. Okay Mr Freund.

ADV FREUND SC: Well I – I want to just explore that a little further because as I understand your own evidence the right to ask questions and the right – the right to ask questions is part of the oversight structures and the structures by which Parliament discharges its constitutional obligations to ensure
20 that the executive is accountable to it. Now if the Speaker can see that the executive is not answering the questions does the Speaker not have a responsibility to hold the executive to account? And when the Speaker can see that a question is not being answered surely a duty does rest on the Speaker to require a question to be answered. Absent

that there can be no accountability.

MS MBETE: Chairperson I am strongly not agreeing with the notion of saying the Speaker can tell. Who says the Speaker can tell? The Speaker is there – has made sure that the questions got to the executive. The executive has come to the House is answering the questions why must you now put the Speaker into that space of determining what is right and the extent to which it is right? I cannot know. You cannot know and you must not put the Speaker in a position where

10 the Speaker must determine because the Speaker's interest is the information coming. That is what the Speaker is interested in. If the member is not satisfied let them follow the matter up not drag the Presiding Officer into that space.

CHAIRPERSON: Mr Freund.

ADV FREUND SC: Finally Ms Mbete – Chair unless you wanted to ask a question on that issue? Finally I just want to take you very briefly to the events of the 8th of August 2017. I do not think that there is any factual controversy – I do not think there is anything which we really need much

20 evidence but the situation as I understand is that you were as a result of the judgment of the Constitutional Court made aware that you had a discretion to exercise as to whether the ballot would be secret or not. You exercised that discretion by saying it would be secret on that particular occasion and if I am not mistaken I think you even went further but this I

would like you to confirm to say that members should not suffer adverse consequences for voting in accordance with what they took to be their duties. Am I right in everything I have put to you there?

MS MBETE: I think so. I think that was put into – I cannot now firmly say we – I determined that but I know that it was the condition we were interested to ensure that the MP's felt free to exercise their own choice in the matter.

ADV FREUND SC: Thank you. Chair I have no further
10 questions.

CHAIRPERSON: Well I can – I think it is likely that it is true that you – you went further as Mr Freund suggests because the Constitutional Court judgment which obviously would have studied and received advise on

MS MBETE: Yes.

CHAIRPERSON: Was to that effect as far as I recall.

MS MBETE: Yes Chairperson.

CHAIRPERSON: That there should be no adverse
20 consequences to members of Parliament who decide to vote in a certain way.

MS MBETE: Yes Chairperson.

CHAIRPERSON: Yes.

MS MBETE: It is true. I remember now.

CHAIRPERSON: You remember now. Yes. Ja. Ja. Okay
Mr Freund has finished his questions. I do not have any

further questions.

MS MBETE: Are you sure Mr Freund.

ADV FREUND SC: Ms Mbete do not tempt fate I have got (inaudible).

CHAIRPERSON: Do not tempt him.

MS MBETE: Thank you. Thank you Chairperson.

CHAIRPERSON: Yes. I just want to confirm with your counsel that he has nothing – Mr Semenya?

10 **ADV SEMENYA SC**: I do not have any questions Chair thank you.

CHAIRPERSON: Yes. Okay thank you. Thank you very much Ms Mbete.

MS MBETE: Thank you.

CHAIRPERSON: We appreciate that you availed yourself even in the evening.

MS MBETE: Thank you Chairperson.

CHAIRPERSON: To come and assist the commission.

MS MBETE: Thank you very much.

20 **CHAIRPERSON**: Thank you very much. I just want to once again thank everybody who has made it possible for the commission to sit this evening – the staff, technicians, of course Ms Mbete and the legal team and the legal team and Mr Freund and everybody thank you to all of you. We will now adjourn and tomorrow I will be hearing evidence relating to Eskom during the day. That is just for the benefit of the

public.

We adjourn.

INQUIRY ADJOURNS TO 19 MAY 2021