

COMMISSION OF INQUIRY INTO STATE CAPTURE

HELD AT

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10

24 JANUARY 2019

DAY 40

20

PROCEEDINGS HELD ON 24 JANUARY 2019

CHAIRPERSON: Good morning Mr Pretorius, good morning everybody.

ADV PAUL PRETORIUS SC: Morning, Chair.

MR ANGELO AGRIZZI: Good morning, Chair.

CHAIRPERSON: Morning. Yes, Mr Pretorius?

ADV PAUL PRETORIUS SC: Thank you, Chair. Mr Agrizzi shortly before the adjournment yesterday afternoon you were dealing with evidence concerning payments to the Department of Correctional Services officials. We have not named those listed by you in paragraph 34.3, but may I take you to Annexure P1 to Annexure P4, just give
10 me those Annexures P1 to P4. P1 is at page 359 of Bundle S1, do you see it?

MR ANGELO AGRIZZI: Yes, I can.

ADV PAUL PRETORIUS SC: Would you identify this document please?

MR ANGELO AGRIZZI: This document would be the list that I would provide to Jacques van Zyl to pack so that they can be collected by the various people.

ADV PAUL PRETORIUS SC: What can be collected?

MR ANGELO AGRIZZI: The cash.

ADV PAUL PRETORIUS SC: The cash. Who compiled this document?

MR ANGELO AGRIZZI: I compiled the document.

ADV PAUL PRETORIUS SC: And when did you compile it?

20 **MR ANGELO AGRIZZI:** This would have been deliveries between the 20th and 25 April 2016.

ADV PAUL PRETORIUS SC: And are you able to identify any names on this list?

MR ANGELO AGRIZZI: Yes, I am.

CHAIRPERSON: Before you do that you confirm that when you say the cash you mean the bribery cash?

MR ANGELO AGRIZZI: Correct.

CHAIRPERSON: Okay.

ADV PAUL PRETORIUS SC: Please go ahead then and in relation with the list in paragraph 34.3 tell the, Chair, whose names are encoded as you have given evidence on this list?

MR ANGELO AGRIZZI: If you look at paragraph 34.3, Chair, the following payments were made to the Department of Correctional Services officials on a monthly basis. The first one is 34.3.1 is Josiah Maako, the amount of R15 000 was paid to him. Mr Maako was the contract's manager for Correctional Services.

10 **CHAIRPERSON:** Yes.

MR ANGELO AGRIZZI: Or is the contract's manager.

CHAIRPERSON: Yes?

MR ANGELO AGRIZZI: The second person was Maria Mabena. She was responsible for catering and development and care. Then it was Commissioner Shishi Matabela who received R10 000.

CHAIRPERSON: Would the people who you are mentioning be based at the Head Officer of Correctional Services or different offices?

MR ANGELO AGRIZZI: These are based at Head Office.

CHAIRPERSON: Okay, alright.

20 **MR ANGELO AGRIZZI:** Shishi Matabela who is the Commissioner for Developments and Care. She would receive R10 000. These were the initial amounts, Chair.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: There was a Commissioner Mkabela who was...[intervenes]

CHAIRPERSON: What was the name for Mkabela?

MR ANGELO AGRIZZI: I do not recall his first name. I think it is mentioned further on.

CHAIRPERSON: Okay.

MR ANGELO AGRIZZI: But right now I cannot recall his first name.

CHAIRPERSON: Okay.

MR ANGELO AGRIZZI: Mkabela would receive R10 000. There was a lady who used to be Head of Procurement called Dikeledi Tshabalala. She would receive R15 000. There was a gentleman by the name of Zach Modise. At that stage he was responsible for a region of Correctional Services and at that stage he would receive R20 000.

CHAIRPERSON: You do not remember which region?

MR ANGELO AGRIZZI: If I recall it was the Free State region if I remember correctly, it
10 is quite a while back.

CHAIRPERSON: Okay, alright.

MR ANGELO AGRIZZI: So this was before his promotion to National Commissioner.

CHAIRPERSON: Okay.

MR ANGELO AGRIZZI: With the amount then increased significantly. Then there is a gentleman by the name of Mollet Ngubpo who was responsible for finance. Those were the initial people that were during 2007 appointed, well identified by Ishmael Nxaba, Papa Leshabane and Joe Gumede as being influential in terms of the Correctional Services contract and also more importantly because Mti had resigned and left they needed to be able to yield some power in there.

20 These amounts up until – with exclusion of Zach Modise was all paid by Ishmael Nxaba or Dikane, he changed his name, Dikane that was taken by him on a monthly basis. Zach Modise would be handled by Papa Leshabane.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: Does that answer the question?

ADV PAUL PRETORIUS SC: Let us go back to your lists please.

MR ANGELO AGRIZZI: Okay.

ADV PAUL PRETORIUS SC: At page 359 to page 365 appear four lists marked P1 to P4 respectively.

MR ANGELO AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: Do any of the names you have just mentioned appear here although encoded by you?

MR ANGELO AGRIZZI: If we can go to AA361, sorry 361.

ADV PAUL PRETORIUS SC: Yes, we are there.

MR ANGELO AGRIZZI: And why I would like to refer to this is specifically because it
10 corroborates my statement in terms of the fact that the handwriting and the signature at the bottom of the page is that of Jacques van Zyl.

ADV PAUL PRETORIUS SC: Well before we get to Jacques van Zyl let us, please examine the issue of whether the names you have mentioned appear on any of these lists.

MR ANGELO AGRIZZI: Yes, I will.

ADV PAUL PRETORIUS SC: Whether in code or not.

MR ANGELO AGRIZZI: I will.

ADV PAUL PRETORIUS SC: Please.

MR ANGELO AGRIZZI: Chair, if you look at the one that is highlighted on 25/02/2016
20 MMM is the initials.

CHAIRPERSON: Well let us first say you want us to look at the list appearing at page 361.

MR ANGELO AGRIZZI: Correct.

CHAIRPERSON: And that list at the top that list has got the date 25/02/2016, is that correct?

MR ANGELO AGRIZZI: That is correct.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: Right at the top you have got...[intervenes]

CHAIRPERSON: Does that date reflect the date when this list was compiled or written up?

MR ANGELO AGRIZZI: That reflects the date the list was compiled and the bribery money was packed.

CHAIRPERSON: Okay, alright. Yes, go ahead.

MR ANGELO AGRIZZI: MMM stands for Mollet Ngubpo, his initials were triple "M".

10 **CHAIRPERSON**: Is that the first name on the left column?

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

CHAIRPERSON: So you say that one is?

MR ANGELO AGRIZZI: MMM is Mollet Ngubpo.

ADV PAUL PRETORIUS SC: Well his initials were not MMM.

MR ANGELO AGRIZZI: MMM.

ADV PAUL PRETORIUS SC: MMN?

MR ANGELO AGRIZZI: We always called him triple M.

ADV PAUL PRETORIUS SC: Triple M that is Mollet Ngubpo?

MR ANGELO AGRIZZI: Yes.

20 **ADV PAUL PRETORIUS SC**: Okay, continue.

MR ANGELO AGRIZZI: That amount was R50 000.

CHAIRPERSON: Was the amount R50 000?

MR ANGELO AGRIZZI: R50 000.

CHAIRPERSON: Okay.

MR ANGELO AGRIZZI: And if you look behind that it has got IMN.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: That was the code I used for Ishmael Nxaba.

CHAIRPERSON: So just to remind me of the evidence you gave us either last week or early this week the principle guiding the codes you decided upon was that the code for each person would consist of three features. The one feature would be that at the beginning of the code would be the initials of the ultimate recipient and then next would be a figure that represented the amount that that person would be paid, but you did not write the whole figure for example R50 000 you will write 50 only?

MR ANGELO AGRIZZI: That is correct.

10 **CHAIRPERSON:** And for R100 000 you will write 100?

MR ANGELO AGRIZZI: That is correct.

CHAIRPERSON: And then after that figure would be the initials of the Director or intermediary who would take the money to the ultimate recipient?

MR ANGELO AGRIZZI: That is correct.

CHAIRPERSON: Am I right? Those were the features that guided how you decided on the code for each person?

MR ANGELO AGRIZZI: And the code would change frequently, Chair.

CHAIRPERSON: Oh, it would change frequently?

MR ANGELO AGRIZZI: Yes.

20 **CHAIRPERSON:** Would the features change as well?

MR ANGELO AGRIZZI: No the features stayed the same.

CHAIRPERSON: *Ja*.

MR ANGELO AGRIZZI: But what would happen is for instance if a person had a nickname like one of the people was J.

CHAIRPERSON: *Ja?*

MR ANGELO AGRIZZI: So they had a nickname and I would have to use the surname, I would change, I will switch between the two. There would be various permutations.

CHAIRPERSON: *Ja*.

MR ANGELO AGRIZZI: So the thing is I would know, but nobody else would know and the problem with codes is that if you do not – if you use the same code every time people start to recognise it.

CHAIRPERSON: *Ja*.

MR ANGELO AGRIZZI: And they start to make the association. So we try and change it frequently.

10 **CHAIRPERSON**: Oh, so you might not have initials?

MR ANGELO AGRIZZI: The initials, correct.

CHAIRPERSON: But you put in something else that in your mind represents that person?

MR ANGELO AGRIZZI: Correct.

CHAIRPERSON: So whatever would come before the figure in the code or rather let me first say there would always be something that comes before the figure, is that right?

MR ANGELO AGRIZZI: That is correct.

20 **CHAIRPERSON**: Whatever you had before the figure was what to your mind represented the ultimate recipient?

MR ANGELO AGRIZZI: That is correct.

CHAIRPERSON: And then there would be the figure?

MR ANGELO AGRIZZI: Correct.

CHAIRPERSON: And then after the figure whatever you, or did you ever change the name of the person, Director, the initials of the Director?

MR ANGELO AGRIZZI: Sometimes, Chair, I would change it, but not that often.

CHAIRPERSON: Okay, what you change regularly was what represented the ultimate recipient before the figure?

MR ANGELO AGRIZZI: Correct.

CHAIRPERSON: Okay. So when we look we must not necessarily look for somebody's initials?

MR ANGELO AGRIZZI: Not always.

CHAIRPERSON: Because it might not be – it might be something else?

MR ANGELO AGRIZZI: Sorry, Chair, mostly.

10 **CHAIRPERSON**: Yes?

MR ANGELO AGRIZZI: But not always.

CHAIRPERSON: Not always.

MR ANGELO AGRIZZI: Sometimes it would change.

CHAIRPERSON: Okay, alright, no thank you very much. You may proceed then.

ADV PAUL PRETORIUS SC: Alright.

CHAIRPERSON: So you said the IMN represented?

MR ANGELO AGRIZZI: Ishmael Nxaba.

CHAIRPERSON: That is one of the Directors?

20 **MR ANGELO AGRIZZI**: That is correct. These are mostly the Correctional Services people.

CHAIRPERSON: Yes, okay.

MR ANGELO AGRIZZI: In number one.

CHAIRPERSON: Yes.

ADV PAUL PRETORIUS SC: Before you go on to name other names you say that MMM on page 361 represents Mollet Ngubpo?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: Next to his name and the code is the figure 50?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: The figure in paragraph 34.3.7 is R15 000?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: There is an apparent discrepancy can you explain it?

MR ANGELO AGRIZZI: Chair, I can explain the discrepancy. These figures as quoted here specifically relate to the initial amounts that were agreed in 2007 when Mti resigned. These have grown.

10 **ADV PAUL PRETORIUS SC**: And if you say by here you mean paragraph 34.3?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: And...[intervenes]

CHAIRPERSON: And the amount appearing in regard to Mr Ngubpo you say reflects an amount thereto was paid later, not the amount that was paid initially?

MR ANGELO AGRIZZI: Correct.

CHAIRPERSON: And that after MMM you have got 50, does that represent R50 000?

MR ANGELO AGRIZZI: That is correct.

CHAIRPERSON: Okay, you may proceed.

20 **ADV PAUL PRETORIUS SC**: Are there any other names that you have listed in paragraph 34.3 that appear on any of these four lists to which we have referred?

MR ANGELO AGRIZZI: If you look at the second one it is MMB.

CHAIRPERSON: Yes?

MR ANGELO AGRIZZI: And that was my code for Maria Mabena.

ADV PAUL PRETORIUS SC: Yes, continue please?

MR ANGELO AGRIZZI: If you look at MKB...[intervenes]

CHAIRPERSON: I am sorry, can we confirm that on that column on the left hand side of page 361 at the top where the MMM appears the person to take cash to the people the intermediary is the same person except what the last two?

MR ANGELO AGRIZZI: The last two are different people.

CHAIRPERSON: Yes, but the rest are the same person?

MR ANGELO AGRIZZI: Yes, correct sir.

CHAIRPERSON: Yes, that is Ishmael, you mentioned him just now.

MR ANGELO AGRIZZI: Nxaba.

CHAIRPERSON: Yes, okay, alright. Okay then you may proceed.

10 **ADV PAUL PRETORIUS SC:** May I ask you a big favour please?

MR ANGELO AGRIZZI: Yes sir.

ADV PAUL PRETORIUS SC: Mr Agrizzi, when you refer to an entry on a document either in the text of your affidavit or in an Annexure just please place on record the page number so that – or the paragraph number so that the record someone reading the record will find it easy to follow. Thank you.

MR ANGELO AGRIZZI: Will do, Chair.

ADV PAUL PRETORIUS SC: So we have dealt with Mollet Ngubpo and Maria Mabena. Are there any other names on the list on page 71 of your affidavit?

MR ANGELO AGRIZZI: Correct.

20 **ADV PAUL PRETORIUS SC:** On any of the Annexures?

MR ANGELO AGRIZZI: If you have a look at page – paragraph sorry 34.3, 34.3.4 Mkabela if you have a look at, if you flip over to 361 on the Annexures and if you look at the next name MKB20IMN so would refer to Mkabela.

ADV PAUL PRETORIUS SC: Right we have done three names, are there anymore?

MR ANGELO AGRIZZI: Yes there are. If you have a look while we still on page 361.

CHAIRPERSON: You still cannot remember his name?

MR ANGELO AGRIZZI: I cannot remember the first, it was a M I think it starts with M.

CHAIRPERSON: Okay continue.

MR ANGELO AGRIZZI: SSS would be Shishi Matabela.

ADV PAUL PRETORIUS SC: The SSS that appears on page 361?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: In the column in the top left hand corner?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: Yes, go on please?

10 **MR ANGELO AGRIZZI:** There was then a payment to if you look at KLA that is Kloof Mine AMCU Union.

CHAIRPERSON: Does that...[intervenes]

MR ANGELO AGRIZZI: It does not appear.

CHAIRPERSON: It does not appear?

MR ANGELO AGRIZZI: No, but I am going through the list.

CHAIRPERSON: Oh, but I think Mr Pretorius wants you to, I do not know if he wants you to go through the whole list or only those in – to identify those in paragraph 34.

ADV PAUL PRETORIUS SC: You are comparing the lists with the list of names and paragraph 34.3 of your affidavit.

20 **MR ANGELO AGRIZZI:** Correct.

ADV PAUL PRETORIUS SC: So perhaps would you just tell the, Chair, please if the remaining three names in paragraph 34.3 appear on any of these lists encode?

MR ANGELO AGRIZZI: I will do. If you look at, I am just trying to find, sorry, because Papa Leshabane would have done the delivery for Zach Modise so I am just finding it. If you go to 361.

CHAIRPERSON: Yes?

MR ANGELO AGRIZZI: Number 9 at the bottom on the right hand side you have got TMK.

ADV PAUL PRETORIUS SC: Yes, I see you have...[intervenes]

CHAIRPERSON: In paragraph – at page 361 we have at the top that column which has got MMM?

MR ANGELO AGRIZZI: Correct.

CHAIRPERSON: Then there is a space before we get to another column?

MR ANGELO AGRIZZI: Correct.

10 **CHAIRPERSON:** Which seems to start with I do not know whether it is JSC and that is the second column and then there is a space and then there is a column of two names then there is a space and then there is another column. Which column – which of the four columns must we look at?

MR ANGELO AGRIZZI: Alright, if you look at, you have got number one on top.

CHAIRPERSON: *Ja.*

MR ANGELO AGRIZZI: Number two, you have got number three, you have got number four, alright?

CHAIRPERSON: *Ja.*

20 **MR ANGELO AGRIZZI:** You have got number five, then you have got number six, seven, eight and nine.

ADV PAUL PRETORIUS SC: Those are the numbers that have been encircled?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: Alright you were telling us about the next name. Where is that to be found?

MR ANGELO AGRIZZI: If you go to...[intervenes]

CHAIRPERSON: I am sorry, okay I see there are numbers that are circled. I see nine?

MR ANGELO AGRIZZI: Correct.

CHAIRPERSON: Is that the one that we must look at for the next person?

MR ANGELO AGRIZZI: That is correct.

CHAIRPERSON: Okay.

MR ANGELO AGRIZZI: Okay, that code is totally different. Alright, that is PLS which stands for Papa Leshabane that is the Director.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: Okay, so this one is different as I said earlier. That is 71 and it
10 has got a code behind CCV.

CHAIRPERSON: *Ja.*

MR ANGELO AGRIZZI: That was a total amount that was given to Papa Leshabane and from that amount he would pay Zach Modise as well and he was paying journalists and people from Lindela.

CHAIRPERSON: He was paying journalists as well?

MR ANGELO AGRIZZI: Correct.

CHAIRPERSON: To do what?

MR ANGELO AGRIZZI: Chair, to give information and to work with them.

CHAIRPERSON: Including writing good stories about Bosasa?

20 **MR ANGELO AGRIZZI:** Presumably, yes.

CHAIRPERSON: Okay.

MR ANGELO AGRIZZI: So he would get a fixed amount, he would get R71 000 a month and he would distribute it and of that money would go to Zach Modise, but we will get to Zach Modise a bit later on.

CHAIRPERSON: Okay.

MR ANGELO AGRIZZI: Because, so that was part of it.

ADV PAUL PRETORIUS SC: What did CCV stand for?

MR ANGELO AGRIZZI: CCV it just stood for it is a bulk amount for Papa Leshabane. So there were two bulk amounts, the one underneath that is for Thandi Mokoko and that was...[intervenes]

CHAIRPERSON: When you say the letters before a figure represent the initials of the ultimate recipient it makes sense. When you say I would change the initials and put in something else just so that the information does not get out that still makes sense. Now Leshabane is not the ultimate recipient he is I call intermediary, because he takes
10 the money from you and he goes and pays.

MR ANGELO AGRIZZI: That is correct.

CHAIRPERSON: Now CCV how did you decide on CCV?

MR ANGELO AGRIZZI: Chair, if I had known that today what I know now – then what I know now I would have coded it perhaps using a standard code, but I think you must remember that this was done very clandestine, it was between me and Jacques van Zyl and the Directors and there was no need to follow a proper secure system that you would come back to.

CHAIRPERSON: So it was just an arbitrary?

MR ANGELO AGRIZZI: It was arbitrary.

20 **CHAIRPERSON:** Oh, okay.

MR ANGELO AGRIZZI: And it was a code so if – if ever Mr Watson or Mr Leshabane stood in the dock and they got asked what is JAC30 they would say well I do not know it is just a number, that was the whole idea behind this.

CHAIRPERSON: Ja.

MR ANGELO AGRIZZI: But if you look at – I mean, I have not looked at page 362 yet,

but if we page over to the next one or you can go there, you can see on that one there it changed as well. So there for instance Ishmael Nxaba is coded IMC50MNG and that was – I know it was for Mollet Ngubpo.

CHAIRPERSON: Okay.

MR ANGELO AGRIZZI: So it was a...[intervenes]

CHAIRPERSON: So it was just an arbitrary...[intervenes]

MR ANGELO AGRIZZI: It was arbitrary.

CHAIRPERSON: In regard to CCV.

MR ANGELO AGRIZZI: And the reason was quite simply so nobody could actually
10 point a finger and unless you knew the code you would not be able to work it out.

CHAIRPERSON: Did you write somewhere to make sure that you did not forget the code, you have somewhere else to go and check in case you forgot it? There are many people to be paid?

MR ANGELO AGRIZZI: Yes, in my black book it actually has, some of them have codes, some have the full name.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: Because remember the black book was kept in the vault in Gavin Watson's safe.

CHAIRPERSON: Yes.

20 **MR ANGELO AGRIZZI:** And that was just there for him to check up on the book if he wanted to reconcile the cash.

CHAIRPERSON: So, but would it serve to help you remember in case you forgot?

MR ANGELO AGRIZZI: Yes.

CHAIRPERSON: What a particular code represented, who it represented or what it represented? That is where you would go in case you forgot?

MR ANGELO AGRIZZI: Correct, and, Chair, one thing I must tell you is that after a while doing the same thing repetitively you start to remember people and the amounts. You link people and the amounts.

CHAIRPERSON: No, no, no, I think the amounts would be easy, because for a long time it would be the same amounts, is it not?

MR ANGELO AGRIZZI: Correct.

CHAIRPERSON: There may be some change, but for a long time it would be the same amounts and where you used initials and you used them for quite a long time you would remember, but I was just thinking that you did not want the risk that you might forget
10 and have nowhere else to check, but you say your black book would have helped you?

MR ANGELO AGRIZZI: Correct, and also you must bear in mind the codes I would, I use mind maps in my head to remember things and the codes I would associate with people.

CHAIRPERSON: Okay.

MR ANGELO AGRIZZI: So for instance one person I know has glasses, because he wears very thick glasses so his code would be GLS, that is how I would work it out.

CHAIRPERSON: Okay, okay.

MR ANGELO AGRIZZI: And it was a unique system that I needed to apply, Chair, in doing this.

20 **CHAIRPERSON:** Yes, yes.

MR ANGELO AGRIZZI: And if anybody asked me at the time who is JGM that is Joe Gumede and how do I get to that well it is Joe Gumede so the G and the M that is how I memorised it.

CHAIRPERSON: No, thank you, you may proceed.

MR ANGELO AGRIZZI: And I think, Chair, why, and I am sorry, but I think why I am

actually mentioning if you look at the bottom of the page...[intervenes]

CHAIRPERSON: At 361?

MR ANGELO AGRIZZI: At 361 that is not my handwriting, that is the handwriting of Jacques van Zyl.

CHAIRPERSON: You are talking about the signature now?

MR ANGELO AGRIZZI: Not the signature the hand, the actual handwriting.

CHAIRPERSON: Of the whole page?

MR ANGELO AGRIZZI: Yes, correct. So he would have totalled it for me, so he would have said CCV1686 so it was 1.6-million DCT that would be the code which would say
10 to me that it is packed and it is in the bag.

CHAIRPERSON: And would...[intervenes]

ADV PAUL PRETORIUS SC: Sorry, if I may just interrupt, Chair?

CHAIRPERSON: Yes?

ADV PAUL PRETORIUS SC: To correct, before it slipped my mind.

CHAIRPERSON: Yes.

ADV PAUL PRETORIUS SC: The, Chair, asked you is it someone else's handwriting on the whole of page 361 you said yes?

MR ANGELO AGRIZZI: No, no, sorry, Chair, the handwriting on 361 is my handwriting except for the bottom. You will see the handwriting is totally different.

20 **CHAIRPERSON:** The codes are written in your handwriting, is that right?

MR ANGELO AGRIZZI: Yes, that is correct.

CHAIRPERSON: All the codes on this page?

MR ANGELO AGRIZZI: That is correct.

CHAIRPERSON: And where there is a signature on the bottom right hand corner?

MR ANGELO AGRIZZI: Yes.

CHAIRPERSON: Is that your signature?

MR ANGELO AGRIZZI: Chair, no that is the signature of the person that witnessed or attested to, commissioned this document.

CHAIRPERSON: Yes, and then just above that signature there is written CCV1686CT whose writing is that?

MR ANGELO AGRIZZI: That is Jacques van Zyl.

CHAIRPERSON: Hmm?

MR ANGELO AGRIZZI: That is Jacques van Zyl's handwriting.

CHAIRPERSON: Same person who signed as well?

10 **MR ANGELO AGRIZZI:** No sir.

CHAIRPERSON: Who signed?

MR ANGELO AGRIZZI: The signature was signed by the Commissioner of Oaths the signature.

CHAIRPERSON: Oh, that signature is the signature of the Commissioner of Oath, okay. I am sorry.

MR ANGELO AGRIZZI: Not a problem.

CHAIRPERSON: Okay, alright.

20 **MR ANGELO AGRIZZI:** And if you look at, if you have a look at it, in my total there I would put there CCV1986DCT and it was confirmed what was actually packed at the bottom CCV1686DCT so in other words he only packed that amount for me. There were certain things that were not packed and he has not double ticked them.

CHAIRPERSON: Okay, okay.

MR ANGELO AGRIZZI: Okay, does it make a bit more sense?

CHAIRPERSON: Thank you.

MR ANGELO AGRIZZI: Alright.

CHAIRPERSON: Now I understand, *ja*.

MR ANGELO AGRIZZI: Does that clarify it Advocate Pretorius?

CHAIRPERSON: Mr Pretorius.

ADV PAUL PRETORIUS SC: Perhaps you should just establish clearly Mr Agrizzi on page 361.

MR ANGELO AGRIZZI: Yes.

ADV PAUL PRETORIUS SC: Any entry in a handwriting other than yours ...[intervenes].

MR ANGELO AGRIZZI: Yes.

10 **ADV PAUL PRETORIUS SC:** Apart from the Commission of Oaths initials.

CHAIRPERSON:

MR ANGELO AGRIZZI: Next to the Commissioner of Oaths' initials is handwritten "note there CCV 1686 DCT" and that is from Jacques van Zyl.

ADV PAUL PRETORIUS SC: So that is the only handwriting other than yours that was made at the time this list was compiled?

MR ANGELO AGRIZZI: That is correct Chair.

ADV PAUL PRETORIUS SC: Okay. Let us get back to paragraph 34 please. There are two names you have not mentioned as appearing in code on the lists. Can you help the Chair there please?

20 **MR ANGELO AGRIZZI:** If I recall correctly the two names that do not appear was Zach Modise.

ADV PAUL PRETORIUS SC: No, you have told us about Zach Modise.

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

CHAIRPERSON: No, but let, let me understand what the position is with him. Are you saying that his name or he is not, there is no code in this, in this list that represents

him?

MR ANGELO AGRIZZI: On 361?

CHAIRPERSON: On any of the pages where you have got those, is it four lists. Are you saying that he is not represented or are you saying he is represented?

MR ANGELO AGRIZZI: He is represented in the Leshabane total.

CHAIRPERSON: Oh.

MR ANGELO AGRIZZI: The second one.

CHAIRPERSON: Okay, okay. I remember.

MR ANGELO AGRIZZI: You understand.

10 **CHAIRPERSON:** So you said a certain amount would be given to Leshabane.

MR ANGELO AGRIZZI: That is correct.

CHAIRPERSON: And among other people he would, he would give part of that money to Zach Modise.

MR ANGELO AGRIZZI: On that specific list on 361?

CHAIRPERSON: On that specific list, ja.

MR ANGELO AGRIZZI: Correct.

CHAIRPERSON: Okay, alright.

ADV PAUL PRETORIUS SC: [Intervenes].

CHAIRPERSON: Have you dealt with Josiah Maako?

20 **MR ANGELO AGRIZZI:** Yes, I do think we have. Have we not?

CHAIRPERSON: I, I do not remember that I.

ADV PAUL PRETORIUS SC: We have not dealt with two people on this list.

MR ANGELO AGRIZZI: Could you ...[intervenes] which one?

ADV PAUL PRETORIUS SC: In relation, two people on the list in 34.3

MR ANGELO AGRIZZI: Yes.

ADV PAUL PRETORIUS SC: In relation to the lists.

MR ANGELO AGRIZZI: Yes.

ADV PAUL PRETORIUS SC: Those are Mr Josiah Maako and Ms Dikeledi Tshabalala.

Do their initials or codes or names or references appear on any of these lists?

MR ANGELO AGRIZZI: Yes, they do. If you have look at the attached list JM at the bottom.

CHAIRPERSON: Is it on page, still on page 361?

MR ANGELO AGRIZZI: That is right.

CHAIRPERSON: Okay.

10 **MR ANGELO AGRIZZI:** Under paragraph 1.

CHAIRPERSON: Ja.

MR ANGELO AGRIZZI: JM ...[intervenes].

CHAIRPERSON: Yes, the last name on the top column on the left on page 361?

MR ANGELO AGRIZZI: That is right.

CHAIRPERSON: Okay.

MR ANGELO AGRIZZI: 15.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: And to answer the question about Ms Tshabalala is that about 2016 she had left the department and therefore was not entitled to getting a bribe.

20 **CHAIRPERSON:** Oh so, so a code representing her appears here, but she did not get any amount.

MR ANGELO AGRIZZI: She ...[intervenes].

CHAIRPERSON: [Intervenes], because she was no longer in the department?

MR ANGELO AGRIZZI: That is correct.

CHAIRPERSON: Okay. So the 15 represents what?

MR ANGELO AGRIZZI: The 15 was 15 000.

CHAIRPERSON: Oh, which she would have got if she was still in the department?

MR ANGELO AGRIZZI: Correct.

CHAIRPERSON: Okay.

MR ANGELO AGRIZZI: The 20, K20, KZO.

CHAIRPERSON: I am sorry, I am sorry. I am getting lost here. Did you say that was Dikeledi Tshabalala?

MR ANGELO AGRIZZI: Yes. She was, she was not at the department in 2016.

CHAIRPERSON: Okay.

10 **MR ANGELO AGRIZZI:** She had left to go to the Department of Education.

CHAIRPERSON: Okay.

ADV PAUL PRETORIUS SC: Would there be a prior list with her name on?

MR ANGELO AGRIZZI: Yes.

ADV PAUL PRETORIUS SC: You have not got that list in these annexures?

MR ANGELO AGRIZZI: I will, I will go through them again but I, as far as these are all the lists I had.

ADV PAUL PRETORIUS SC: Right. Now you are still on page 361 and you were tell in the Chair about ...[intervenes].

MR ANGELO AGRIZZI: Correct.

20 **ADV PAUL PRETORIUS SC:** Another entry.

MR ANGELO AGRIZZI: Correct. The other entry is ...[intervenes].

CHAIRPERSON: So before that would her, would you have put her code on this list at page 361 on this occasion on the basis that she was one of those who was receiving monthly payments?

MR ANGELO AGRIZZI: Correct Chair.

CHAIRPERSON: That is the reason why you put her code here?

MR ANGELO AGRIZZI: That is correct.

CHAIRPERSON: And then you discovered she was no longer in the department?

MR ANGELO AGRIZZI: No. When it started Chair in 2007 she was in the department. I think she only left the department in 2014 or 2015. So her name would have been on the list right until she left.

CHAIRPERSON: Ja, okay.

MR ANGELO AGRIZZI: So ...[intervenes].

CHAIRPERSON: Ja.

10 **MR ANGELO AGRIZZI:** Otherwise I mean ...[intervenes].

CHAIRPERSON: No what, what I was suggesting is that when you put the list as I understand the position before you gave it to whoever.

MR ANGELO AGRIZZI: Correct.

CHAIRPERSON: You would have put her name because you did not know or you had not been told that she was no longer in the department.

MR ANGELO AGRIZZI: No, I ...[intervenes].

CHAIRPERSON: And then you discovered after

MR ANGELO AGRIZZI: The list on 20, on paragraph 34.3 reflects the lists if you look at. They made payments on a monthly basis shortly after Mti's resignation until
20 approximately end of 2016. So that was the initial list.

CHAIRPERSON: Ja, no we talking; we are talking at cross purposes.

MR ANGELO AGRIZZI: Okay.

CHAIRPERSON: I am talking about the list at 361.

MR ANGELO AGRIZZI: Yes.

CHAIRPERSON: I am saying to you, you put her code her.

MR ANGELO AGRIZZI: That is correct.

CHAIRPERSON: As I understand what you were doing you were putting a list of people who should be paid.

MR ANGELO AGRIZZI: Correct.

CHAIRPERSON: And you were doing so on 25 February 2016. Is that right?

MR ANGELO AGRIZZI: That is correct.

CHAIRPERSON: And you would only have put her code if you thought she was still entitled to be paid?

MR ANGELO AGRIZZI: Correct and we were going to.

10 **CHAIRPERSON:** But ...[intervenes].

MR ANGELO AGRIZZI: Give the money if she was there.

CHAIRPERSON: But you discovered that she was no longer there.

MR ANGELO AGRIZZI: That is correct Chair.

CHAIRPERSON: And then she was not paid?

MR ANGELO AGRIZZI: That is correct Chair.

CHAIRPERSON: Okay, alright. Thank you.

ADV PAUL PRETORIUS SC: Well if you go back to her initials or code on page 361 you will see the letters JM at the bottom of column one and dash 15, but there is no third code as would exist. Can you explain why that is?

20 **MR ANGELO AGRIZZI:** Probably because I was, somebody interrupted me or I was busy and I just did not put anything there. It is just an error. I think I must just reiterate that this piece of paper was only between three people. It was myself, Jacques van Zyl and Gavin Watson. Jacques van Zyl would do the packing. Gavin Watson would do the deciding and who needs to be paid and I would do the verification and the discussions with the directors.

CHAIRPERSON: Okay.

MR ANGELO AGRIZZI: So that is how it worked.

CHAIRPERSON: Ja.

MR ANGELO AGRIZZI: This paper was never supposed to be, this is just by chance.

CHAIRPERSON: Ja.

MR ANGELO AGRIZZI: If you look at it was in a packet in my, in my briefcase.

CHAIRPERSON: Hm.

MR ANGELO AGRIZZI: When I had left.

CHAIRPERSON: Hm, hm.

10 **MR ANGELO AGRIZZI:** So it was never ever compiled to be able to prove anything.

CHAIRPERSON: Hm, hm.

ADV PAUL PRETORIUS SC: The final name in paragraph 34.3.5 does that appear in code or otherwise on any of the lists?

CHAIRPERSON: Is that perhaps Josiah Maako? Is that right?

ADV PAUL PRETORIUS SC: No. We have dealt with Josiah Maako Chair. Dikeledi Tshabalala.

CHAIRPERSON: I thought the one we were dealing with just now was Dikeledi Tshabalala.

ADV PAUL PRETORIUS SC: Yes, we have finished dealing with him Chair. He us;
20 that is JM – 15. That is the person who had left.

CHAIRPERSON: Yes, but what I am saying is; okay, let me ask the witness. The person we were dealing with.

MR ANGELO AGRIZZI: Yes.

CHAIRPERSON: That you said you found out had left Correctional Services.

MR ANGELO AGRIZZI: Correct.

CHAIRPERSON: Was it Dikeledi Tshabalala?

MR ANGELO AGRIZZI: That is correct. So ...[intervenes].

CHAIRPERSON: Is that, is that the person who is represented by the code JM – 15?

MR ANGELO AGRIZZI: It is not ...[intervenes].

CHAIRPERSON: At 36.1?

MR ANGELO AGRIZZI: Chair that is not the person.

CHAIRPERSON: That is not the person.

MR ANGELO AGRIZZI: The person represented by JM is in fact Josiah Maako.

CHAIRPERSON: Oh, okay. I misunderstood, okay.

10 **MR ANGELO AGRIZZI:** Okay.

CHAIRPERSON: Okay. I misunderstood.

MR ANGELO AGRIZZI: So sometimes we would have to give a little bit extra to a person and you would then add in a person. For instance there were often requests that can I, I need to buy something to build my house finished and I have to pay them for the roof an amount of eight, R80 000. I only get R50 000. Can you advance me R30 000 and we used to do that.

CHAIRPERSON: Okay.

MR ANGELO AGRIZZI: So that is possibly why, you know, there is no number behind that 15. It was probably an advance, an extra advance as well.

20 **CHAIRPERSON:** Oh, okay.

MR ANGELO AGRIZZI: That is the only explanation. I, if I had known that today would come I would have maybe been more methodical.

CHAIRPERSON: Ja.

MR ANGELO AGRIZZI: In my approach, but the reason for my vagueness on these documents is purely because of the secrecy that went with it.

CHAIRPERSON: Ja, ja. Okay, thank you.

MR ANGELO AGRIZZI: Thank you.

ADV PAUL PRETORIUS SC: The purpose of my questioning just to assist Mr Agrizzi is just to ask whether the names listed in paragraph 34.3 appear in code or otherwise on your lists. You have given an explanation now in respect of all of them. The final two persons we have dealt with Josiah Maako. You say is indeed listed in code on page 361. Correct?

MR ANGELO AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: And the final person who we dealt with on this list
10 Ms Dikeledi Tshabalala I understand is not on these lists and your explanation is that by the time these lists were being compiled she had left the Department of Correctional Services?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: If we could go then to paragraph 34.4.5 and that is where we left off yesterday. I am not sure that you may not be repeating yourself, but in relation to the process followed and the system implemented take the Chair through what you say in paragraph 34.4.5 and following regarding that system.

MR ANGELO AGRIZZI: Correct. 34.4 starting off at, when the whole background on the.

20 **CHAIRPERSON:** Well he did explain it.

ADV PAUL PRETORIUS SC: Yes.

CHAIRPERSON: Yesterday. Unless you just want to refresh my memory. He did explain it yesterday.

ADV PAUL PRETORIUS SC: Just to place this current evidence.

CHAIRPERSON: Hm.

ADV PAUL PRETORIUS SC: In its context so that it is understood.

CHAIRPERSON: Yes.

ADV PAUL PRETORIUS SC: I would like it Chair just to go from paragraph 34.4.4 and five, just to explain to the Chair the process in the paragraphs 34.4.5 and 34.4.6.

MR ANGELO AGRIZZI: Chair would it be, it might be easier for me, because here I talk from my, off the cuff ...[intervenes].

CHAIRPERSON: Yes, you may do that.

MR ANGELO AGRIZZI: To, to go from.

CHAIRPERSON: You can do that.

10 **MR ANGELO AGRIZZI:** Right from the beginning 34.

ADV PAUL PRETORIUS SC: No, we have dealt with the beginning.

MR ANGELO AGRIZZI: Okay.

ADV PAUL PRETORIUS SC: In other words how you receive the instructions and what you would do after receiving the instructions. You have made that clear. You then said in evidence yesterday you compiled a list of who needed to be paid and what amounts and you got Gavin Watson's final approval for those payments.

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: Now you have told the Chair about those lists and all I want to do very briefly is say what happened after that?

20 **MR ANGELO AGRIZZI:** Chair what I would do then is I would compile those lists as you saw in 361 and 362 and I would then give it either by hand or if I, if I did not have the book with me the paper with me, because you will see everything is written on blue paper and in fountain pen in my, in my purple fountain pen. I would then give that to Jacques van Zyl or email him the list if I was not in town and I would code it. I would then give it to him. He would then prepare it. He would pack it. He would then give me

it back with the total amount that he would write at the bottom of the list as you saw in 361 and I would then take that and call the relevant director who had to pick it up and say your stuff is ready. When are you coming to fetch it and it would be in the, in the Company Secretary's safe. In the two safes which you saw on the video which are opened initially. It would be kept in there and as they would come I would tick it off that they had received and taken it. That is how it would actually work. Does that, is that sufficient for you Chair?

CHAIRPERSON: Mr Pretorius will ask you more if he wants further clarification.

ADV PAUL PRETORIUS SC: Thank you Chair.

- 10 **CHAIRPERSON:** Hm. Earlier on you said the, or I understood you to say that the code would be known to you and Mr Gavin Watson. Is that right or not really?

MR ANGELO AGRIZZI: No.

CHAIRPERSON: It would be known to you and is it Jacques van Zyl?

MR ANGELO AGRIZZI: No. [Intervenes].

CHAIRPERSON: The code would be known to you only?

MR ANGELO AGRIZZI: Correct and it would be known to the person I am handing it to.

CHAIRPERSON: [Intervenes].

MR ANGELO AGRIZZI: Because I would tell them.

- 20 **CHAIRPERSON:** Yes.

MR ANGELO AGRIZZI: That this is for that person.

CHAIRPERSON: Yes, okay.

MR ANGELO AGRIZZI: Sometimes it would help them. Sometimes like Ishmael needed a bit of help. I would write down the code and I would write down the person on a piece of.

CHAIRPERSON: Okay.

MR ANGELO AGRIZZI: A post-it or something.

CHAIRPERSON: Okay.

MR ANGELO AGRIZZI: And give it to him like that.

CHAIRPERSON: Okay, thank you.

ADV PAUL PRETORIUS SC: We have dealt with the lists Mr Agrizzi at pages 359 and 361. There are two further lists at pages 363 and 365 of EXHIBIT S1. Is there anything in those lists that is relevant to the evidence you have just given?

MR ANGELO AGRIZZI: Let me just take ...[intervenes].

10 **ADV PAUL PRETORIUS SC:** Just take a look at them please.

MR ANGELO AGRIZZI: Well 36.

ADV PAUL PRETORIUS SC: 363 and 365.

MR ANGELO AGRIZZI: Yes, I can tell you exactly whose name is on the list here. Would you like me to ...[intervenes].

ADV PAUL PRETORIUS SC: Well.

MR ANGELO AGRIZZI: Go through it.

ADV PAUL PRETORIUS SC: No, insofar as they coincide with the lists that you have referred to in 34.3.1.

MR ANGELO AGRIZZI: Yes. Some of them ...[intervenes].

20 **ADV PAUL PRETORIUS SC:** You say ...[intervenes].

MR ANGELO AGRIZZI: They do coincide. Some of them I give an example. IMC, if you look at 363 Chair

ADV PAUL PRETORIUS SC: Second column.

MR ANGELO AGRIZZI: [Intervenes].

ADV PAUL PRETORIUS SC: IMC.

MR ANGELO AGRIZZI: Second column.

ADV PAUL PRETORIUS SC: Yes.

MR ANGELO AGRIZZI: I have put in IMC – 50 SHR. That was Shishi Matabela. Ishmael Mncwaba collected it. It was R50 000.

CHAIRPERSON: Hm.

ADV PAUL PRETORIUS SC: Who is IMC?

MR ANGELO AGRIZZI: Ishmael Mncwaba.

CHAIRPERSON: Mr Pretorius.

ADV PAUL PRETORIUS SC: And that is a bulk amount?

- 10 **CHAIRPERSON:** Mr Pretorius I wonder whether it would not be convenient with regard to these lists for us to write numbers one, two, three, four up to whatever so that when he refers to any particular code he can say the code at number two, number six or whatever. Then, then it would be easier to find, because although some are legible. Others are not so legible. I have not, I have not identified the one the IMC that he is talking about. Would that not help or would that confuse things.

ADV PAUL PRETORIUS SC: Well in, on page 363 there are two columns and IMC appears at the top of the second column. Is that correct?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: IMC you say is who?

- 20 **MR ANGELO AGRIZZI:** Ishmael Mncwaba.

ADV PAUL PRETORIUS SC: Right. So I would Chair.

CHAIRPERSON: Is ...[intervenes].

ADV PAUL PRETORIUS SC: But I

CHAIRPERSON: Is IMC, you know at the top, you know the page 363 has got the, there are four columns, two columns at the top, two in the middle and maybe there is

one at the bottom. The IMC is it the one on the right hand column at the top, at the beginning?

MR ANGELO AGRIZZI: That is correct Chair.

CHAIRPERSON: Where there is the figure 50 between IMC and MNG it appears and then 100?

MR ANGELO AGRIZZI: Yes.

CHAIRPERSON: Okay. That is the IMC?

MR ANGELO AGRIZZI: That is correct.

CHAIRPERSON: Okay.

10 **ADV PAUL PRETORIUS SC:** Chair if I may just wrap this up for the purposes of the evidence legal team would like to lead in any event. I do not want to interrupt you unduly.

CHAIRPERSON: Hm.

ADV PAUL PRETORIUS SC: But all I want to know from our part is whether the names in paragraph 34.3 appear in addition on pages 363 and 365 and you can answer a yes or no.

MR ANGELO AGRIZZI: They do, yes.

ADV PAUL PRETORIUS SC: I will leave the rest to you Chair.

20 **CHAIRPERSON:** You know what we, what we could to facilitate this is that maybe the witness could in his own time later prepare a piece of paper that can be inserted immediately after a list which would have the codes as they appear in the list and the actual names. So that if later on one wants to see who is, who a particular code represented. There is something that can help. Like you see at 363 you have a certain list. So if there could be a page maybe marked 363A that explains the codes on 363. That that could help.

MR ANGELO AGRIZZI: That would be easy to do Chair.

CHAIRPERSON: That would be easy to do. Mr Pretorius.

ADV PAUL PRETORIUS SC: We will decode the lists.

CHAIRPERSON: Ja.

ADV PAUL PRETORIUS SC: Thank you Chair.

CHAIRPERSON: Okay, alright.

ADV PAUL PRETORIUS SC: Then in paragraph 35 you continue to speak of the delivery system in regard to payments to Department of Correctional Services. Explain the process that you refer to in paragraph 34.5 or the part of the process you refer to in

10 paragraph 34.5

CHAIRPERSON: He had covered 34.6. The resignation of Gillingham. I think he had, but I do not whether I am just remembering that from reading his.

ADV PAUL PRETORIUS SC: Well.

CHAIRPERSON: Affidavit ahead of him testifying.

ADV PAUL PRETORIUS SC: Did you mention the name of Mr Seopela now?

MR ANGELO AGRIZZI: No, I have not yet gone through that.

ADV PAUL PRETORIUS SC: Alright, will you please deal with 34.5.

CHAIRPERSON: Ja.

ADV PAUL PRETORIUS SC: Not 34.6.

20 **CHAIRPERSON:** Ja, okay.

MR ANGELO AGRIZZI: 34.5, on the instruction of Gavin Watson I would deliver to Seopela payments which would be handled to hand it over to officials from the Department of Correctional Services according to Seopela which included Senior Government Officials. I would ...[intervenes].

ADV PAUL PRETORIUS SC: Ja ...[intervenes].

MR ANGELO AGRIZZI: I would ...[intervenes].

ADV PAUL PRETORIUS SC: At what time was this?

MR ANGELO AGRIZZI: This was from 2009/2010.

ADV PAUL PRETORIUS SC: I am sorry I interrupted you.

MR ANGELO AGRIZZI: Sorry. So what would happen Chair is on a monthly basis there would be special payments. As I alluded to earlier yesterday there was the increase from 500 to 750 000 and there were certain officials who would be handled in a group with Mr Seopela and he would collect the money to handle them.

CHAIRPERSON: In respect of Correctional Services Officials?

10 **MR ANGELO AGRIZZI**: Mostly, yes.

CHAIRPERSON: Mostly, okay.

MR ANGELO AGRIZZI: Yes.

CHAIRPERSON: Alright.

ADV PAUL PRETORIUS SC: So the system in 34.5 is another system other than that in 34.4?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: Then 34.6 would you deal with that please?

20 **MR ANGELO AGRIZZI**: Well Gillingham had to resign from the Department of Correctional Services and there was a reason for that. That the evidence against him would have been too much and it would be better if he resigned, because then they would not have been able to lay claim on his pension fund. So he resigned from the Department of Correctional Services in November 2010 after he had been suspended. I think he was suspended for two years.

CHAIRPERSON: What brought about his resignation or what had happened? Had he been discovered or what?

MR ANGELO AGRIZZI: Well he had been charged. He had actually been charged based on the SIU Report.

CHAIRPERSON: Oh.

MR ANGELO AGRIZZI: So he was physically, he was charged by the department and he was to appear before a Disciplinary Committee and at that stage they used the State Advocates to handle the matter.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: We, as Bosasa we were assisting him by utilising BDK Attorneys. Sorry I should not have mentioned the name, but we were using a group of
10 attorneys to assist him in defending the case. The day before he, the day he appeared before the case, at the, the case I got a call from Seopela to say that Gillingham has just resigned.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: And, and he just resigned and that is when he came back to us and he said look now what. I need to get my salary, because I am not going to get a salary anymore and that is when Gavin Watson agreed that he would increase his salary double it up, because he was getting R47 000 a month. He would double it up and pay for small incidentals like his medical aid and his pension fund. So it went up to R110 000 a month.

20 **CHAIRPERSON:** And by the time you left Bosasa he was still being paid that amount?

MR ANGELO AGRIZZI: Correct. In the video clip you see.

CHAIRPERSON: Hm.

MR ANGELO AGRIZZI: That he actually says to Andries, he says to him pay; you will take the money to Patrick Gillingham, because at that stage I just refused point blank.

CHAIRPERSON: Was there idea if you know what the position is, was the idea that he

would continue to be paid by Bosasa like this after having resigned from Correctional Services what, for like or for what?

MR ANGELO AGRIZZI: As long as Bosasa had the Catering Contracts the senior members who were involved in arranging those contracts would be paid for life. As long as the contract was in place.

CHAIRPERSON: Oh, they will be paid as long as the Catering Contract was still in place?

MR ANGELO AGRIZZI: That is correct Chair.

CHAIRPERSON: If it came to an end then the payments would stop as well?

10 **MR ANGELO AGRIZZI:** That, apparently that is what the arrangement was.

CHAIRPERSON: Ja, ja.

MR ANGELO AGRIZZI: I did not know about the arrangement from the onset.

CHAIRPERSON: Yes. Okay, alright thank you.

ADV PAUL PRETORIUS SC: Right. Let us move on then please to paragraph 35. You say here that during approximately 2009/2010 you accompanied Gavin Watson to a meeting with Mr Mti. Where did this meeting take place?

MR ANGELO AGRIZZI: This meeting as far as I can recall took place at Richmond Mti's house in Savannah Hills.

ADV PAUL PRETORIUS SC: What was discussed? Who attended this meeting?

20 **MR ANGELO AGRIZZI:** I was at the meeting. Gavin Watson was at the meeting. Richmond Mti was at the meeting.

ADV PAUL PRETORIUS SC: What was discussed?

MR ANGELO AGRIZZI: What was basically discussed, it was an informal discussion regarding to the investigation of Bosasa. Richmond Mti wanted to know what we were doing and how we were active and wanted to create an alliance and formulate the way

forward on how to handle this investigation.

ADV PAUL PRETORIUS SC: Is this the SIU investigation?

MR ANGELO AGRIZZI: Correct and the potential criminal charges at that stage.

ADV PAUL PRETORIUS SC: Yes.

MR ANGELO AGRIZZI: Can I continue?

CHAIRPERSON: Was your ...[intervenes]?

ADV PAUL PRETORIUS SC: Please do.

CHAIRPERSON: Was your understanding that this meeting marked the commencement of discussions about involving Mr Mti about how the SIU investigation should be handled or was the position that those, this was just a follow up discussion. There had been discussions before?

MR ANGELO AGRIZZI: There had been discussions before.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: And this was kind of a follow up discussion.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: On discussing what was out in the press number one and number two what was happening within the NPA.

CHAIRPERSON: Hm.

MR ANGELO AGRIZZI: And then they would always go on about the political ramblings and that as well.

CHAIRPERSON: Huh-uh.

MR ANGELO AGRIZZI: But the fact of the matter is it was a monthly scheduled meeting that I had suddenly become involved with as well.

CHAIRPERSON: Okay, thank you.

MR ANGELO AGRIZZI: Mti, Mti was very well aware of the investigation Chair and he

suggest that we, we need to pay certain or sort out certain individuals within the NPA so that we could carry favour and also that they could assist us in telling us where and when to send lawyers letters that type of thing and on what basis to send it. So there was a lot of documentation as well that came from Mr Mti after he had met with the various people. The important thing was that he told us to, we needed to make up packages for certain people. That was made very clear to me by Watson and by Mti that it needed to be done and needed to be done urgently.

ADV PAUL PRETORIUS SC: At that particular meeting to which you are now referring in paragraph 35.1 did Mr Mti mention any names?

10 **MR ANGELO AGRIZZI:** Yes, he did.

ADV PAUL PRETORIUS SC: What were those names?

MR ANGELO AGRIZZI: The names Chair were Jackie Lepinka who had used to work for him previously as his Secretary and was now working for Advocate Nomgcobo Jiba. He mentioned Lawrence Mrwebi and that they were handling the investigation at the NPA.

ADV PAUL PRETORIUS SC: Right, continue please with your evidence at paragraph 35.2.

CHAIRPERSON: So those three names that you have mentioned were they the names or were they some of the names that he said Bosasa must be ready to pay them?

20 **MR ANGELO AGRIZZI:** Chair I was told to prepare money by Gavin Watson for those three names and the names and the amounts were decided by Mr Mti and Gavin Watson. They had a private discussion about it.

CHAIRPERSON: Huh-uh.

MR ANGELO AGRIZZI: I was just told afterwards this is what needs to get paid.

CHAIRPERSON: Oh, the actual amounts were not mentioned at the meeting you are

telling us about?

MR ANGELO AGRIZZI: The meeting, I walked out.

CHAIRPERSON: Hm.

MR ANGELO AGRIZZI: And the meeting to discuss these amounts.

CHAIRPERSON: Hm.

MR ANGELO AGRIZZI: I was told in the car on the way back that this is what was being agreed between the two.

CHAIRPERSON: Hm.

MR ANGELO AGRIZZI: And that is what needs to be paid.

10 **CHAIRPERSON**: Okay.

MR PAUL AGRIZZI: After that meeting Chair it would be openly discussed each one – what each one was getting. But the decision discussions I have – I was outside at the moment while they decided on the initial amounts.

CHAIRPERSON: So the – so the outcome of the meeting you are telling us about which you, Mr Gavin Watson and Mr Mti attended was that certain officials at the NPA should be paid money so that they could do certain things for Bosasa to assist them with investigation, the SIU investigation and possible criminal charges?

MR ANGELO AGRIZZI: That is true. It was not the SIU investigation it was the HAWKS investigation and the NPA's ...[intervenes].

20 **CHAIRPERSON**: Oh it was?

MR PAUL AGRIZZI: Dealings yes.

CHAIRPERSON: Oh it was lots of

MR PAUL AGRIZZI: Correct.

CHAIRPERSON: Anything connected with those law enforcement agencies?

MR PAUL AGRIZZI: That is correct.

CHAIRPERSON: Were there other people other than these three that you were told about at this meeting that needed to be paid money by Bosasa? At that meeting not after?

MR PAUL AGRIZZI: Not at this meeting no.

CHAIRPERSON: Okay alright thank you.

ADV PAUL PRETORIUS SC: Thank you. Let us just summarise then what you have said in paragraph 35.1. You went with Gavin Watson to a meeting with Mti at his house?

MR PAUL AGRIZZI: Correct.

10 **ADV PAUL PRETORIUS SC**: A discussion ensued at that meeting in regard to law enforcement agencies investigations into Bosasa?

MR PAUL AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: And into Mti himself?

MR PAUL AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: Mr Mti then suggested that certain individuals had to be in your words “sorted out?”

MR PAUL AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: And he mentioned certain individuals in the NPA?

MR PAUL AGRIZZI: That is correct.

20 **ADV PAUL PRETORIUS SC**: And the names mentioned were Jackie Lepinka, Nomgcobo Jiba and Lawrence Mrwebi?

MR PAUL AGRIZZI: That is correct Chair.

ADV PAUL PRETORIUS SC: Alright now was the decision in relation to who and in what amount and I am talking about the sorting out of individuals then finalised in your absence?

MR PAUL AGRIZZI: I was not there when they decided the amounts that is correct.

ADV PAUL PRETORIUS SC: But you were told that by Mr Watson?

MR PAUL AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: Right then please would you continue and was this decision executed?

MR PAUL AGRIZZI: Yes most definitely Chair.

ADV PAUL PRETORIUS SC: Right and in paragraph 35.2 you describe how the decision was executed?

CHAIRPERSON: Before that I see that in paragraph 35.1 of your affidavit the words
10 “sort out” are in quotes.

MR PAUL AGRIZZI: Yes.

CHAIRPERSON: That could mean they are your words but you put them in quotes for certain reasons but they could mean that Mr Mti used those words and that is why you are quoting them which is which?

MR PAUL AGRIZZI: Chair you are correct. That was the words used by Gavin Watson “sort out” so everybody adopted that “sort out” he would – that was used.

CHAIRPERSON: Oh they were used by Mr Gavin Watson?

MR PAUL AGRIZZI: Yes that is why I have put it in inverted commas.

CHAIRPERSON: Oh not by Mr Mti?

20 **MR PAUL AGRIZZI**: No it was used by Mr Gavin Watson.

CHAIRPERSON: Ja okay alright thank you.

ADV PAUL PRETORIUS SC: Well you do say in paragraph 35.1 that he and in the context that it Mti suggested to us that we have to “sort out” certain individuals in the NPA?

MR PAUL AGRIZZI: Those were the words used.

ADV PAUL PRETORIUS SC: By whom?

MR PAUL AGRIZZI: They – what I am trying to explain Chair is that if Gavin says “we got to sort someone out” then Mti would say “we got to sort someone out”. So that was the words used by Mti, by Gavin, by myself when somebody needed to get paid cash.

ADV PAUL PRETORIUS SC: Let us go on then to paragraph 35.2. You say the decisions made in whatever words were used were executed?

MR PAUL AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: How were they executed?

MR PAUL AGRIZZI: Well if I can go through 35.2 and it explains it.

10 **ADV PAUL PRETORIUS SC:** Please do.

MR PAUL AGRIZZI: They were given cash basically. But Mti would tell us that he met weekly with the persons whom he gave code names to. So he gave each person a code name so that they would not be compromised. So he called Nomgcobo Jiba ‘Snake’ because she was very alert and the reason why when I asked him is because she was always poised to strike and ready to be on the offensive all the time and she was poison. Then he referred to Jackie.

CHAIRPERSON: I am sorry did you say he said she was poison?

MR PAUL AGRIZZI: She was like poison, potent, strong.

CHAIRPERSON: Oh okay.

20 **MR PAUL AGRIZZI:** So then he used the name ‘Jay’ for Jackie, he just called her Jay.

CHAIRPERSON: That is Jackie Lepinka?

MR PAUL AGRIZZI: Lepinka. That is correct Chair.

CHAIRPERSON: Okay.

MR PAUL AGRIZZI: Then he used the word ‘snail’ for Lawrence Mrwebi because he said he was slow and his words to me was very lethargic. He will not get anything done

but he is there. So I am not being facetious I am telling you.

CHAIRPERSON: You are just telling what he said.

MR PAUL AGRIZZI: I am telling you why he used those code names.

CHAIRPERSON: Yes.

MR PAUL AGRIZZI: And what he explained to me.

CHAIRPERSON: Yes okay.

MR PAUL AGRIZZI: So it was Snake for Nomgcobo Jiba, Snail for Mrwebi and Jay for Jackie.

CHAIRPERSON: Okay.

10 **MR PAUL AGRIZZI**: Okay. So at these meetings they would provide him with detailed statuses of the investigation and the prosecution. Now one thing I must mention Chair for clarity purposed is that he never ever mentioned that Mrwebi was at the meeting. He mentioned the ladies were with me.

CHAIRPERSON: Oh that is how he put it?

MR PAUL AGRIZZI: On the telephone. So on the telephone he would say to me the ladies were with me. Referencing because one day I asked him. He said the reference was to Jackie and to – well Jay and Snake who were with.

CHAIRPERSON: Oh okay.

20 **MR PAUL AGRIZZI**: So Jackie and Nomgcobo Jiba was with him. That is what he told me.

CHAIRPERSON: Yes.

MR PAUL AGRIZZI: And that is what he told Watson. And they would then give us updates, very accurate updates because two lots of updates would come to us and one update was from him and it was always accurate and basically in return for that they received the cash on the monthly basis. So the – that is how it worked.

CHAIRPERSON: Yes.

MR PAUL AGRIZZI: And this went on since I think it was 2010.

CHAIRPERSON: Yes well.

ADV PAUL PRETORIUS SC: What are the amounts to your knowledge that were paid?

MR PAUL AGRIZZI: Snake would get R100 000,00.

ADV PAUL PRETORIUS SC: Per what?

MR PAUL AGRIZZI: Per month.

ADV PAUL PRETORIUS SC: Right.

10 **MR PAUL AGRIZZI**: J would get R20 000,00 per month and Snail would get R10 000,00 per month. That is the amounts that were paid.

CHAIRPERSON: Did you ever get to know why J as I understand in Ms Lepinka, Jackie Lepinka who as I understand your evidence and or what you were told by Mr Mti was secretary or PA to Ms Nomgcobo Jiba was getting more than Mr Mrwebi?

MR PAUL AGRIZZI: Chair I asked.

CHAIRPERSON: I see she was getting R20 000,00 and Ms Mrwebi was getting R10 000,00.

MR PAUL AGRIZZI: I asked the same question and the answer that was given to me is that she is far more active than him. And she is far more important than him. Because
20 as long as he got his R10 000,00 a month he was happy, he was calm and he would not interfere in anything. He would let Jiba run with it.

CHAIRPERSON: Okay.

MR PAUL AGRIZZI: That is the answer I got.

CHAIRPERSON: Okay. Thank you.

ADV PAUL PRETORIUS SC: Right. And do you personally know of the delivery of

these amounts or were you told of the delivery of these amounts?

MR PAUL AGRIZZI: Chair I just want to clarify. I did some of these deliveries a month to Mti. That explains it I think. I know about every single delivery that took place. The last lot of deliveries which took place in December I actually refused to do and Gavin Watson ...[intervenes].

CHAIRPERSON: That is December 2016?

MR PAUL AGRIZZI: 2016 correct. I refused to do them. I had the packages with me and I just said that is it I am not doing this anymore and that was on the 15 December – sorry on the 19 December 2016. I then fell ill and when I came out of hospital
10 eventually Gavin Watson came to fetch that delivery, the last delivery for Mti, Snake, J and Snail.

CHAIRPERSON: Did the three get – start to be paid only after the meeting that you have told us about? Prior to that had they not – were they not being paid?

MR PAUL AGRIZZI: With exception of Mti but the others – the three did not get paid for the meeting no. The meeting suggested that they be paid.

CHAIRPERSON: Yes and are you able to place the meeting in terms of time? Was it 2009, 2010? Asking was it there about?

MR PAUL AGRIZZI: You know Chair when I left I had – everything was taken away. My books, everything. So I cannot recall the exact date.

20 **CHAIRPERSON**: You cannot say when? Okay no I just see in your paragraph 35.1 of your affidavit you say – it says: “during or approximately 2009, 2010 I accompanied Gavin Watson to a meeting with Mti at his house.” So that is the best you can say?

MR PAUL AGRIZZI: Chair that is – you know I had met Mti before.

CHAIRPERSON: Ja.

MR PAUL AGRIZZI: At his house but that was when this was discussed.

CHAIRPERSON: Ja okay thank you.

ADV PAUL PRETORIUS SC: Thank you Chair. The question that I raised with you last in relation to deliveries. Let me make it more clear. Were you ever present when a delivery was made to either of the three persons in the NPA?

MR PAUL AGRIZZI: I was not at the delivery to the three persons at the NPA Chair.

ADV PAUL PRETORIUS SC: Did Mr Gillingham – then in paragraph 35.3 you say these amounts were paid and received on a monthly basis. That information would be information received from Mti?

MR PAUL AGRIZZI: That is correct.

10 **ADV PAUL PRETORIUS SC**: Then in paragraph 35.4 you mention the name of Mr Gillingham. Please tell the Chair what transpired?

MR PAUL AGRIZZI: Well at one stage because of all the stories with the NPA and that Gillingham was extremely anxious about these arrangements that were going on there and he was concerned about the NPA processes and that and what he was he – I actually got to a stage where I did not want to talk him because he was so nervous and I actually asked Gavin Watson to speak to him – that said to him – and he told him he has got everything under control and explained that he had personally spoken to everybody. He was with Mti at the moment and everything – the NPA was under control, everything was sorted out. That is what that reflects.

20 **CHAIRPERSON**: So going back to the question Mr Pretorius asked you just before this one that you have answered. The position would be that you yourself do not have personal knowledge whether or not the three namely Mr Nomgcobo Jiba, Ms Jackie Lepinka and Mr Mrwebi whether they actually received any amounts from – from Bosasa but you – what you know is that amounts were delivery to Mr Mti and that Mr – the purpose for the delivery of those amounts was that they would be passed onto the

three?

MR PAUL AGRIZZI: Correct.

CHAIRPERSON: And that Mr Mti told you that they were being passed on?

MR PAUL AGRIZZI: That is correct Chair and how I knew that they were receiving it was because Mti would tell me that.

CHAIRPERSON: Yes.

MR PAUL AGRIZZI: And also he had given me documents from them directly.

CHAIRPERSON: Yes.

MR PAUL AGRIZZI: So – because I had that information I trusted him and I trusted
10 that he would not lie.

CHAIRPERSON: Ja.

ADV PAUL PRETORIUS SC: Well in relation to the product of these payments we will deal with them after the short adjournment that as you say you received documents purportedly emanating from the NPA working files?

MR PAUL AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: Containing information that could only on the face of it have come from the NPA?

MR PAUL AGRIZZI: That is correct Chair.

ADV PAUL PRETORIUS SC: Those documents were given to you by Mti?

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

ADV PAUL PRETORIUS SC: And he told you he received these documents from within the NPA?

MR PAUL AGRIZZI: That is correct Chair.

ADV PAUL PRETORIUS SC: We will deal with those after the break.

MR PAUL AGRIZZI: If I may also add Chair he would often phone them in my

presence. So I would hear him talking to them.

CHAIRPERSON: Oh is that so. Yes.

MR PAUL AGRIZZI: And there is one incident where we were actually discussing the matter and there was handwritten notes where he was on the line and he was busy writing down notes as well. So that he submitted as well.

CHAIRPERSON: Yes okay alright. We will take the tea adjournment.

ADV PAUL PRETORIUS SC: Chair the – you are aware then that there is no water and in fact the bathrooms have been locked. So.

CHAIRPERSON: I was told yesterday that there were temporary bathrooms provided.

10 Are those no longer available?

ADV PAUL PRETORIUS SC: I have – I am not sure of those. I think they are outside I am not sure.

CHAIRPERSON: Well there seems to be an indication that they available so if that is the case is there a need for a thirty minutes break or should we keep to fifteen minutes?

ADV PAUL PRETORIUS SC: In your hands Chair.

CHAIRPERSON: Well I do not want to...

ADV PAUL PRETORIUS SC: Fifteen minutes should be.

CHAIRPERSON: Should be adequate.

20 **ADV PAUL PRETORIUS SC**: Except you know the lifts and the number perhaps.

CHAIRPERSON: Okay.

ADV PAUL PRETORIUS SC: Twenty to twenty-five minutes.

CHAIRPERSON: Okay so maybe twenty?

ADV PAUL PRETORIUS SC: Twenty-five minutes.

CHAIRPERSON: Twenty-five minutes?

ADV PAUL PRETORIUS SC: Yes Chair.

CHAIRPERSON: Okay alright.

ADV PAUL PRETORIUS SC: We – legal team drives a hard bargain.

CHAIRPERSON: Well let us say how is twenty minutes?

ADV PAUL PRETORIUS SC: Fine Chair. Absolutely fine.

CHAIRPERSON: No, no. Okay. If I – if we say twenty to twelve it will give you twenty-five minutes. Is – ja it will give you twenty-five minutes.

ADV PAUL PRETORIUS SC: Thank you Chair.

CHAIRPERSON: Twenty-five we will resume at twenty-five to twelve. We adjourn.

10 **MEETING ADJOURNS**

MEETING RESUMES

CHAIRPERSON: Yes, Mr Pretorius?

ADV PAUL PRETORIUS SC: Thank you, Chair. Mr Agrizzi we were at paragraph 35.4 of your affidavit and you were telling the, Chair, about the intervention of Mr Gillingham in respect of the arrangements regarding personnel at the NPA?

MR ANGELO AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: In paragraph 35.5 you deal with the contents of a meeting or you – another meeting after Mr Gillingham had raised his concerns. What happened after Mr Gillingham had raised his concerns?

20 **MR ANGELO AGRIZZI:** Mr Gillingham raised his concerns, there was a discussion on the telephone between Richmond Mti and Gillingham in my presence where he told him not to be concerned that he has it all under control that he was dealing with Jiba, he was dealing with Jackie and Mrwebi.

ADV PAUL PRETORIUS SC: Did you receive an instruction from Gavin Watson at this time?

MR ANGELO AGRIZZI: Yes, I did, Chair.

ADV PAUL PRETORIUS SC: What was that instruction?

MR ANGELO AGRIZZI: The instruction was from Watson to take Mti's cash earmarked for him as well as the cash delivered to a number of other officials as was done on a monthly basis. Gavin Watson informed me that I was to take extra cash for the people at the NPA. He explained to me that he had already packed the security bags for Nomgcobo Jiba in the amount of R100 000 and he marked it Snake. Lawrence Mrwebi in the amount of R10 000 and he marked it Snail. This would be marked with a Sharpie marking pen on the bag itself and Jackie in the amount of R20 000 and marked as Jay.

10 **ADV PAUL PRETORIUS SC:** I am sorry I interrupted you, what did you do with these bags?

MR ANGELO AGRIZZI: I took these bags together with the other bags to Mti and these were added to the regularly monthly payments made to Mti. The complete bag which was a haversack with the bags inside it included the following amounts. Mti was R65 000 packed in a grey, all these are packed separately in a grey security bag labelled.

ADV PAUL PRETORIUS SC: Sorry, may I stop you there please. Chair, I note that the broadcast feed has died and I told by sign language that it has been cut somehow. I am not, it is important that this information is properly publicised if it is going to be given
20 in evidence as before.

CHAIRPERSON: Ja, no that is fine. Maybe we need a short adjournment for the technicians to sort this out. Is there a technicians who knows how long it will take? Yes, I think maybe find out from him?

ADV PAUL PRETORIUS SC: It is back on, Chair.

CHAIRPERSON: Oh, okay, well whatever may be done to make sure that it does not

come back, please do that.

ADV PAUL PRETORIUS SC: Thank you, Chair.

CHAIRPERSON: Thank you.

ADV PAUL PRETORIUS SC: Alright, would you go back please and start that section of your evidence again?

MR ANGELO AGRIZZI: From the Gillingham call?

ADV PAUL PRETORIUS SC: No, you can continue with...[intervenes]

CHAIRPERSON: He was given instructions by Mr Gavin Watson was that part of what the instruction was captured, do we know?

10 **ADV PAUL PRETORIUS SC:** I think we can start, Chair, because we did repeat a little of the evidence.

CHAIRPERSON: Yes.

ADV PAUL PRETORIUS SC: With the instructions given by Mr Watson.

CHAIRPERSON: Yes.

ADV PAUL PRETORIUS SC: To Mr Agrizzi.

CHAIRPERSON: Okay.

20 **MR ANGELO AGRIZZI:** Chair, Watson instructed me to take Mti cash that had been earmarked for him as well as cash to be delivered to a number of other officials which was done on a monthly basis. Gavin informed me that I had to take the extra cash for the people at the NPA as well. He explained to me that he had packed security bags. He packed them in a large haversack, plastic haversack which we will buy in bulk from the China Mall and he would say – he said to me that he had packed the security bags for Nomgcobo Jiba in R100 000. He had packed the grey security bag inside the main bag for Mr Lawrence Mrwebi and he marked it Snail and he packed the bag for Jackie Lepinka and marked it Jay. The amounts that were packed were...[intervenes]

CHAIRPERSON: And the one for Mr Nomgcobo Jiba he said he marked it what?

MR ANGELO AGRIZZI: R100 000 and he marked it for Snake.

CHAIRPERSON: Okay.

MR ANGELO AGRIZZI: He marked Mrwebi's R10 000 as Snail and Jackie as Jay. I took these bags together with the other bags to Mti. So it was all in one bag all delivered to Mti.

CHAIRPERSON: So how many bags were inside the bigger sack that you spoke about?

MR ANGELO AGRIZZI: There were six bags inside it.

10 **CHAIRPERSON:** Okay, okay.

MR ANGELO AGRIZZI: Okay, there were extra bags. One was for Jolingana who was at that stage the Acting Commissioner of Correctional Services. He also referred to as Middledrift, the code name for her was Middledrift.

CHAIRPERSON: Middledrift?

MR ANGELO AGRIZZI: Middledrift, because apparently she came from that area in the Eastern Cape.

CHAIRPERSON: Oh. So he was the Acting National Commissioner?

MR ANGELO AGRIZZI: She was.

CHAIRPERSON: Oh it was a she?

20 **MR ANGELO AGRIZZI:** Yes, that is right.

CHAIRPERSON: Okay, alright.

MR ANGELO AGRIZZI: She was an Acting National Commissioner if...[intervenes]

CHAIRPERSON: And was Jolingana the surname or the name?

MR ANGELO AGRIZZI: I do not know, I just know her as Jolingana, I think it was her surname.

CHAIRPERSON: Okay, alright.

MR ANGELO AGRIZZI: Alright, but the code name for her was Middledrift I just recalled now. Then for Grace Molatedi who was the Area Commissioner for somewhere in the Free State and the reason why that was, was because they had further extended the contract by an additional two contracts. One of them was Groen Print and there was, I will remember the other one, it is further on in my statement, but she would get R50 000, because she extended the contract.

There had been a fire at one of the facilities and they had asked us to take over and put in a mobile kitchen.

10 **CHAIRPERSON:** So that strictly speaking would have been an expansion of the scope of the contract?

MR ANGELO AGRIZZI: Correct.

CHAIRPERSON: As opposed to an extension of the duration?

MR ANGELO AGRIZZI: Correct. I have not gone into detail with the investigators, but we had such little time to prepare.

CHAIRPERSON: No, that is fine.

MR ANGELO AGRIZZI: So Grace Molatedi would be getting an extra R100 000 as well. Then in execution of this arrangement Mti over a period of time supplied me with documents which indicate...[intervenes]

20 **ADV PAUL PRETORIUS SC:** Before you go there please? Just let us clarify, you say there were three extra bags?

MR ANGELO AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: One for the person with the surname Jolingana?

MR ANGELO AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: We have mentioned someone earlier I am told

Nontsikelelo?

MR ANGELO AGRIZZI: That is the lady.

ADV PAUL PRETORIUS SC: Is that her first name?

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

ADV PAUL PRETORIUS SC: You referred to her earlier in your evidence?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: How much did she receive?

MR ANGELO AGRIZZI: She received R100 000.

ADV PAUL PRETORIUS SC: Alright, would you just wait for my question to finish so
10 that the record can pick it up please? And then the third amount?

MR ANGELO AGRIZZI: The third amount was Grace Molatedi which was R100 000.

ADV PAUL PRETORIUS SC: Alright then let us get the order straight. The first
amount?

MR ANGELO AGRIZZI: The first amount was for Richmond Mti which was his
standard R65 000 a month.

ADV PAUL PRETORIUS SC: Alright.

CHAIRPERSON: And this is now after Mti had left Correctional Services?

MR ANGELO AGRIZZI: That is correct, Chair.

CHAIRPERSON: Yes, when he was still at Correctional Services he was getting more
20 than R65 000 or not really?

MR ANGELO AGRIZZI: No, Chair, the amount that he would get monthly was
R65 000.

CHAIRPERSON: Oh, okay.

MR ANGELO AGRIZZI: Later on, after this it increases to R85 000, because then the
company started paying his rental – his rental fee of R20 000 a month cash.

CHAIRPERSON: Okay, thank you.

ADV PAUL PRETORIUS SC: To summarise thus-far then arrangements were made to pay certain amounts to officials in the National Prosecuting Authority?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: Your evidence is that these arrangements were executed in the manner in which you just described?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: The purpose as I understand was to obtain information regarding the process of investigation and contemplated prosecution of Mti himself and

10 Bosasa as well?

MR ANGELO AGRIZZI: That is correct, Chair.

CHAIRPERSON: But as I understood you it was more than obtaining information from the NPA. It included them I think you said assisting Bosasa and I would imagine taking whatever decisions where necessary to assist Bosasa with regard to the investigation?

MR ANGELO AGRIZZI: That is correct, Chair. The purpose was also to get them to stymie the process.

ADV PAUL PRETORIUS SC: In relation to the first purpose, did it produce any results for Bosasa?

MR ANGELO AGRIZZI: Well most definitely.

20 **ADV PAUL PRETORIUS SC:** Alright. You deal with that in paragraph 35.6.

MR ANGELO AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: Of your affidavit and I am going to take you through the contents of Annexure Q, that is Q1 to Q17. Q1 appears at page 366 of Bundle S1, but before we go there let us just forewarn the, Chair, of what this evidence is all about. You say in the introductory portion of paragraph 35.6 that the arrangement relating to

the payment of money to officials and the National Prosecuting Authority had various goals and you say in paragraph 35.6 an execution of this arrangement Mti did various things. What did he do?

MR ANGELO AGRIZZI: He liaised with the NPA people to get information from them and provide us with the information relating to that.

ADV PAUL PRETORIUS SC: Did you receive information?

MR ANGELO AGRIZZI: Yes, we did.

ADV PAUL PRETORIUS SC: In what form did you receive the information?

MR ANGELO AGRIZZI: Information would be verbal. It would be written, it will be
10 copies of secret documentation, minutes of meetings, various other information sources.

ADV PAUL PRETORIUS SC: To whom was this information given?

MR ANGELO AGRIZZI: The information was given to Gavin Watson and then to myself. Or sometimes, occasionally I would be there with Gavin Watson and it would be handed over to me.

ADV PAUL PRETORIUS SC: The documents to which you have just referred and which we will refer to in a moment to whom were they given?

MR ANGELO AGRIZZI: Sorry, I thought I explained that. Could you just repeat that in what context?

20 **ADV PAUL PRETORIUS SC:** We spoke about...[intervenes]

CHAIRPERSON: Well...[intervenes]

ADV PAUL PRETORIUS SC: Information.

MR ANGELO AGRIZZI: Yes?

ADV PAUL PRETORIUS SC: I am not referring particularly to documents.

MR ANGELO AGRIZZI: Oh, documents, okay.

ADV PAUL PRETORIUS SC: And the documents in Annexure Q.

MR ANGELO AGRIZZI: Yes. Those documents, sorry, Chair?

CHAIRPERSON: Yes, how did those documents get to you?

MR ANGELO AGRIZZI: Those documents were given presumably by the people within the NPA to Mti. Mti would give them to Watson normally, or if I was there he would give them to Watson and myself at the same time.

CHAIRPERSON: Okay, okay.

ADV PAUL PRETORIUS SC: Now we will go through the documents one by one in order to identify them and to consider or for the, Chair, to consider their probable
10 source and to consider whether that is consistent with the evidence that you are giving.

MR ANGELO AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: But the documents in Annexure Q, you know what those documents are, because you gave them to the investigators?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: How did you come into possession of those particular documents?

MR ANGELO AGRIZZI: Those documents in Q were given to me via Richmond Mti.

MR ANGELO AGRIZZI: When you say via by whom were they given to you?

MR ANGELO AGRIZZI: Well they were given to me by either Gavin Watson or
20 Richmond Mti directly, Chair, I cannot remember each document, I need to go and look at it and try and jog my memory, but they were given to me by Gavin Watson who got them from Richmond Mti or alternatively if I was with Gavin Watson at the meetings he would give them Richmond Mti would just give them directly to me.

CHAIRPERSON: Alright, so in other words if one goes to each one of those document?

MR ANGELO AGRIZZI: Yes?

CHAIRPERSON: What you are saying is each one, any of those documents they got to you either, because they were given to you by Gavin Watson himself?

MR ANGELO AGRIZZI: Correct.

CHAIRPERSON: Or by Mr Mti? At this stage you are not saying which ones, because we are not looking at the documents, but maybe when we look at the documents you might still not be able which one you got from Mr Watson, which one you got from Mr Mti, but those are the two people from whom you got the documents?

MR ANGELO AGRIZZI: Correct, and I think the important part that I need to clarify is
10 these documents came from either Nomgcobo Jiba or during the meetings with Mti they would hand him the documents. He would then come and give us the documents.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: That is how it would work.

CHAIRPERSON: I guess, but we go back to the point that is the conclusion you reach, because of all the circumstances and that is what Mr Mti told you?

MR ANGELO AGRIZZI: Correct.

CHAIRPERSON: Ja, okay.

MR ANGELO AGRIZZI: And I think if you look at the documents, Chair, you will see that they are highly confidential and secret documents.

20 **CHAIRPERSON:** Yes.

MR ANGELO AGRIZZI: There is only one or two people who would have access.

CHAIRPERSON: Ja.

ADV PAUL PRETORIUS SC: We will go through the documents. I just want to ask one or two more questions in relation to the documents before we do that.

MR ANGELO AGRIZZI: Okay.

ADV PAUL PRETORIUS SC: But, Chair, quite independently from the evidence of this witness no doubt the, Chair, will look at the documents to determine the more than probable source.

CHAIRPERSON: *Ja*, no, I have already looked at them and I just wanted to make sure that we understand what his evidence is.

ADV PAUL PRETORIUS SC: Yes.

CHAIRPERSON: That he personally never witnessed the handing over of the documents to Mr Mti by whoever. He just knows that Mr Mti said he got them from the people concerned and he may have other reasons to believe that what Mr Mti told him is correct.

10

ADV PAUL PRETORIUS SC: Yes.

CHAIRPERSON: *Ja*.

ADV PAUL PRETORIUS SC: And you referred amongst other things to telephone conversations?

MR ANGELO AGRIZZI: That is correct, Chair.

ADV PAUL PRETORIUS SC: And where those telephone conversations become relevant you will no doubt inform the, Chair.

MR ANGELO AGRIZZI: Will do.

ADV PAUL PRETORIUS SC: Right. Now you say you received these documents from the persons mentioned and in the manner mentioned. Since that time several years have lapsed, what happened to these documents, who kept them?

20

MR ANGELO AGRIZZI: I kept those documents with me and kept them for safekeeping.

ADV PAUL PRETORIUS SC: And then at a stage you handed them to the investigators of the Commission?

MR ANGELO AGRIZZI: That is correct, Chair.

CHAIRPERSON: Did you take them with you when you left the company?

MR ANGELO AGRIZZI: I did not take them with me, Chair, because I left, I was going on leave like normal.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: So they were with me in a secure place, because I got to a stage where I wanted to use these documents and open it up.

CHAIRPERSON: Oh, you had access to where they were?

MR ANGELO AGRIZZI: They were at in a storage place that I created.

10 **CHAIRPERSON**: That you had access to?

MR ANGELO AGRIZZI: Yes.

CHAIRPERSON: Okay. Thank you.

ADV PAUL PRETORIUS SC: You say you created this storage space?

MR ANGELO AGRIZZI: That is correct, Chair.

ADV PAUL PRETORIUS SC: For the very purpose of securing these documents?

MR ANGELO AGRIZZI: To clarify, yes, not only these documents, but various other documents as well and hard drives. So what I did do I hired a specific storage facility away from my premises.

CHAIRPERSON: Yes, okay, thank you.

20 **ADV PAUL PRETORIUS SC**: Let us deal with the first of these documents, it is Annexure Q1 and it appears on page 366.

CHAIRPERSON: Before you proceed Mr Pretorius, the administration side of the Commission should just talk to the owners of the building to see how the issue of bathrooms can be sorted out. I understand that there were still problems, even now. So that we do not have to adjourn for long periods during tea. Okay, thank you, you

may proceed.

ADV PAUL PRETORIUS SC: Chair, there are facilities on the ground floor outside the building, but when I got there certainly they were also locked.

CHAIRPERSON: Yes, that is what I was told, yes, yes.

ADV PAUL PRETORIUS SC: But insofar as we are able to give instructions and insofar as people listen to us we have tried to sort that problem out.

CHAIRPERSON: Yes, yes.

ADV PAUL PRETORIUS SC: I now believe even the bathrooms here are open.

CHAIRPERSON: They are open?

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

CHAIRPERSON: And they are working?

ADV PAUL PRETORIUS SC: No.

CHAIRPERSON: They are not working, but they are open. Okay, no I just want to make sure this – we do not continue to have these problems where measures can be taken to make sure the proceedings are not delayed unduly.

ADV PAUL PRETORIUS SC: Yes.

CHAIRPERSON: Okay, thank you, you may proceed.

ADV PAUL PRETORIUS SC: Page 366, the document referred to is on page 367.

20 Now this appears to be an affidavit of one Hendrik Andries Truter. Do you know who that person is?

MR ANGELO AGRIZZI: I do, he is, I am not sure of his rank but he is in procurement for the Department of Correctional Services and he is very well versed in how tenders should operate and he was present when all the tenders were awarded to Bosasa.

ADV PAUL PRETORIUS SC: Now he himself on the face of it says so in paragraph 2 of the affidavit beginning at page 367?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: We need not go into the contents of the affidavit, safe to say that it does indeed deal with procurement issues within the Department of Correctional Services.

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: But if you would look please at page 381 which is the last page of that affidavit you will see that again on the face of it, it was commissioned at Pretoria on 7 July 2009?

MR ANGELO AGRIZZI: That is correct.

- 10 **ADV PAUL PRETORIUS SC:** And the person commissioning the affidavit appears to have been a Mr Cornelius Daniel du Toit Chief Forensic Investigator, Special Investigating Unit, Rentmeester building, Watermeyer Street, Pretoria.

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: The inference is to be drawn from that can be dealt with in due course, Chair. The second document is Annexure Q2 and that appears at page 383. Again it appears to be an affidavit, this time attested to by a Willem Hendrik Jacobus Pretorius. Do you know who that person is or was?

MR ANGELO AGRIZZI: I am well aware, he is a Deputy Director for Tender Administration and that at Correctional Services.

- 20 **ADV PAUL PRETORIUS SC:** Alright. According to this affidavit at page 383 the deponent Mr Pretorius was employed by the Department of Correctional Services as Deputy Director Tender Management at the Head Office in Pretoria.

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: The affidavit then goes on to deal with matters relevant to procurement and deals with contracts such as the outsourcing of catering services at

a youth centre, the outsourcing of catering services generally and his activities in that regard.

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: He says for example on page 385 at paragraph 12:

"I can remember that Mr Gillingham also managed the process
with regard to the drafting and specifications."

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: Alright. So it seems that the subject matter at least of this affidavit is the series of contracts investigated by the special investigation unit?

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

ADV PAUL PRETORIUS SC: Once again if one goes to page 387, the last page of that affidavit one will see that it was attested to on 20 July 2009, the Commissioner of Oaths there was a Mr Johannes Senekal and below the name of the Commissioner of Oaths is the words in handwriting *ex officio* SIU second floor Rentmeester building the same address.

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: Right. Once again, Chair, the inferences to be drawn from that can be dealt with separately. These documents generally did they come to you or did they come into your possession on one occasion only or over a period of
20 time?

MR ANGELO AGRIZZI: There were numerous documents over a period of time, unfortunately I do not have all of them. I have submitted what I had.

ADV PAUL PRETORIUS SC: So you have some of the documents that came to Bosasa from whatever source over a period of time?

MR ANGELO AGRIZZI: That is correct, Chair.

ADV PAUL PRETORIUS SC: And as far as you know directly from Mr Mti?

MR ANGELO AGRIZZI: That is correct, Chair. If I may just add, Chair, when I left on the 15th I had left with the intention of going on leave, coming back and getting more documents, but unfortunately I never went back.

ADV PAUL PRETORIUS SC: Alright, let us go then please to Annexure Q3 which appears at page 389? This appears on the face of it to be a memorandum from the office of the Director of Public Prosecutions Pretoria, Special Commercial Crimes Unit Pretoria, from Glenis Breytenbach to adv Simelane described in the document as the National Director of Public Prosecutions.

10 It is copied to other officials and it concerns in its own terms the Bosasa investigation and it is dated 4 February 2010. It seems that at this stage from the contents of this document that the investigation and any contemplated prosecution was now in the hands of the NPA?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: We need not go into the contents of the document in any detail, but simply to say that this memorandum is a report from Ms Breytenbach to adv Simelane concerning the progress of the investigation into Bosasa?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: For example and relevant to the position of Mr Mti and
20 Bosasa one can look at page 391, amongst the various topics reported to the National Director of Public Prosecutions by Ms Breytenbach over the three pages of the report are the final two paragraphs, which read:

"In the *interim* the documents received from the SIU have been
read and sorted into what will form the basis of the case docket
once the affidavit of the Acting Commissioner had been

finalised."

And then the last paragraph reads:

"An issue that needs to be addressed on an urgent basis the position of Mr Mti who is one of the main suspects and who currently holds the position of Head of Security 2010 World Cup and the impact that this investigation once it gains momentum and attracts the attention of the media might have. Some guidance in this regard would be greatly appreciated."

You yourself gave evidence that assistance was given by Bosasa by Mr Mti

10 in relation to the bid for the security function at the 2010 World Cup?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: Is this consistent with what you knew yourself at the time?

MR ANGELO AGRIZZI: That is correct Chair.

ADV PAUL PRETORIUS SC: Then if we may proceed please to Annexure Q4. It appears on page 393. The document itself appears on page 394. As this document has relevant information in regard to the progress of the contemplated prosecution and investigation. I am going to deal with certain statements in it but on the face of it, it appears to be a document on the letterhead of the National Prosecuting Authority?

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

ADV PAUL PRETORIUS SC: It is dated 8 February 2010?

MR ANGELO AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: It is a memorandum which on the face of it emanates from Advocate M Simelane the National Director of Public Prosecutions and it is addressed to Advocate G Breytenbach. Do you see that?

MR ANGELO AGRIZZI: I do.

ADV PAUL PRETORIUS SC: And it is copied to various persons?

MR ANGELO AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: The memorandum reads at least in the first paragraph:

“I have considered your memorandum dated 4 February 2010.

Having done so I am concerned about the turn that the case is taking.”

The second paragraph reads and it has been partly obliterated by markings Chair:

10 “All along the matter has been reported on with suggestions that it is close to prosecution. Your summary of progress made reveals the opposite. I am therefore concerned that a simple act of obtaining a statement with which to open a docket is proving difficult to do.”

It continues to make comments. The second paragraph on page 395, if I may just read it onto the record.

20 “It also appears that the NPA staff are unlikely to contribute materially at this stage. I suggest that you advise Senior Superintendent D J Kriel in writing what process to follow to get the investigation going. You and your team of Advocate Grobbelaar and Mr G Nkadimeng must withdraw from the case until I am advised by the police that a docket has been opened and it is specified what assistance is required from the NPA. Accordingly I would appreciate it if you and your team can withdraw from this case and dedicate your time and resources to cases where there are dockets, investigate or

prosecute, to investigate or prosecute. Please confirm the withdrawal by 9 February 2010.”

Then it goes on to say:

“I note the point you make regarding Mr Mti.”

And that is a reference to the World Cup position?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: “It is mischievous to say the least. Firstly there is no police docket or investigation under way. Secondly and by your own admission there is still an assessment to be made on the evidentiary value of the information currently available. How therefore you can start speculation and making suggestions regarding any person is beyond belief unless of course it is a manifestation of a mind-set with predetermined outcomes. My suggestion would be that you follow the advice in the last sentence of paragraph 3 above.”

And that is the, well it is not a suggestion. It is an order to withdraw from the case.

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: These sorts of facts or reports concerning the progress of the investigation who was involved who was not involved and how it was progressing, were these given to you in any other form from time to time?

MR ANGELO AGRIZZI: Yes. It would be confirmed to me by Sesinyi Seopela. So there was always confirmation of whatever documentation I was getting and it would always collaborate. So there were various sources of information that would come to me and because Sesinyi Seopela was close to Advocate Menzi Simelane they had a relationship. I was introduced to him in, in Sandton. I think I go through that in my

statement further on Chair.

ADV PAUL PRETORIUS SC: Yes. You in fact gave that evidence towards the beginning of your testimony.

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: Then another document of some interest is the document marked Annexure Q5 which appears at page 397. Again I do not want to go into too much detail in relation to the contents of the document save to point out that it is integral to information concerning the status of the investigation and contemplated prosecution. If you would look at page 397 please. It appears to be a document dated
10 9 March 2010 and it is referred to in its own terms as a Special Extended Ministerial Meeting.

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: And on the face of it, it was a meeting chaired by the Honourable Minister of Justice Mr Radebe?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: The Secretariat referred to on that same page includes Ms J Lepinka. Do you see that?

MR ANGELO AGRIZZI: That is correct and Mr ...[indistinct].

ADV PAUL PRETORIUS SC: If you would go to paragraph 3 on page 398 please. It
20 appears from the minute at least and on the face of it at least that a report was presented to amongst others the Minister by Advocate Simelane?

MR ANGELO AGRIZZI: That is correct Chair.

ADV PAUL PRETORIUS SC: And under the head "SIU Report re Bosasa Investigation" in paragraph 3 on page 398 Mr Simelane is reported to have said at least in summary:

“Challenges of the report was outlined i.e. the unconstitutionality of the report in that the evidence as contained in the said report was contaminated. The SIU Report cannot hold any water in any court and that any Presiding Officer will not proceed with the report at hand. SIU investigation was not in line with the proper administration of justice “without fear, favour and/or prejudice”. Incorrect sections out of their mandate was used to find evidence. Statements were not done according to the prescripts.”

10 It goes onto read:

“Political vendetta/agenda identified. Manipulation of the public identified in that report was discussed in Parliament prior to same being handed over to the relevant exec authority. Media coverage over the report prior to having heard or confirmed any criminality in the mentioned senior officials of DCS. Not guilty until proven guilty approach as enshrined in the Constitution was totally ignored. A concern on creditability of certain individuals and/or the affected organisation is a serious concern and might cost the NPA with much possible litigations.”

20 And I am quoting directly.

“A predetermined element was identified as well as the race of both the investigators, SAPS, SIU and prosecutors NPA. Close monitoring is important to ensure fair trial and investigation if any.”

Generally speaking at this time that is 2010 particularly March 2010 what was the tenor

of the reports you were receiving regarding the progress of the investigation into Bosasa and the likelihood of prosecution?

MR ANGELO AGRIZZI: Well before we received the assistance here of Advocate Menzi Simelane in helping us shut it down it was very tense at that stage, because we wanted to close it down. There were new contracts to be renewed. So I would be getting reports either verbal or in writing on a weekly to every second week basis. Does that answer your question Chair?

ADV PAUL PRETORIUS SC: The reports you were getting were they consistent with the documents that you were getting?

10 **MR ANGELO AGRIZZI:** Very.

ADV PAUL PRETORIUS SC: Then if we may go to the next document which is Annexure Q6 which appears at page 401 of EXHIBIT S1. This document appears to be a document on the letterhead of the Specialised Commercial Crime Unit. It appears to have been addressed to the National Director of Public Prosecutions Advocate Menzi Simelane and it appears to have been authored by Advocate M C de Kock dated 17 November 2010 and the subject matter is “The Bosasa Matter”.

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: The purpose of this memorandum appears to have been
20 as recorded under paragraph 1.

“The purpose of this report is to apprise the NDPP of the status quo with regard to the Special Investigation Unit Report on Bosasa.”

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: There is then an analysis in the following page of that

report in some detail.

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: On page 403 there is a conclusion reached in the middle of the page by the author of the document. The fifth paragraph reads:

“It would thus appear as if the SIU received information from various and sometimes unreliable sources and made use of the information either without verifying the facts or failing to point out the anomalies to those reading the report.”

Then in paragraph 4 the following is said:

10 “From information put at our disposal it would appear as if the bid box in respect of the Kitchen Tender HK2/2004 was opened one week earlier than the scheduled date. If this information is correct the Bosasa bid was only received by DCS after officials had opened the bid box. This may be a serious irregularity and we would have expected it to be mentioned in the SIU Report.”

Do you know anything about that matter?

MR ANGELO AGRIZZI: Chair I just need to clarify that matter. I think that that is a bit of a, they are adding too much spice there. What happened was that the bid boxes are normally about 50 by 50, because people putting their envelope

20 **CHAIRPERSON:** Yes.

MR ANGELO AGRIZZI: Into the bid box.

CHAIRPERSON: Hm.

MR ANGELO AGRIZZI: However when we submitted bids they were literally busloads of bids. So the files would be packed in big boxes and because, I mean big boxes and stacked, I remember that specific bid for the, for that tender there had 27 files, lever

arch files. So there was no way you could put in the bid box, but it was there before the bid closed. That I can confirm.

ADV PAUL PRETORIUS SC: Under the head “Conclusion” on the same page, page 403 the following paragraph appears:

“The SIU Report would appear to have been drafted in a careless and almost casual fashion. The lack of accuracy and precision with the drafting of the report will give ample opportunity to those seeking to fault it.”

It then proceeds to make certain other comments on page 404. It reads:

10 “The purpose of the SIU investigation may have influenced and informed the product that they produced in as far as the report may have been true to their mandate. It is also clear that it would not stand up to scrutiny in a Criminal Court.”

On the face of it then those are the views of M C de Kock the Deputy Director of Public Prosecutions and reported to Advocate Simelane at that time?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: The next document appears at page 406. It is Annexure Q7 and it appears in the second bundle Chair, Bundle S2.

CHAIRPERSON: Thank you.

20 **MR ANGELO AGRIZZI:** Excuse me Chair.

CHAIRPERSON: EXHIBIT S2, yes.

MR ANGELO AGRIZZI: Is it possible to let somebody check the air conditioning please. It is ...[intervenes].

CHAIRPERSON: Is it too cold?

MR ANGELO AGRIZZI: It is too hot on this side.

CHAIRPERSON: Too hot?

MR ANGELO AGRIZZI: Yes.

CHAIRPERSON: [Indistinct].

MR ANGELO AGRIZZI: Very hot.

CHAIRPERSON: Okay.

MR ANGELO AGRIZZI: Like Nandos.

CHAIRPERSON: Somebody in the, I think in the legal team should just make sure that the administration takes care of that.

MR ANGELO AGRIZZI: Sorry for the disturbance.

10 **CHAIRPERSON:** Ja. Okay. No that is fine. I think there is, if there is somebody who has gone there. It is fine. Thank you.

ADV PAUL PRETORIUS SC: The document ...[intervenes].

CHAIRPERSON: So, I am sorry. So you, you, you wanted the air con to make it colder?

MR ANGELO AGRIZZI: If they could Chair. I think it is this section of the ...[intervenes].

CHAIRPERSON: It is hot here.

MR ANGELO AGRIZZI: Maybe with all the equipment behind me.

CHAIRPERSON: You say it is hot that side?

20 **MR ANGELO AGRIZZI:** Extremely.

CHAIRPERSON: Oh.

MR ANGELO AGRIZZI: It is like Nandos extra hot.

CHAIRPERSON: [Laughing]. Well maybe a member of the legal team could just talk to, I do not know whether it is the technical people or somebody to say the problem seems to be around that area.

MR ANGELO AGRIZZI: Chair if you allow me I, I can, I see there is an air conditioning unit.

CHAIRPERSON: Hm.

MR ANGELO AGRIZZI: Over there.

CHAIRPERSON: No that is fine. Somebody will take care of it.

MR ANGELO AGRIZZI: Okay, thank you.

CHAIRPERSON: Ja. Thank you. You may proceed Mr Pretorius.

MR ANGELO AGRIZZI: Sorry for the disturbance.

CHAIRPERSON: Thank you.

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

CHAIRPERSON: What page did you say Mr Pretorius?

ADV PAUL PRETORIUS SC: We are going to ...[intervenes].

CHAIRPERSON: On.

ADV PAUL PRETORIUS SC: Annexure Q7 at page 406.

CHAIRPERSON: EXHIBIT S2 and that is annexure Q?

ADV PAUL PRETORIUS SC: Q7.

CHAIRPERSON: Q7 and that is at page?

ADV PAUL PRETORIUS SC: 406.

20 **CHAIRPERSON:** Okay. Mr Agrizzi you will indicate after some time if there has been no change.

MR ANGELO AGRIZZI: I will. Thank you very much Chair.

CHAIRPERSON: Yes. Okay, alright. I have got it Mr Pretorius.

ADV PAUL PRETORIUS SC: Thank you Chair. Thus far just to summarise the documents you have received seem to cover the subject of the status of the investigation and contemplated prosecution into Bosasa and others?

MR ANGELO AGRIZZI: That is correct Chair.

ADV PAUL PRETORIUS SC: And the documents go into a great deal of detail in that regard?

MR ANGELO AGRIZZI: Most definitely Chair.

ADV PAUL PRETORIUS SC: And contain original minutes of meetings and reports concerning that topic?

MR ANGELO AGRIZZI: That is correct Chair.

10 **CHAIRPERSON:** And to the extent that some of them are letters written from one person to another. They are on what appears to be the letterheads of the NPA. Is that right?

MR ANGELO AGRIZZI: That is right Chair.

CHAIRPERSON: Thank you.

ADV PAUL PRETORIUS SC: There is an information note dated 17 October 2011 which appears at page 406. Do you see that?

MR ANGELO AGRIZZI: The one marked "Secret" on the top. I do see it, yes.

ADV PAUL PRETORIUS SC: It is addressed to ...[intervenes].

CHAIRPERSON: Did you receive it marked "Secret"?

MR ANGELO AGRIZZI: That is correct Chair.

CHAIRPERSON: Thank you.

20 **ADV PAUL PRETORIUS SC:** Well we have no instructions as to the status of this document Chair.

CHAIRPERSON: Yes.

ADV PAUL PRETORIUS SC: Just that it certainly was no longer secret by the time the witness received it.

CHAIRPERSON: Yes. No, no that is fine. What I wanted to establish is that when he

received it, it was marked "Secret".

ADV PAUL PRETORIUS SC: Yes.

CHAIRPERSON: As to who had marked it "Secret" is something else.

ADV PAUL PRETORIUS SC: That is correct Chair. The significance it appears of that is not only were you receiving minutes of meetings and reports, but also secret documents or documents marked "Secret" rather?

MR ANGELO AGRIZZI: That is correct Chair.

ADV PAUL PRETORIUS SC: It is an information note addressed to the Commander of the Anti-Corruption Task Team the Directorate for Priority Crime Investigations. That is
10 at that stage the Hawks, South African Police Service. So it is an information note addressed to the Hawks headed "Progress of Investigation Bosasa Investigation PC5 Pretoria Central" and then there is a case number or a reference number at least. Do you see that?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: And for example in paragraph 3 it says or names witnesses that have been consulted and refers to draft statements being prepared for signature. So you would know as a result if the receipt of this document who was being consulted and the progress of statements being taken?

MR ANGELO AGRIZZI: That is correct Chair.

20 **ADV PAUL PRETORIUS SC:** And three names are mentioned in paragraphs 3.1 to 3.3. Persons from whom statements were being taken. Then in paragraph 4 under the head "Investigation Outstanding" in paragraphs 4.1 to 4.11 the report states exactly from whom statements were intended to be obtained and that is clear from reading of this document and its context.

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: So you would know from the documents you were receiving exactly who was going to be testifying or from whom statements were going to be taken?

MR ANGELO AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: Including for example in paragraph 4.8 Mr Maako?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: To whom payments were being made?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: Payments by Bosasa?

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

ADV PAUL PRETORIUS SC: Then in paragraph 5 is a report regarding various meetings that were held in relation to the prosecution. You were given detail of the contents of those meetings between whom they took place and what was the content of those meetings?

MR ANGELO AGRIZZI: That is correct Chair. Whatever we requested we would get. There was no issue.

ADV PAUL PRETORIUS SC: [Intervenes].

CHAIRPERSON: Mr Pretorius I do not know if I missed it. Whether you asked about Ms S Sishuba referred, referred to in 4.4 as well as Mr ...[intervenes] 4.2. Any
20 connection with the names that he dealt with of people who were being paid?

ADV PAUL PRETORIUS SC: Yes, I gave one example, but perhaps you are correct.

CHAIRPERSON: Maybe ...[intervenes].

ADV PAUL PRETORIUS SC: Not perhaps. You are correct Chair. It is better to list them all.

CHAIRPERSON: Ja.

ADV PAUL PRETORIUS SC: You were told in the document at page 407 Mr Agrizzi of various people who are going to be interviewed for the purpose of the taking of statements?

MR ANGELO AGRIZZI: That is correct Chair.

ADV PAUL PRETORIUS SC: And 11 people are listed.

MR ANGELO AGRIZZI: That is correct Chair.

ADV PAUL PRETORIUS SC: You refer to one person in paragraph 4.8 Mr Maako who was as you put it and in summary on the payroll of Bosasa?

MR ANGELO AGRIZZI: That is correct Chair.

10 **ADV PAUL PRETORIUS SC:** And by payroll I mean was the subject of what you have referred to as bribes?

MR ANGELO AGRIZZI: Correction Chair. I just want to clarify. There is also Mr Ngubpo. So I do not want to single out one if there is actually more people ...[intervenes].

CHAIRPERSON: Oh yes. I mentioned Ngubpo and.

MR ANGELO AGRIZZI: Sishuba.

CHAIRPERSON: And Sishuba. I mentioned four.

MR ANGELO AGRIZZI: Yes.

CHAIRPERSON: But Mr Pretorius is going to take you through those ...[intervenes].

20 **MR ANGELO AGRIZZI:** Hm.

CHAIRPERSON: If you, if you pick up any other ones then you must mention it.

MR ANGELO AGRIZZI: I just wanted to make sure that that was clarified.

CHAIRPERSON: Yes. No, he is taking you through them.

MR ANGELO AGRIZZI: Thank you.

ADV PAUL PRETORIUS SC: Alright. So have a look please at the names listed in

paragraphs 4.1 and 4.11 and please tell the Chair whether any of the persons mentioned in this list were being paid by Bosasa.

MR ANGELO AGRIZZI: Chair 4.2, Ngubpo, Bid Adjudication Committee. 4.4, Sishuba and 4.8 Maako.

CHAIRPERSON: Thank you.

ADV PAUL PRETORIUS SC: Sishuba was also apparently on the Bid Adjudication Committee and Mr Maako also employed by the Department of Correctional Services as indeed the other two were in the post of Contract Management.

MR ANGELO AGRIZZI: Correct.

10 **CHAIRPERSON**: Were there people in the Bid Adjudication Committee which were, who were not on the payroll of Bosasa?

MR ANGELO AGRIZZI: Chair I ...[intervenes].

CHAIRPERSON: You do not know the whole committee?

MR ANGELO AGRIZZI: I, I cannot comment.

CHAIRPERSON: You do not know?

MR ANGELO AGRIZZI: Ja.

CHAIRPERSON: Okay, alright. Thank you.

ADV PAUL PRETORIUS SC: But in short you were given information secret information as to the progress of investigations as to who was being interviewed, from
20 whom statements were being taken and some of whom were persons as we have colloquially said on the Bosasa payroll?

MR ANGELO AGRIZZI: That is correct Chair.

ADV PAUL PRETORIUS SC: Would you go back to paragraph 2 please?

CHAIRPERSON: Or maybe before he does that Mr Pretorius well actually looking at the document itself there is or at 4.3 that is at page 407 there is Mr H T Mapasa who

was in Bid Adjudication Committee about whom you have said nothing in regard to being on Bosasa's payroll.

MR ANGELO AGRIZZI: I can ...[intervenes].

CHAIRPERSON: So ...[intervenes]..

MR ANGELO AGRIZZI: I can confirm that as far as I know.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: I do not know now.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: But Mr Mapasa.

10 **CHAIRPERSON**: Ja.

MR ANGELO AGRIZZI: Mr Engelbrecht, Mr Basson.

CHAIRPERSON: Ja.

MR ANGELO AGRIZZI: Mr Secupa that I know of.

CHAIRPERSON: Ja.

ADV PAUL PRETORIUS SC: They were not, they were not on ...[intervenes].

CHAIRPERSON: All the ones who you have not mentioned as far as you know were not on ...[intervenes].

MR ANGELO AGRIZZI: Correct.

CHAIRPERSON: Bosasa's payroll, ja.

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

CHAIRPERSON: Okay. Thank you.

ADV PAUL PRETORIUS SC: Would you go back to paragraph 2 please on page 406. Under the head "Statements Obtained Since Previous Report - Mr J Shlebane". Did you know who he was?

MR ANGELO AGRIZZI: Yes. He was responsible for IT and he left the department in, I

think it was 2014/2015.

ADV PAUL PRETORIUS SC: Yes and you were told in this secret document that a statement had indeed been obtained from him?

MR ANGELO AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: Then if we can go back to page 407 please. At the bottom of the page paragraph 5 is heading “Other Meetings Attended” and we have told the Chair that you were given information of various meetings relevant to the investigation, who attended those meetings and the content of those meetings.

MR ANGELO AGRIZZI: That is correct.

10 **ADV PAUL PRETORIUS SC:** Then in paragraph 6 on page 408 is a heading “Records of Executive Management Meetings” and it appears that you were also given details of other meetings at an executive level.

MR ANGELO AGRIZZI: That is correct Chair.

ADV PAUL PRETORIUS SC: The document at its foot on page 409 appears at least on the face of it to have been authored by Group Commander Kriel and Commander Moodley. A Colonel and Brigadier respectively in the Anti-Corruption Task Team.

MR ANGELO AGRIZZI: That is correct Chair.

20 **ADV PAUL PRETORIUS SC:** Interestingly these are not signed and also on page 410 another author at least potential signatory Major General Meiring Head of the Commercial Branch. His name appears but again it is not signed, but what does appear on page 410 is that this information note was on the face of it compiled by Colonel D J Kriel.

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: On page ...[intervenes].

MR ANGELO AGRIZZI: If I may also add Chair that sometimes we get unsigned documents first and then the signed documents later. Sometimes we would get signed documents. Sometimes we would get unsigned documents.

CHAIRPERSON: Okay.

ADV PAUL PRETORIUS SC: Annexure Q7 continues then at page 411. There is what appears on the face of it to be another secret information note. It is addressed again to the Commander of the Anti-Corruption Task Team Directorate for Priority Crime Investigations South African Police Service. Do you see that?

MR PAUL AGRIZZI: That is correct.

10 **ADV PAUL PRETORIUS SC:** Under paragraph 1 the information contained there is a list of 39 people from whom statements had been obtained to date.

MR PAUL AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: So at the time this was given to Bosasa it would know notwithstanding that it was the subject matter of the investigation at least in part the names of 39 people from whom statements had been obtained, correct?

MR PAUL AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: Are there any names here that you would recognise as having been perhaps on the payroll of Bosasa?

20 **MR PAUL AGRIZZI:** I am just skimming through it Chair. These would not have been part of the payment list as far as I can see with the exception of 137 – 137 Mabena.

CHAIRPERSON: Yes.

ADV PAUL PRETORIUS SC: What was the position in relation to Ms – Mrs Mabena?

MR PAUL AGRIZZI: Was responsible for development and care which oversees the catering contract for Correctional Services.

ADV PAUL PRETORIUS SC: Here it refers to her as being on the bid evaluation

committee?

MR PAUL AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: Is that in addition to the role?

MR PAUL AGRIZZI: In addition to her role she would have had to sit on the bid evaluation committee.

ADV PAUL PRETORIUS SC: And what is relevant in regard to Mrs Mabena?

MR PAUL AGRIZZI: Well she got paid every month.

CHAIRPERSON: She was one of those receiving monthly payments.

MR PAUL AGRIZZI: The bribe money.

10 **CHAIRPERSON**: From Bosasa?

MR PAUL AGRIZZI: That is correct.

CHAIRPERSON: Okay.

ADV PAUL PRETORIUS SC: And then under the head in paragraph 2 Bank Statements Obtained in terms of Section 205 of Act 51 of 1977. A number of bank accounts are listed. Fourteen in fact.

MR PAUL AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: Belonging amongst others to Mr Mti. I see here a mortgage loan account in the name of Autumn Storm Investments 106 PTY LTD?

MR PAUL AGRIZZI: That is correct.

20 **ADV PAUL PRETORIUS SC**: You have given evidence regarding that entity.

MR PAUL AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: The item or account listed in paragraph 2.3 refers to what appears to be Mr L Mti Volkswagen Triptronic – Triptronic it says here with higher purchase and supporting documents.

MR PAUL AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: So you were told exactly which bank accounts and other financial documents were being investigated? Was this information useful to Bosasa?

MR PAUL AGRIZZI: It was extremely useful Chair because you could from this information actually go and interview the witnesses and quite simply you will see later on in my statement and in the other witnesses it is very easy to manipulate when you have wads of cash especially witnesses. So what would happen is very simple. These names, these lists of names would be approached and they would have to change their statements.

CHAIRPERSON: Thank you.

10 **ADV PAUL PRETORIUS SC:** Then you received information in paragraph 3 on page 413 concerning witnesses consulted and draft statements being prepared for signature.

MR PAUL AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: And then in paragraph 4 under the heading Investigation Outstanding on page 414 of the bundle you are told what the plans are in relation to the obtaining of further statements and from whom?

MR PAUL AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: Once again there are persons named on page 415 as being either authors or responsible for the report or as co-signatories but it appears from the bottom of page 415 that this information note was compiled by Colonel DJ
20 Kriel?

MR PAUL AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: Perused and verified by Brigadier Simon?

MR PAUL AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: It is not necessary save to place it on record Chair to go back to the previous bundle but it appears in paragraph 35.6.8 that you received a

confidential document signed by Advocate De Kock of the Special Commercial Crimes Unit dated 28 October 2011. It is unsigned but it appears as Annexure Q8 on page 418 of the second bundle Exhibit S2. Can we go there please? This document is marked Confidential. It runs from page 418 to page 243. It is not necessary to go into the contents of the document save to place on record that it appears to be a memorandum examining the validity of a subpoena *duces tecum* that was served on the special investigative unit during February 2011 by the Mail and Guardian Newspaper?

MR PAUL AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: Do you know anything about this?

- 10 **MR PAUL AGRIZZI**: Yes I do. This basically was given to us as a mechanism and an argument to be able to use in terms of defending the case. This specific document I would have to take to Brian Biebuyck and he had to analyse it and formulate a document that would be given back to Mti that would – that would kind of *nolle prosequi* the case because how they got the information in the investigation was not done correctly. So the whole issue was about fruit of a poison tree and all that Sir. I do not know if you want me to go into detail detail?

ADV PAUL PRETORIUS SC: No.

MR PAUL AGRIZZI: But I do not think it is necessary.

- ADV PAUL PRETORIUS SC**: Well perhaps you should because it appears that this
20 document would have been useful to Bosasa in any attempt it would make to quash the investigation?

MR PAUL AGRIZZI: It is correct.

ADV PAUL PRETORIUS SC: Save that it is an opinion given by Advocate De Kock to his employer, a law enforcement agency, the Special Commercial Crimes Unit.

MR PAUL AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: So not only improper but irregular?

MR PAUL AGRIZZI: Most definitely.

ADV PAUL PRETORIUS SC: So the conclusion on page 443 appears in paragraph 8.

CHAIRPERSON: Well Mr Pretorius he had asked you whether he should say more and you said yes. I do not know whether you have gotten anymore?

ADV PAUL PRETORIUS SC: Yes I just want to go to the conclusion.

CHAIRPERSON: Okay.

ADV PAUL PRETORIUS SC: And then allow him to.

CHAIRPERSON: Okay that is fine.

- 10 **ADV PAUL PRETORIUS SC:** Expand insofar as he wishes. In paragraph 8 on page 80 the conclusion reached by Advocate De Kock on 28 October 2011 is the following: “I am of the view that there are various levels of argument that could be advanced in support of the view that the subpoena amounts to an abuse of the process of court.” As you say very useful information regarding the investigation for Bosasa in any attempt it might make to quash the investigation or to defend its case in court.

MR PAUL AGRIZZI: Let me explain it and give you the context of this document.

CHAIRPERSON: Yes.

MR PAUL AGRIZZI: This document was drafted and done by Advocate De Kock.

CHAIRPERSON: Yes.

- 20 **MR PAUL AGRIZZI:** But I want to make it very clear Chair that we have never dealt with Advocate De Kock. Advocate De Kock was never involved in trying to stymie it. This document was created because she was given an instruction which I know of because the big thing here was the fruit of the poison tree. Now I am not a – I am not a legal expert at all but what I can explain is that this document was drafted via Mti's request to Advocate Jolingana to give us an overview of how to shut down the case.

She must have contacted De Kock who then gave it to her. Which is why De Kock authored this document. I can only – I can only assume unfortunately that that is how this document came out but I have gone through this document so many times and it is quite clear that the document that was given us because we needed to know how do we go about closing down this case. And that is why it is important just now to refer to the handwritten notes because that further collaborates this document over here. But this is extremely useful in assisting us in – and the attorneys in not only closing down the case but kicking it into touch so that it would never reappear.

CHAIRPERSON: Well maybe you should from what you have said it seems to me that
10 you know the process that lead to this document.

MR PAUL AGRIZZI: Yes Chair.

CHAIRPERSON: And maybe you should tell me from where the first step was so and so said the following and so and so on and then the next step this is what was done, the next step and ultimately we got this document. If you can just tell me in that sequence?

MR PAUL AGRIZZI: So we were getting documents and having meetings with Mti on a regular basis Chair.

CHAIRPERSON: Yes.

MR PAUL AGRIZZI: What would happen is we would always say to him “well what do
20 you want us to do, what is the next step?”

CHAIRPERSON: Ja.

MR PAUL AGRIZZI: Alright so Gavin wanted it clear and concise. He wanted me after every single meeting to get hold of the attorney – our attorney and go and see the attorney and if need be senior counsel and tell them exactly what transpired and give them copies of this document. So all – Chair this is a small reflection of what is actually

is available because I could not get – they were all at the office.

CHAIRPERSON: Yes.

MR PAUL AGRIZZI: And they still presumably at the office.

CHAIRPERSON: Ja.

MR PAUL AGRIZZI: But the fact of the matter is that they would then give us advice and who better to ask for advice on how to close down a case but the investigator officer or the prosecutor that is handling that case. Without letting them know so you cannot say well the Bosasa case but give me a case similar and tell me what the risks are? And that is how this document emanates and that is how the document comes to
10 us. But I in no way can implicate Advocate De Kock because I know for a fact that whenever whoever tried to get hold of her she was – she would not come forward with any information and she was kind of beyond reproach. However if I raise this document it is going to make her look as if she is involved which she is not. To my knowledge.

CHAIRPERSON: Yes okay thank you.

MR PAUL AGRIZZI: I just wanted to clear that up.

CHAIRPERSON: Thank you. Well I said thank you but I am not – I am not entirely sure that I understand better. So you and Mr Watson would receive some documents from Mr Mti emanating from the NPA?

MR PAUL AGRIZZI: Correct.

20 **CHAIRPERSON**: Mr Watson would then say what next?

MR PAUL AGRIZZI: What do you want us to do?

CHAIRPERSON: Ja and then you would go to Bosasa's attorney.

MR PAUL AGRIZZI: That is correct.

CHAIRPERSON: And he would look at the documents and he would give his advice?

MR PAUL AGRIZZI: That is correct Chair.

CHAIRPERSON: That is right. And you say that you would – you would be wanting to see how best to effectively shut down this investigation and prosecution – possible prosecution?

MR PAUL AGRIZZI: That is correct.

CHAIRPERSON: And you say as far as you know Advocate De Kock was never involved in any wrong doing relating to Bosasa?

MR PAUL AGRIZZI: That is correct.

CHAIRPERSON: Ja. But you say there was somebody and I do not know whether that somebody was within the NPA that you mentioned earlier who would have been spoken
10 to and you think that person may in turn have spoken to somebody else at the NPA and I do not know whether that would have been Advocate De Kock. I just want to understand that part?

MR PAUL AGRIZZI: Chair that is correct. What I am explaining is that that document was – emanates from De Kock and there is no doubt about it however ...

CHAIRPERSON: Yes.

MR PAUL AGRIZZI: It was not given to us freely. It was given to Jiba, Mrwebi or Jackie those are the only people I know. Snake, snail and Jay. It was given to them who then passed it onto Mti.

CHAIRPERSON: Yes.

20 **MR PAUL AGRIZZI**: So this talks about similar cases.

CHAIRPERSON: Oh it does not relate to Bosasa?

MR PAUL AGRIZZI: No not only Bosasa.

CHAIRPERSON: Yes okay.

MR PAUL AGRIZZI: It gives you an overview and what must have happened is they have said to her “give us an overview of how – what is the situation in the case?

CHAIRPERSON: Okay. No now I understand.

MR PAUL AGRIZZI: Do you understand?

CHAIRPERSON: Now I understand ja.

MR PAUL AGRIZZI: I know the – I know the document pretty well.

CHAIRPERSON: In and out?

MR PAUL AGRIZZI: Yes.

CHAIRPERSON: Ja.

MR PAUL AGRIZZI: So it does not refer specifically to the case but use this case studies.

10 **CHAIRPERSON**: And it was not written with Bosasa in mind?

MR PAUL AGRIZZI: Not in my – not in my opinion.

CHAIRPERSON: Ja but once you – Bosasa got it it could make use of it for its own benefit?

MR PAUL AGRIZZI: Correct.

CHAIRPERSON: Okay thank you.

MR PAUL AGRIZZI: And this then was being passed onto the attorneys and the senior counsel to deal with.

CHAIRPERSON: Yes, okay, alright thank you.

20 **ADV PAUL PRETORIUS SC**: Then briefly on page 449 is Annexure Q9. Again in the series of documents you have told the Chair you received through these arrangements to which you have testified.

MR PAUL AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: This appears to deal with legal issues concerning subpoenas issued in terms of Section 205 of the Criminal Procedure Act?

MR PAUL AGRIZZI: That is correct and it is especially marked Taverner I think it refers

to as well.

ADV PAUL PRETORIUS SC: It is a document that goes into several pages. It does refer to Mr and Mrs Taverner on page 461.

MR PAUL AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: But generally as an opinion in relation to subpoenas issued in terms of Section 205 of The Criminal Procedure Act?

MR PAUL AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: You have made comments and it is also authored it appears on page 469 by Advocate De Kock?

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

ADV PAUL PRETORIUS SC: The conclusion reached in the middle of page 469 reads: “The letter forwarded to Advocate Mokwebe is clearly an irregular attempt to review the issuing of subpoenas, avoid the required court appearances by the witnesses and mislead the NPA as to the true facts concerning the legal process.” Do you know anything about the contents of this document?

MR PAUL AGRIZZI: I was given this document and I – if I recall correctly we used some of the information here to challenge the subpoenas that were issues by – to Mark Taverner.

20 **ADV PAUL PRETORIUS SC:** Alright. Perhaps during the long adjournment you could have a look at the contents of the document because there are matters relevant to Bosasa in here and the conclusion reached by Advocate De Kock is that there was a letter forwarded to Advocate Mokwebe which in her opinion constituted an irregular attempt to review the issuing of subpoenas, avoid the required court appearance by the witness and mislead the NPA as to the true facts concerning the legal process. If you know anything about that letter you can tell the Chair about that in due course after the

adjournment.

MR PAUL AGRIZZI: Will do.

ADV PAUL PRETORIUS SC: Chair is that a convenient time?

CHAIRPERSON: Yes. We will take the lunch adjournment and resume at two. We adjourn.

ADV PAUL PRETORIUS SC: Thank you.

MEETING ADJOURNS

MEETING RESUMES

CHAIRPERSON: Yes, Mr Pretorius?

- 10 **ADV PAUL PRETORIUS SC**: We were dealing Mr Agrizzi with Annexure Q9 on page 445 of EXHIBIT S2. It appears to be a memorandum authored by adv de Kock and one other concerning a letter that had been forwarded to adv Morebi concerning the issue of summonses in the Bosasa investigation and concerning the legality or otherwise of those summonses. I asked you...[intervenes]

CHAIRPERSON: I am sorry is that 449?

ADV PAUL PRETORIUS SC: 445.

CHAIRPERSON: 445? Okay, thank you.

ADV PAUL PRETORIUS SC: The conclusion is on 469.

CHAIRPERSON: Thank you.

- 20 **ADV PAUL PRETORIUS SC**: Do you have any personal knowledge or any challenge or contemplated challenges to subpoenas issued pursuant to the Bosasa investigation?

MR ANGELO AGRIZZI: I am well aware of all the subpoenas issued as I was asked to intervene with some of them.

ADV PAUL PRETORIUS SC: Alright, and do you have any information regarding this particular document?

MR ANGELO AGRIZZI: I do have information regarding this document.

ADV PAUL PRETORIUS SC: Would you tell the, Chair, of that information please?

MR ANGELO AGRIZZI: Chair, in terms of the subpoenas issued and there were two specifically that come to mind, three sorry, my apologies. Three, the first subpoena that comes to mind is the subpoena to Brian Blake from Blakes Travel to provide information to the SIU and to provide records that they were keeping. The second one is one that was issued to Mark Taverner. I was asked to personally get involved and to intervene with those subpoenas as well and to try and make them – how can I put it...[intervenes]

CHAIRPERSON: Go away?

10 **MR ANGELO AGRIZZI:** Stymie them, to take time. The information was given to me, Chair, was that the longer it takes the less importance, the less important it is and it will also give time to clear up things.

CHAIRPERSON: Oh, to just make sure that there were delays in them appearing in court?

MR ANGELO AGRIZZI: As was standard practice, correct.

CHAIRPERSON: Ja. Okay.

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: So on the one hand there is an investigation by law enforcement authorities.

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

ADV PAUL PRETORIUS SC: Into the affairs of Bosasa and others. Correct?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: Pursuant to that investigation it appears that certain summonses were issued?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: Bosasa had an interest in avoiding execution of those summonses.

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: And whilst you were considering what you should do you were favoured with what the law enforcement agency was saying about those summonses?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: And in particular you were favoured with an opinion authored by adv de Kock regarding the legality of the very summonses which you had
10 an interest in challenging and wished to challenge?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: Then if we could go to Annexure Q10 please? On the letterhead of the Specialised Commercial Crime Unit is a memorandum from the specialised...[intervenes]

CHAIRPERSON: 210 is it 139 or 471?

ADV PAUL PRETORIUS SC: 471, Chair.

CHAIRPERSON: 471.

ADV PAUL PRETORIUS SC: Sorry, I should have said that.

CHAIRPERSON: Okay.

20 **ADV PAUL PRETORIUS SC:** 471. It is from the Specialised Commercial Crime Unit apparently adv Mokgatle, de Kock and Jansen van Rensburg to adv Mokwebe Special Director of Public Prosecutions head of the Specialised Commercial Crime Unit and the subject line again is in RE representation Eversheds subpoenas issued in terms of Section 205 of the Criminal Procedure Act issued to Sydney Mark Taverner and Sharon Hope Taverner.

Again it seems that this concerned the issue of the subpoenas about which you have just spoken.

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: In relation to Sydney Mark Taverner and Sharon Hope Taverner, do you see that?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: And it is a report to adv Ngwebi concerning the status and perhaps to the legality of those summonses.

MR ANGELO AGRIZZI: That is correct.

10 **ADV PAUL PRETORIUS SC**: And is this one of the, well you have already told the, Chair, that there were two of the summonses about which Bosasa was concerned?

MR ANGELO AGRIZZI: That is correct, Chair.

ADV PAUL PRETORIUS SC: And concerned to take action in regard to?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: And you were in receipt then of communications concerning the status of those summonses from the Specialised Commercial Crime Unit concerned?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: If we could go to page 474 please?

20 **CHAIRPERSON**: I am sorry which page do you say we should go to?

ADV PAUL PRETORIUS SC: 474, Chair.

CHAIRPERSON: Okay, thank you.

ADV PAUL PRETORIUS SC: This is an email apparently sent on 22 November 2012 and next to the designation from it appears that, that name had been scratched out. Do you know anything about that?

MR ANGELO AGRIZZI: Chair, this is as I received the document that is how I provided it. I did not scratch it out. It had seemed to be scratched out. I remember, sorry, it was scratched out by Mr Richmond Mti before he handed it over to me.

ADV PAUL PRETORIUS SC: Alright, and you do not know what was scratched out?

MR ANGELO AGRIZZI: Well he did not scratch it out properly.

ADV PAUL PRETORIUS SC: Do you know what appears under the scratched out part?

MR ANGELO AGRIZZI: You can actually see on the form, after the line at the top it says from there and you can see a J, you can see a K, I can see an I, I can see a L, I
10 can see a P and I can see an A. So one can presume from my ability to decode certain figures this is Jackie Lapinka, Chair.

ADV PAUL PRETORIUS SC: Yes, well the person who scratched out apparently to conceal from whom the email came must have forgotten to scratch out the apparent author of the document at the bottom of the page?

MR ANGELO AGRIZZI: That is correct, Chair.

ADV PAUL PRETORIUS SC: And there the name Ms Jackie Lapinka appears.

MR ANGELO AGRIZZI: That is correct, Chair.

ADV PAUL PRETORIUS SC: Alright. So it appears at least on the face of it that this email came from Ms Jackie Lapinka whose position or designation at the time appears
20 to have been Manager, Executive Support to the National Director of Public Prosecutions. It appears and we need not go into too much detail, but from the email train preceding that email at page 142 and 143 that the person designated as ANDPP was seeking a status report on various cases, do you see that?

MR ANGELO AGRIZZI: I am well aware of that.

ADV PAUL PRETORIUS SC: Including the Bosasa case?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: Those cases are listed in the email dated 22 November 2012, 10:05 on page 475?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: Let us go back to page 474 if we may? IF ANDPP, Chair, stands for the Acting National Director of Public Prosecutions, I am informed that at that time that person was Ms Jiba.

CHAIRPERSON: Okay.

MR ANGELO AGRIZZI: That is correct, Chair. If I can for clarity
10 purposes...[intervenes]

CHAIRPERSON: And we have been told that by Mr Agrizzi that Ms Jackie Lapinka worked with or in the office of Ms Jiba.

MR ANGELO AGRIZZI: That is correct, Chair.

CHAIRPERSON: Okay, thank you, but you wanted to say something?

MR ANGELO AGRIZZI: I wanted to add clarity in terms of the names that were mentioned. I recall receiving this document personally in the presence of Mr Watson at the house of Mr Mti and I was told categorically that they cannot just isolate and close down the Bosasa case. It would raise too many concerns so they would have to do it as part of five other cases.

20 Another case that was mentioned to me was the Coca-Cola case that was closed down. I am not aware of it, but that was mentioned during these discussions as well, and based on this document we believed that the case would be closed down.

CHAIRPERSON: So this document you say you received when at a time when you and Mr Watson were in Mr Mti's house, is that right?

MR ANGELO AGRIZZI: That is correct.

CHAIRPERSON: You received it from Mr Mti?

MR ANGELO AGRIZZI: That is correct.

CHAIRPERSON: Okay and what you have added in terms of what you were told namely that the NPA could not just shut down the Bosasa case it had to shut down other cases as well that is what Mr Mti told you at the time?

MR ANGELO AGRIZZI: With specific reference to Coca-Cola, there was an issue there that is correct.

CHAIRPERSON: Thank you.

ADV PAUL PRETORIUS SC: It appears on the face of it Mr Agrizzi that this email was
10 sent by Ms Jackie Lepinka to Silas Ramaiti and Lawrence S Mrwebi?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: And copied to certain other parties?

MR ANGELO AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: The subject line reads SCCU Specialised Commercial Crimes Unit status on the following cases, importance high.

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: And I am going to put it on record, parts of it on record if
I may?

20 "Good afternoon. Trailing emails refer: Reports submitted to
the ANDPP..."

That is the Acting National Director of Public Prosecutions presumably.

"...were not in line with what she requested. The ANDPP is
requesting progress reports for the below mentioned cases."

Five cases are mentioned including Bosasa, correct?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: "The said report should outline the following: Current status, available evidence, where the said case is currently and if not on the court roll by when it will be enrolled."

The next paragraph reads:

10 "Detailed feedback reports on these case should be submitted to this office on or before 28 November 2012. Upon receipt of the said reports a meeting will be scheduled between the ANDPP and the Prosecutors responsible for the prosecution of the said cases to come and brief the ANDPP accordingly. In terms of the Bosasa case please be advised that this matter needs to be finalised ASAP as the matter has been investigated for many years and from the submitted reports it is clear, says Ms Lapinka it is clear that there is no evidence and/or prospect of a successful prosecution. This has been confirmed by both Lieutenant General Dramat and adv M de Kock the lead Prosecutor."

It continues on the next paragraph to read:

20 "The ANDPP has indicated further that no resource will be allocated to any case for longer duration. You are therefore requested to ensure that Prosecutors focus on cases where there is sufficient evidence as this is fruitless and wasteful expenditure."

Those are the comments in relation to the Bosasa case, principally and the others as well under the hand it appears of Ms Jackie Lapinka?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: Do you know anything about this communication and its content other than what you have just told the, Chair?

MR ANGELO AGRIZZI: I have explained everything that I am aware of.

ADV PAUL PRETORIUS SC: We are going to go then to page 478 which is Annexure Q12. By the way all these documents I presume from your evidence and all the documents listed under the head Annexure Q were documents received by you from Mr Mti in the manner that you have referred to in evidence?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: Well perhaps we should go to page 476 first which is the
10 first of the emails in the email train to which we are now referring. It reads:

"Dear colleagues. The above matter refers: SCCU status on cases including Bosasa. Please note that the ANDPP would like to discuss the above matters with your Principals on Thursday 22 November 2012 at 10:00 in the NPS boardroom. Kindly confirm availability. Kind regards Palesa."

Do you know who Palesa was?

MR ANGELO AGRIZZI: I am not fully aware, I have never met with Palesa. All I know is when I looked at the authenticity of the email I picked up that, you know that there was a chain and it showed authenticity.

20 **ADV PAUL PRETORIUS SC:** Yes. It seems that there was a meeting in prospect regarding these cases.

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: Let us move on then to another document in the bundle of documents marked Annexure Q. That is the one that appears at page 478 it is Annexure Q12. Again it is on the letterhead of the Specialised Commercial Crime Unit,

it is addressed to adv M Mokgatle, Acting Regional Head SCCU from adv de Kock and it is dated 26 November 2012 and the subject line is the progress report on the Bosasa investigation.

Now we know that earlier on you referred to another progress report under the hand of adv de Kock, do you see that?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: The email chain in which Ms Jackie Lapinka makes her comment concerning the status of the case against Bosasa and said that there is no evidence or any prospect of a successful prosecution is dated 22 November 2012?

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

ADV PAUL PRETORIUS SC: Adv de Kock who has seem to play an important role in the contemplated prosecution, her memorandum to adv Mokgatle is dated four days later 26 November 2012?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: And its subject is progress report on the Bosasa investigation. It is clear from the content that it is indeed a progress report on the Bosasa investigation. I just want you to mention to the, Chair, a few lines contained in the report to indicate what adv de Kock's view was at that stage.

On page 478 under summary of the available evidence it reads:

20 "The SAPS investigation clearly indicates criminal behaviour on the part of Patrick Gillingham, W D Mansell, R Hoeksma and others."

Do you see that?

MR ANGELO AGRIZZI: I do.

ADV PAUL PRETORIUS SC: Then on page 479 under matters under investigation and

way forward the document reads:

"The investigation of the matter is not yet completed and a charge sheet has not been drafted. Almost 200 statements had been obtained since the start of the investigation. We are still of the view that the investigation will take another six months to complete. Adv van Rensburg and myself are in regular contact with the investigators."

Then under the head anticipated date of enrolment it reads:

10 "It is difficult to speculate on the anticipated date of enrolment, but it would definitely be impossible to enrol the matter prior to 14 February 2013."

And then over the page on page 480, other issues the investigation in relation to others it appears from the document was still in progress and Ms de Kock says:

"I cannot give a summary of the nature and quality of the current and still to be obtained evidence except to say that we do not anticipate it to be challenged on any known grounds."

So at that stage did you receive information on or after 26 November 2012 that the investigation and contemplated prosecution was still on the table as it were?

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

ADV PAUL PRETORIUS SC: Then on 30 April 2013 it appears approximately five or six months later there is another progress report on the Bosasa investigation that apparently ended up in Bosasa's possession. It is again addressed to adv Ngwebe special Director of Public Prosecutions and it appears to have been authored by amongst others adv de Kock.

It is dated 30 April 2013.

MR ANGELO AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: 1.1 reads:

"In response to the request for more information and a detailed report in respect of the progress with the investigation of Pretoria Central CAS..."

And there is a reference number I wish to report as follows. The first heading is the Prosecution of Patrick O'Connor Gillingham. It reads:

10 "I am busy working on a draft charge sheet in respect of Patrick O'Connor Gillingham. The proposed charges against him involve corruption, money laundering and fraud."

And then certain details are given and then on page 483 adv de Kock says apparently:

"I am of the opinion that it will be possible to enrol the matter during the second half of 2013 as indicated before."

So it is apparent from what she says is that a prosecution against Mr Gillingham is not only possible, but is capable of being enrolled during 2013?

MR ANGELO AGRIZZI: That is correct.

20 **ADV PAUL PRETORIUS SC**: Then under the paragraph number head 1.3 the prosecution of the Bosasa group of companies the document reads:

"It is anticipated that the evidence of the corrupt relationship between Patrick O'Connor Gillingham and various individuals within the Bosasa group of companies namely W D Mansell, Angelo Agrizzi, Carlos Bonficio, Andries van Tonder, Frans Hendrik Steyn Vorster and others will be sufficient to prosecute

the said individuals for *inter alia* money laundering and corruption."

And she then talks about a second draft sheet that will be prepared. And then in paragraph 1.4 under the head the prosecution of Linda Morris Mti she says on page 484:

"It is difficult to speculate, but should the police investigation point to a corrupt relationship and the criminal involvement of Mti and the four tenders mentioned in the Gillingham charge sheet he will also be prosecuted."

10 And then in paragraph 1.5 the document talks of enrolment dates. So it appears whatever else adv de Kock might have said earlier in earlier reports the position as at 30 April 2013 is that at least one prosecution and possibly others could occur during 2013 or shortly thereafter?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: And that knowledge came to your attention despite the contradictory reports earlier, is that correct?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: Do you know whether a charge sheet was ever served on Mr Gillingham?

20 **MR ANGELO AGRIZZI:** No charge sheet, nothing has been done with Mr Gillingham.

ADV PAUL PRETORIUS SC: Well that is interesting, because you were also given and this is Annexure Q14 at page 486 and following, you were actually given the draft charge sheet.

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: Before he even received it.

MR ANGELO AGRIZZI: Before anybody received it.

ADV PAUL PRETORIUS SC: And it is headed draft charge sheet POC Gillingham
30 April 2013.

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: And contained in the charge sheet are a number of
alleged acts some of which you have given direct evidence about?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: And then if one goes on to Annexure Q15 at page 502 of
S2 you will see what appears to be a draft memorandum. It is headed proposed
10 memorandum under the further head proposed racketeering memorandum confidential
document 8 August 2013. Do you recognise this document?

MR ANGELO AGRIZZI: I do.

ADV PAUL PRETORIUS SC: It appears from page 510 where there are a number of
headings and no content to those headings beneath that this was an early draft of this
confidential document?

MR ANGELO AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: What is this document?

MR ANGELO AGRIZZI: This document was provided to me via Richmond Mti. It was
dated 8 August. I received it if I recall correctly mid-August in 2013 and basically what
20 it talks about is the racketeering and charges regarding to racketeering that would be
brought.

ADV PAUL PRETORIUS SC: That were contemplated?

MR ANGELO AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: If you go to page 505 under the heading D, identification
of the accused there are listed some 27 people and entities who apparently are those

that are intended to be subject matter of the racketeering charges?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: And you were informed of this fact?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: Then before the memorandum was even complete?

MR ANGELO AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: And on page 511 once again a draft document. It appears under the head proposed racketeering memorandum confidential document 8 August 2013. It may well have been, but we are not sure, an Annexure to the prior
10 document that you referred to, but again it is a provisional draft authorisation in terms of Section 24 of Act 120(1) 1998 and that is the Prevention of Organised Crime Act.

MR ANGELO AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: So you would have known at that stage that charges were being contemplated in relation to racketeering in terms of the Prevention of Organised Crime Act?

MR ANGELO AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: Before any such charges were actually levelled?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: And in fact it is followed by a provision draft charge
20 sheet and the accused some 27 accused are listed on page 513 and 514.

MR ANGELO AGRIZZI: That is correct.

CHAIRPERSON: So Mr Pretorius it looks like the top part of page 511 is the ending of the previous document and the next document starts after Ms de Kock's name. That is the document "Provisional Draft Authorisation". I got the impression when you started on page 511 that you thought that heading "Proposed Racketeering Memorandum" was

for the new document, but I think that comes from the previous pages in regard to the previous document.

ADV PAUL PRETORIUS SC: Yes, perhaps I did not make it clear, but ...[intervenes].

CHAIRPERSON: Yes.

ADV PAUL PRETORIUS SC: The heading is the same.

CHAIRPERSON: Ja, the heading is the same for all, for all of, for a number of documents.

ADV PAUL PRETORIUS SC: Up to page 512 and then on page 513 the heading changes.

10 **CHAIRPERSON:** Oh okay, okay.

MR ANGELO AGRIZZI:

ADV PAUL PRETORIUS SC: And there it is “The Provisional Draft Charge Sheet Racketeering as per the Instruction of NDPP – Confidential. Subject to Amendments – Investigation Still in Progress”.

CHAIRPERSON: Okay, thank you.

ADV PAUL PRETORIUS SC: And there follows a draft charge sheet which goes right through to page 555.

CHAIRPERSON: 555?

ADV PAUL PRETORIUS SC: Yes Chair. I better check. Well no, I am wrong Chair.

20 **CHAIRPERSON:** Huh-uh.

ADV PAUL PRETORIUS SC: It goes through to page 527 and sets out the detail of racketeering charges.

CHAIRPERSON: Ja.

ADV PAUL PRETORIUS SC: Then on page 528 a new document begins, but it seems part of the set of documents.

CHAIRPERSON: Ja, okay.

ADV PAUL PRETORIUS SC: It is headed “Provisional List of Racketeering Activities – P O C Gillingham and L M Mti.”

CHAIRPERSON: Ja.

ADV PAUL PRETORIUS SC: “Note this list is still incomplete and subject to amendments, draft document only – confidential. For attention of Advocate Ngwebi, Advocate Mosing and the NDPP only.”

CHAIRPERSON: Okay.

ADV PAUL PRETORIUS SC: So it seems that this document was intended only for the
10 attention of Advocate Ngwebi, Advocate Mosing and the NDPP. Correct?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: Also it came into your possession with the other documents?

MR ANGELO AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: Let us go then please if we may Mr Agrizzi to Annexure Q16 page 557. This document about which you will hopefully testify to the Chair now was this document another set of another source? It did not come to you via Mr Mti.

MR ANGELO AGRIZZI: No, this document came to me via Mr Mti and Mr Watson.

ADV PAUL PRETORIUS SC: Now ...[intervenes].

20 **CHAIRPERSON:** Are we at 557?

MR ANGELO AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: But this is not a document purporting to come, I am sorry.

CHAIRPERSON: Are we at 557?

ADV PAUL PRETORIUS SC: I am sorry Chair, yes.

CHAIRPERSON: Ja, okay alright. Thank you.

ADV PAUL PRETORIUS SC: What I am trying to Mr Agrizzi.

MR ANGELO AGRIZZI: Yes.

ADV PAUL PRETORIUS SC: You and I know at this stage and the Chair will know shortly, I do not think it is a problem leading you on this. This is not a document that purported to come from the N, the National Prosecuting Authority?

MR ANGELO AGRIZZI: No, not at all, no.

ADV PAUL PRETORIUS SC: But it does relate to the issues that we have discussed?

MR ANGELO AGRIZZI: Correct.

10 **ADV PAUL PRETORIUS SC:** And it is the note you referred to this morning that we should get to. Well we are finally here.

MR ANGELO AGRIZZI: Thank you.

ADV PAUL PRETORIUS SC: Explain, there is a note at the bottom that appears to be a note that was placed on this document on one of those sticky notes. That note which says received from Mti in 2013. Notes in his handwriting what Jiba said they should be. Is this part of the original document?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: It is?

MR ANGELO AGRIZZI: Sorry, this is part of the, the documents that I submitted.

20 **ADV PAUL PRETORIUS SC:** [Intervenes].

CHAIRPERSON: I think Mr Pretorius is asking about the notes that says received from.

MR ANGELO AGRIZZI: Yes. No that that was just the indicator note. So that was.

CHAIRPERSON: It is a note made ...[intervenes].

MR ANGELO AGRIZZI: It is a note where I recalled it.

CHAIRPERSON: It is a note made after you had received the document?

MR ANGELO AGRIZZI: Correct.

CHAIRPERSON: Thank you.

ADV PAUL PRETORIUS SC: Was that a note made by a person as part of this investigation or what ...[intervenes]?

MR ANGELO AGRIZZI: [Intervenes].

ADV PAUL PRETORIUS SC: Or was it later than the origin when this document originated?

MR ANGELO AGRIZZI: No, no this was made by the investigators when they tagged
10 the file to actually make a note that it was received.

ADV PAUL PRETORIUS SC: So we should ignore that?

MR ANGELO AGRIZZI: The note, yes.

ADV PAUL PRETORIUS SC: You can give that evidence?

MR ANGELO AGRIZZI: Thank you.

ADV PAUL PRETORIUS SC: Alright. So you tell the Chair please what this document is?

MR ANGELO AGRIZZI: Chair this document was written to me while I was sitting in the study.

CHAIRPERSON: That is the document at five, page 557?

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

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: It has got 238 ...[intervenes].

CHAIRPERSON: It is ...[intervenes].

MR ANGELO AGRIZZI: On top of it.

CHAIRPERSON: It is a handwritten document?

MR ANGELO AGRIZZI: That is right. It is called assignment writing pad.

CHAIRPERSON: Just repeat that.

MR ANGELO AGRIZZI: It has got there assignment writing pad.

ADV PAUL PRETORIUS SC: There is a barcode there. This particular paper on which this document was written do you know where it came from?

MR ANGELO AGRIZZI: I have not got a clue but what, what is interesting is if you know the university they will be able to scan that barcode in and tell you which student was using that pad.

10 **ADV PAUL PRETORIUS SC**: Be that as it may tell the Chair what this document is all about please.

MR ANGELO AGRIZZI: Chair we were having a meeting and it was post one of the meetings with; that Mti had with ...[intervenes].

CHAIRPERSON: And who was having a meeting?

MR ANGELO AGRIZZI: Myself, Richmond Mti were having the meeting.

CHAIRPERSON: The two of you?

MR ANGELO AGRIZZI: That is correct Chair.

CHAIRPERSON: Okay. You cannot remember when?

MR ANGELO AGRIZZI: The meeting was held in 2013. I cannot ...[intervenes].

CHAIRPERSON: Remember, ja.

20 **MR ANGELO AGRIZZI**: Cannot recall, but I do recall that it was at his house.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: And he used his note pad, because he wrote it down for me.

CHAIRPERSON: Okay, ja. Continue, tell us ...[intervenes].

MR ANGELO AGRIZZI: Right, we discussed ...[intervenes].

CHAIRPERSON: How it came about.

MR ANGELO AGRIZZI: We discussed what had happened as we would normally after his meeting with the ladies, as he put. So the ladies he referred to was Snake and Jay.

CHAIRPERSON: That is Ms Jiba and Ms ...[intervenes].

MR ANGELO AGRIZZI: Lepinka.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: Okay.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: We never, just so you know Chair we never ever used their names in these ...[intervenes].

10 **CHAIRPERSON:** Ja. You just used the ...[intervenes].

MR ANGELO AGRIZZI: Code name.

CHAIRPERSON: Code names.

MR ANGELO AGRIZZI: But for this purpose I will use their full names.

CHAIRPERSON: Yes, okay.

MR ANGELO AGRIZZI: So we spoke about, he said we have got a challenge the legality of the SIU Report. Two bases that is Mti writing this down. He has given me instructions

CHAIRPERSON: Ja.

MR ANGELO AGRIZZI: To take to the attorneys.

20 **CHAIRPERSON:** Ja.

MR ANGELO AGRIZZI: And to give them a guideline on drafting a letter.

CHAIRPERSON: Material to challenge?

MR ANGELO AGRIZZI: Correct.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: The first thing that was mentioned was that the legality of the

SIU Report in its entirety must be challenged and that is because according to the evidence which is contained in the report the way that they obtained subpoenas. The way that they obtained evidence was tainted and I recall them using the term “fruit of a poisoned tree”. So if there was fruit of a poisoned tree you could never regain that specific type of evidence. That is what was explained to me.

CHAIRPERSON: By Mr Mti?

MR ANGELO AGRIZZI: By Mr Mti, yes.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: So it was made ...[intervenes].

10 **ADV PAUL PRETORIUS SC:** Can we pause there? I am sorry to interrupt you.

MR ANGELO AGRIZZI: Yes.

ADV PAUL PRETORIUS SC: But you are having this discussion with Mr Mti. The context of the discussion as a potential challenge to the investigation that was conducted by the SIU?

MR ANGELO AGRIZZI: That is correct Chair.

ADV PAUL PRETORIUS SC: We know from the documentation that you received from the, from Mr N P, from the NPA via Mr Mti that indeed there were a number of opinions and comment, there was commentary regarding the legality of the SIU investigation?

MR ANGELO AGRIZZI: That is correct.

20 **ADV PAUL PRETORIUS SC:** Just to put it in its context.

MR ANGELO AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: I am sorry I interrupted you. I will not again.

MR ANGELO AGRIZZI: Not a problem Chair.

ADV PAUL PRETORIUS SC: [Indistinct].

MR ANGELO AGRIZZI: So this was an instruction document like a blue print manual

to go back to the attorneys so that the attorneys could actually draft a letter requesting this information, requesting that the case be closed down and not be prosecute, because based on the fact that they had broken the, the investigation stymied it, because they had gotten fruit from a poisoned tree. That is why he mentioned it.

CHAIRPERSON: [Intervenes].

MR ANGELO AGRIZZI: The other thing is that Brian Biebuyck, sorry the attorney was to write that the fundamental rights have been encouraged upon of the individuals. The next point was timelines. That the timelines for this ...[intervenes].

CHAIRPERSON: Okay. You know maybe, maybe it would, it would have been better if
10 you first read what is written here. Then you can ...[intervenes].

MR ANGELO AGRIZZI: Okay. I will do that.

CHAIRPERSON: Explain if you are able to each one what is related to ...[intervenes].

MR ANGELO AGRIZZI: That makes ...[intervenes].

CHAIRPERSON: Those items.

MR ANGELO AGRIZZI: That makes sense to me.

CHAIRPERSON: Ja.

MR ANGELO AGRIZZI: As well.

CHAIRPERSON: There is the legality of the SIU Report. You have dealt with that. I think that.

20 **MR ANGELO AGRIZZI:** Yes.

CHAIRPERSON: One could understand. The second one is evidence as is contained in the report and how it may, it was obtained or it may obtained. You said you were told by Mr Mti that there was a reference to fruit of the poisoned tree.

MR ANGELO AGRIZZI: Correct.

CHAIRPERSON: And then there is legality. You want to ...[intervenes].

ADV PAUL PRETORIUS SC: Sorry.

CHAIRPERSON: Huh-uh, Mr Pretorius.

ADV PAUL PRETORIUS SC: We may take it even more slowly Chair if you do not mind.

CHAIRPERSON: Ja, okay.

ADV PAUL PRETORIUS SC: The second paragraph, evidence as contained in the report and how it was obtained. You mentioned both fruit of the poisoned tree that concept?

MR ANGELO AGRIZZI: Correct.

10 **ADV PAUL PRETORIUS SC:** And you also mentioned the authorisation for the steps taken by the investigators?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: Sorry Chair.

CHAIRPERSON: No that is find. Before you proceed you did say earlier on that this term fruit of a poisoned tree if I understood correctly was something you did not know. Is that right?

MR ANGELO AGRIZZI: Well I learnt about.

CHAIRPERSON: Oh you knew, hm?

MR ANGELO AGRIZZI: I learnt about it through this whole process.

20 **CHAIRPERSON:** Oh you, by this time you knew the term?

MR ANGELO AGRIZZI: Yes.

CHAIRPERSON: Oh, through these discussions?

MR ANGELO AGRIZZI: Correct.

CHAIRPERSON: Oh, okay alright. Okay. Then the legality item then you can take the items one by one.

MR ANGELO AGRIZZI: Okay. Legality was with regards to fruit of poisoned tree and also the process followed by the SIU to get the information and also the, the fact that the SIU Report before it was made public should have gone to the President which never happened and there was an issue with regards to that they wanted us to highlight. The ...[intervenes].

CHAIRPERSON: Ja.

MR ANGELO AGRIZZI: The most important one was the fundamental rights had been encroached upon.

CHAIRPERSON: Yes.

10 **MR ANGELO AGRIZZI:** Of the company and the individuals in the company. That was a big argument that the attorneys had to use.

CHAIRPERSON: Ja.

MR ANGELO AGRIZZI: Then it was the timelines and the period of time that had lapsed from the initial investigation right to the prosecution.

CHAIRPERSON: Okay.

MR ANGELO AGRIZZI: That was to be raised.

CHAIRPERSON: Hm.

MR ANGELO AGRIZZI: The other thing to be raised was that the legal basis for the ongoing persecution, as he called it, and harassment. So they were going to play that
20 angle as well to say basically, you know, games are being played and ...[intervenes].

CHAIRPERSON: Hm.

MR ANGELO AGRIZZI: This thing is being delayed and it has put a lot of pressure on people.

CHAIRPERSON: Hm.

MR ANGELO AGRIZZI: Then the relief sought, so in other words what, what the

intention there was, was to say alright fine we are going to put it onto the NPA that they have messed up. Now how are we going to resolve this issue going forward? So they; that was the argument that was put forward and then the approach and the unethical conduct of the process was to be used as an argument as well in terms of pushing for the relief.

CHAIRPERSON: Okay.

MR ANGELO AGRIZZI: That was sought.

CHAIRPERSON: And who, whose handwriting is this on this page?

MR ANGELO AGRIZZI: Chair all this handwriting is Richmond Mti.

10 **CHAIRPERSON:** Richard Mti?

MR ANGELO AGRIZZI: Correct.

CHAIRPERSON: Did he write in your presence or when you arrived he had already written the notes?

MR ANGELO AGRIZZI: No, he wrote it in my presence. The reason ...[intervenes].

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: The reason being Chair I did not have my book and my pen with me.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: Otherwise I would have written it down.

20 **CHAIRPERSON:** Okay.

MR ANGELO AGRIZZI: But he was sitting in his office at his desk and he decided to write it down.

CHAIRPERSON: Ja. Okay.

ADV PAUL PRETORIUS SC: Is this the actual original document or did you have, it cannot be, but did you have the original document in your possession?

MR ANGELO AGRIZZI: The original possession is in a box with all the other original documents with the investigators.

ADV PAUL PRETORIUS SC: So the original document that we are dealing with here this is obviously a colour copy is in possession of the investigators?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: This ...[intervenes].

MR ANGELO AGRIZZI: Do you ...[intervenes].?

ADV PAUL PRETORIUS SC: These pieces of advice do you know where they originated?

10 **MR ANGELO AGRIZZI:** Well this is post his meeting. He told me were coming back from post his meeting with these ladies Nomgcobo Jiba and Jackie Lepinka.

ADV PAUL PRETORIUS SC: Okay.

CHAIRPERSON: So he said he, he came with his suggestions from a meeting he had had that is Mr Mti with Ms Jiba and Ms Lepinka. Is that what he told you?

MR ANGELO AGRIZZI: That is correct.

CHAIRPERSON: Okay.

MR ANGELO AGRIZZI: As a matter of fact Chair for clarity purposes I was at one of the operations and he phoned me and said I must come and see him, because he does not like talking over the phone.

20 **CHAIRPERSON:** That is Mr Mti?

MR ANGELO AGRIZZI: That is correct.

CHAIRPERSON: Ja.

MR ANGELO AGRIZZI: And at that stage I think Watson was in Port Elizabeth. He could not make it up here. So I went quickly to see him and to find out this, because he wanted a letter drafted urgently.

CHAIRPERSON: A letter being drafted by Bosasa ...[intervenes].

MR ANGELO AGRIZZI: Attorneys.

CHAIRPERSON: Attorneys and he wanted you, he wanted to tell you that there is a letter that should be written by your attorneys that is Bosasa and it should be written urgently?

MR ANGELO AGRIZZI: And this should cover these aspects here.

CHAIRPERSON: Oh, oh. That is now, now when you went to him on that occasion when Mr Watson was away in Port Elizabeth I think you said.

MR ANGELO AGRIZZI: Correct.

10 **CHAIRPERSON:** Ja. Is this the occasion or you are now telling us about another occasion?

MR ANGELO AGRIZZI: No there is another occasion. There are ...[intervenes].

CHAIRPERSON: Oh, it is another occasion.

MR ANGELO AGRIZZI: There must be about 30/40 occasions that I went there.

CHAIRPERSON: Okay, okay, okay. No, thank you.

ADV PAUL PRETORIUS SC: Of course Mr Agrizzi we should not lose sight of the perhaps obvious fact that when Bosasa contemplated steps to quash the investigation and contemplates prosecution it was acting not only in its own interests, but also in the interest of Mr Mti.

20 **MR ANGELO AGRIZZI:** And Gillingham, yes.

ADV PAUL PRETORIUS SC: And Gillingham.

MR ANGELO AGRIZZI: That is correct.

CHAIRPERSON: Do you, do you know, did you know whether Mr Mti was legally qualified?

MR ANGELO AGRIZZI: No, I have got is CV.

CHAIRPERSON: Oh.

MR ANGELO AGRIZZI: But I will check.

CHAIRPERSON: Oh that that, that.

MR ANGELO AGRIZZI: No, he is very well educated, but ...[intervenes].

CHAIRPERSON: Yes. Okay. No that is fine.

ADV PAUL PRETORIUS SC: Page 559 is Annexure Q17?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: Again it has what appears to be notes on a stick note placed on the document, but because that may well be the investigator's note we
10 ignore that for the moment?

MR ANGELO AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: Would you tell the Chair please about this document?

MR ANGELO AGRIZZI: This document was actually written by myself whilst I was on the phone to him.

ADV PAUL PRETORIUS SC: To who?

MR ANGELO AGRIZZI: To Mr Richmond Mti. So a document was drafted by the attorneys and it is titled reasons for the state to provide and *nolle prosequi* on the Bosasa matter which I then sent through to him. Well I took it through. I did not send it through. I actually physically took it through to him.

20 **ADV PAUL PRETORIUS SC:** Just pause there.

MR ANGELO AGRIZZI: Yes.

ADV PAUL PRETORIUS SC: Pursuant to the meeting with Mti recorded on page 557.

MR ANGELO AGRIZZI: Yes.

ADV PAUL PRETORIUS SC: You took that information.

MR ANGELO AGRIZZI: Correct, to the attorneys.

ADV PAUL PRETORIUS SC: To the attorneys.

MR ANGELO AGRIZZI: Yes.

ADV PAUL PRETORIUS SC: A document was drafted?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: You forwarded that document or you took that document to Mr Mti?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: This conversation which you have recorded here on page 559 took place after that?

10 **MR ANGELO AGRIZZI:** Correct.

ADV PAUL PRETORIUS SC: Okay. Go on please.

MR ANGELO AGRIZZI: So these were the notes once I had given him the document that had been drafted by the attorneys. These are the notes ...[intervenes].

CHAIRPERSON: I am.

MR ANGELO AGRIZZI: Which I ...[intervenes].

CHAIRPERSON: I am sorry. I am still trying to.

MR ANGELO AGRIZZI: Sorry.

CHAIRPERSON: See whether we are done with the other one. You took a letter drafted by Bosasa's attorneys to Mr Mti?

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

CHAIRPERSON: For what purpose?

MR ANGELO AGRIZZI: So that he could read it before we sent it to the NPA.

CHAIRPERSON: Oh so, so that he could read it and see whether it accorded with the notes that he had given you.

MR ANGELO AGRIZZI: Hm.

CHAIRPERSON: Or the tips?

MR ANGELO AGRIZZI: correct.

CHAIRPERSON: Ja.

MR ANGELO AGRIZZI: As well as to be able to take it and go and check it with his source in the NPA.

CHAIRPERSON: Oh. Oh, so he was going to take it back to the people at the NPA who had given him the suggestion of what should happen?

MR ANGELO AGRIZZI: Correct.

CHAIRPERSON: And they would need to satisfy themselves if it reflected what they
10 had told him?

MR ANGELO AGRIZZI: That is correct.

CHAIRPERSON: And then bring it back to him and then he would bring it back to Bosasa?

MR ANGELO AGRIZZI: Correct.

CHAIRPERSON: And then it would go back to the attorneys to then send it off?

MR ANGELO AGRIZZI: That is correct Chair.

CHAIRPERSON: Okay, alright. Now I understand.

MR ANGELO AGRIZZI: Okay.

CHAIRPERSON: Okay. Mr Pretorius.

20 **ADV PAUL PRETORIUS SC:** Yes please proceed to explain to the Chair the contents of this note. May I just check? Was this note made at the same time that the conversation was taking place?

MR ANGELO AGRIZZI: This note was made after the conversation had taken place. So this note ...[intervenes].

ADV PAUL PRETORIUS SC: How long after?

MR ANGELO AGRIZZI: About a day.

ADV PAUL PRETORIUS SC: A day.

MR ANGELO AGRIZZI: He had to go and see the people at the NPA with the note and he would come back to me and tell me when I could reach him again.

ADV PAUL PRETORIUS SC: Right. I just want to establish it is technical. Do not concern yourself for the reason for my question Mr Agrizzi, but were the contents of the telephone conversation you held the day before you made this note still fresh in your mind?

MR ANGELO AGRIZZI: Extremely fresh.

10 **CHAIRPERSON:** This is the note at 559 that we are talking about

ADV PAUL PRETORIUS SC: Yes Chair and it is ...[intervenes].

CHAIRPERSON: Ja.

ADV PAUL PRETORIUS SC: A contemporaneous note for whatever purpose.

CHAIRPERSON: Ja, okay.

ADV PAUL PRETORIUS SC: Okay, right. Please tell the Chair the contents of the note. What this note represents?

MR ANGELO AGRIZZI: So if I can just quickly go back in the previous one I think it was 557 is a note that is given to me by Richmond Mti. I take that note and I go and explain it to the attorneys. They draft me a letter. Reasons to, not to prosecute

20 Bosasa.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: Why a *nolle prosequi* should be issued.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: I take the note back to him. I go through it with him. I leave it with him, because he is then going to see the ladies, Jiba and Jackie.

CHAIRPERSON: Ja.

MR ANGELO AGRIZZI: I leave it with him. I then phone him that evening and he says to me look I must come around the following morning. So this note here emanates from the discussions that following morning.

CHAIRPERSON: Okay.

MR ANGELO AGRIZZI: So the following morning at 7 o' clock I was at his house and we went through what he had written. I had, I took a piece of paper from his photostat machine.

CHAIRPERSON: Hm.

10 **MR ANGELO AGRIZZI:** And I started writing down notes.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: And he was ...[intervenes].

ADV PAUL PRETORIUS SC: Right, before you go on then I have been under misapprehension and I have perhaps because of that misapprehension.

MR ANGELO AGRIZZI: Okay.

ADV PAUL PRETORIUS SC: Misled the Chair. This is not a note of the telephone conversation?

MR ANGELO AGRIZZI: No. This is ...[intervenes].

ADV PAUL PRETORIUS SC: I thought it was.

20 **MR ANGELO AGRIZZI:** No.

ADV PAUL PRETORIUS SC: So it is irrelevant whether the contents of the telephone conversation was still fresh in your mind when you made this note?

MR ANGELO AGRIZZI: [Intervenes].

ADV PAUL PRETORIUS SC: This is a note of a conversation that took place directly between yourself and Mr Mti?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: Thank you.

MR ANGELO AGRIZZI: Normally I would write on blue paper, because I use a standard book.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: I did not have the book with me. I sat with him. He had phoned me and that is maybe where the confusion comes in.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: He said we cannot discuss it over the phone. I must see him
10 the next morning.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: I was there the next morning. We then sat across the table. He issued me with a piece of paper so I could write things down. I then wrote down everything, because he was not and apparently they were not happy with the letter that was drafted.

CHAIRPERSON: Oh, okay.

MR ANGELO AGRIZZI: So he had comments on the letter which he did not give me.

CHAIRPERSON: Hm.

MR ANGELO AGRIZZI: He gave me the; he read out to me what needs to be added
20 in.

CHAIRPERSON: Ja, okay.

MR ANGELO AGRIZZI: So what needed to be added in is the fact that points one to five were critical.

CHAIRPERSON: Can you just read them?

MR ANGELO AGRIZZI: Yes. We had to draft representation to the NPA, but

specifically to Jiba.

CHAIRPERSON: What is that SNS or it looks like SNS to draft?

MR ANGELO AGRIZZI: I cannot recall what SNS was. I think it was one of the advocates we were using perhaps.

CHAIRPERSON: Oh, okay.

MR ANGELO AGRIZZI: I cannot, I cannot remember who it was.

CHAIRPERSON: Okay, okay. You had, ja. Basically Bosasa were to draft, was to draft representations to the NPA that is to Jiba.

MR ANGELO AGRIZZI: Must be addressed to Jiba we were told.

10 **CHAIRPERSON:** Yes.

MR ANGELO AGRIZZI: The second one is we need to challenge the SIU Report legalities.

CHAIRPERSON: And the, oh the SIU Report, ja okay.

MR ANGELO AGRIZZI: Okay. The third point was, because we now had to change this whole letter.

ADV PAUL PRETORIUS SC:

CHAIRPERSON: Ja.

MR ANGELO AGRIZZI: How do we deal with the allegations made by the sources and what is the source of the allegation.

20 **CHAIRPERSON:** Ja.

MR ANGELO AGRIZZI: The argument there was that in terms of the criminal case that was opened up there was no complainant's statement by who was then the Acting Commissioner Jenny Schreiner.

CHAIRPERSON: Ja.

MR ANGELO AGRIZZI: Alright. The third, the fourth thing was the, something to do

with the Public Service Commission. I cannot recall now. The Auditor-General and a problem, because the SIU went to Parliament, Willie Hofmeyr went to Parliament and did not follow the process of first reporting it to the President as it, as it is in the SIU Code of Conduct or something. The fifth thing was we had to make a big song and dance about the impact on families, lost business and that it was a political issue.

CHAIRPERSON: Huh-uh.

MR ANGELO AGRIZZI: Then we had to, the smaller points there which are not the main points are what we needed to talk around in the letter to allude to it that there has been a persecution by the media. That there has been lost business opportunities.

10 That there was not fairness because of the length of the process. That we had lost out on international opportunities and that factually there were issues with regards to allegations and then also we had to talk about the quality of service, the savings we had generated as well if there was anything illegal why is it that the contracts would be re-awarded to Bosasa time and time again.

CHAIRPERSON: Hm.

MR ANGELO AGRIZZI: They wanted me to make mention of the Watson family and the history and then why is Government fighting the fight of losing bidders and that was regarding Royal Sechaba and Prilla.

CHAIRPERSON: Thank you.

20 **MR ANGELO AGRIZZI:** Okay.

ADV PAUL PRETORIUS SC: The source of this advice to Bosasa in your mind and according to your knowledge and according to ...[intervenes].

MR ANGELO AGRIZZI: Well I was told, I was told categorically that this emanates, this advice emanates from the meeting that he had had with Jiba and after he had shown her the letter that we had produced from the attorneys.

ADV PAUL PRETORIUS SC: Jiba and anyone else?

MR ANGELO AGRIZZI: At that stage he told me it was Jiba.

ADV PAUL PRETORIUS SC: You can return to your statement please in the bundle S1.

CHAIRPERSON: Do, do you know where they used to meet? Did he ever tell you?

MR ANGELO AGRIZZI: Yes, Chair. Opposite Savannah Hills there is a shopping centre there. That is where they met recently and prior to that they used to meet at Illovo. I think it was the Thrupps Centre. Somewhere convenient. Those are the only two places I know of.

10 **CHAIRPERSON:** You are talk about recently. You mean recently then not recently now?

MR ANGELO AGRIZZI: Well I am talking recently in 2016.

CHAIRPERSON: Ja, okay.

ADV PAUL PRETORIUS SC: At the time these discussions were being held what was the status of the payments to which you referred earlier in your evidence to Ms Jiba, Lepinka and others?

MR ANGELO AGRIZZI: The status would be that they would still be paid.

ADV PAUL PRETORIUS SC: Right.

CHAIRPERSON: So the payments, monthly payments continued?

20 **MR ANGELO AGRIZZI:** Most definitely.

CHAIRPERSON: Hm, thank you.

ADV PAUL PRETORIUS SC: What happened on 8 May 2015?

MR ANGELO AGRIZZI: Sorry, where; sorry.

ADV PAUL PRETORIUS SC: Paragraph 35.9.

MR ANGELO AGRIZZI: Thank you.

ADV PAUL PRETORIUS SC: We are going paragraph by paragraph.

MR PAUL AGRIZZI: Well on the 8 May I think it was when Ms Jiba was suspended or they were compromised. In the media there was a big story about it and Gavin insisted that we go and see Richmond Mti at his house that morning. And it was quite an early morning so we drove – we drove through there and at the meeting Gavin Watson emphasised that both Mti and Jiba were compromised and that Bosasa was at risk. He made a proposal on how it should be handled and he was going to go and see the President soon so he made – he did a role play. He sat down Mti and he said to him “let me explain to you now what I am going to do and I will tell you how to handle it
10 going forward.” And his words to me – and his words were “we will tell the President what to do and how to sort these things out because it was getting a bit much.”

CHAIRPERSON: Who was he referring to when he said he was going to tell the President?

MR PAUL AGRIZZI: He was talking to Richmond Mti and he was referring to the ex President Zuma.

ADV PAUL PRETORIUS SC: So a conversation takes place between yourself, Mr Mti and Mr Watson?

MR PAUL AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: At this time the efforts of Bosasa with the assistance of
20 Mr Jiba appeared to be falling off the rails?

MR PAUL AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: Coming off the rails.

MR PAUL AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: And what is contemplated then by Mr Watson is a visit to President Zuma?

MR PAUL AGRIZZI: Well he had arranged the visit already so it was going to happen. He was just telling – he was just telling Richmond Mti what he was going to do at the visit.

ADV PAUL PRETORIUS SC: And during the conversation from what I understand Mr Watson conducted a role play. He showed both you and Mr Mti what he was going to say and how he would approach the President?

MR PAUL AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: Alright.

MR PAUL AGRIZZI: If I might just add he had that type of relationship with the
10 President where he could tell the President what to do. It was frequent.

CHAIRPERSON: Oh. Was what?

ADV PAUL PRETORIUS SC: Was this conversation – I am sorry.

CHAIRPERSON: I am sorry. Did he – did he used to have frequent interaction with the President as far as you know with the then President?

MR PAUL AGRIZZI: Yes. So he would visit the President quite regularly. I remember the very first visit to Nkandla he told me what a mess it was in terms of the building and that and that it should not have cost R250 million and then he went on about having breakfast with Lady 1, Lady 2, Lady 3, Lady 4 there. The President's wives. That he would have to have breakfast at every single lady.

20 **CHAIRPERSON**: Okay.

ADV PAUL PRETORIUS SC: Was this conversation recorded?

MR PAUL AGRIZZI: Which one? The ...

ADV PAUL PRETORIUS SC: This conversation that you telling the Chair.

MR PAUL AGRIZZI: Oh this conversation. Yes it was.

ADV PAUL PRETORIUS SC: Right well the Chair does not know that. Yes.

MR PAUL AGRIZZI: Oh sorry. Sorry Chair.

ADV PAUL PRETORIUS SC: Who recorded it?

MR PAUL AGRIZZI: I recorded it.

CHAIRPERSON: And where was it taking place at Mr Mti's house?

MR PAUL AGRIZZI: That is correct Chair.

CHAIRPERSON: Okay and the people present were yourself, Mr Watson and Mr Mti?

MR PAUL AGRIZZI: That is correct.

CHAIRPERSON: Okay. Was the occasion one of those regular meeting that you said – I do not know if you said monthly meetings that you?

10 **MR PAUL AGRIZZI**: No this was an extra special meeting because he had heard via someone else that there was a problem and that they were going to prosecute.

CHAIRPERSON: Oh okay.

ADV PAUL PRETORIUS SC: Did you keep a copy of the recording?

MR PAUL AGRIZZI: Yes.

ADV PAUL PRETORIUS SC: Or did you keep the recording?

MR ANGELO AGRIZZI: Yes I did and I handed it over the investigators.

ADV PAUL PRETORIUS SC: Alright. Chair the recording is Exhibit 3. The transcript of the recording is at page 562 of bundle S2.

CHAIRPERSON: Exhibit S3 is the recording?

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

CHAIRPERSON: Is the recording okay. And the transcript is?

ADV PAUL PRETORIUS SC: At page 562.

CHAIRPERSON: Okay.

ADV PAUL PRETORIUS SC: Of bundle S2. Yes the transcriber certificate appears at page 561.

CHAIRPERSON: I have got it.

ADV PAUL PRETORIUS SC: Yes Chair I am advised that I must correct the Exhibit number as it appears in the statement. It is Exhibit S4. Is that right? Sorry I am told it is.

CHAIRPERSON: Oh well I have got here.

ADV PAUL PRETORIUS SC: No sorry Chair it is Exhibit S5.

CHAIRPERSON: Oh then it is one that I do not think I have.

ADV PAUL PRETORIUS SC: Yes well it is going to be played now Chair.

CHAIRPERSON: Oh okay.

10 **ADV PAUL PRETORIUS SC**: Anyway that is just a numbering matter we can clear up.

CHAIRPERSON: Okay.

ADV PAUL PRETORIUS SC: But for the record the recording referred to in paragraph 35.9 on page 77 of bundle S1 is Exhibit S5. The transcript of the recording is Annexure R which appears at page 561 and following.

CHAIRPERSON: I have got the transcripts.

ADV PAUL PRETORIUS SC: Thank you. May we play the recording?

CHAIRPERSON: Ja.

ADV PAUL PRETORIUS SC: I am sorry I omitted to place on record so that we can follow the transcript more accurately. Person 1 who is that?

20 **MR ANGELO AGRIZZI**: The person speaking now?

ADV PAUL PRETORIUS SC: Yes.

MR PAUL AGRIZZI: Sorry that is Gavin Watson.

ADV PAUL PRETORIUS SC: Right Person 1 is Gavin Watson. Do you know who Person 2 is?

MR PAUL AGRIZZI: Richmond Mti.

ADV PAUL PRETORIUS SC: And Person 3?

MR PAUL AGRIZZI: Is myself.

ADV PAUL PRETORIUS SC: Thank you. Sorry to interrupt you.

CHAIRPERSON: Thank you. [listening to audio].

ADV PAUL PRETORIUS SC: Okay before we go on Chair it is apparent that there are a number of errors on the transcript.

CHAIRPERSON: Ja well.

ADV PAUL PRETORIUS SC: Yes particular in relation to some of the words and as to who is speaking. So we need to corrected transcript.

10 **CHAIRPERSON:** Ja but also I must just say and it maybe it is just me I could not hear most of what was being said.

ADV PAUL PRETORIUS SC: Yes well I heard a little more I think that what was transcribed.

CHAIRPERSON: I think – I think when – I think when I heard a voice that seems to be – seems to have been Mr Agrizzi's voice maybe it was not. There seems to have been his that I could hear the words more clearer. There was a voice that I could hear clearer compared to others but the other two I could not hear most of the time. Probably maybe if I – if one were to listen to it not in a big hall like this maybe one could hear. Ja.

20 **ADV PAUL PRETORIUS SC:** Well that is why we have asked a transcriber to prepare the transcript but unfortunately the transcript is not.

CHAIRPERSON: Yes. Ja I saw the transcript there are lots of...

ADV PAUL PRETORIUS SC: It is not accurate in all respects.

CHAIRPERSON: Ja.

ADV PAUL PRETORIUS SC: So we will correct that.

CHAIRPERSON: Yes okay.

ADV PAUL PRETORIUS SC: But in the meanwhile if I may because I am not sure all of it is relevant to this matter but let me ask ...[intervenes].

CHAIRPERSON: Ja well maybe the witness can give us the gist of what was being said insofar as it is relevant to.

ADV PAUL PRETORIUS SC: Just let me ask the witness if I may? There are two topics that appear to be the subject matter of the discussion on this recording.

MR PAUL AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: The one is the contemplated prosecution of Bosasa?

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

ADV PAUL PRETORIUS SC: And the involvement of various parties in that?

MR PAUL AGRIZZI: That is correct Chair.

ADV PAUL PRETORIUS SC: And you say in that respect Mr Watson was intending to make representations to President Zuma and was in a way rehearsing or role playing what he would say?

MR PAUL AGRIZZI: And that is correct and such representations were made.

ADV PAUL PRETORIUS SC: Alright we will get there. The second topic here appears to be the South African Revenue Services and the so called Rogue Unit?

MR PAUL AGRIZZI: That is correct.

20 **ADV PAUL PRETORIUS SC**: What relevance – does that have any relevance to this inquiry?

MR PAUL AGRIZZI: In terms of this inquiry I do not think we need to go there.

ADV PAUL PRETORIUS SC: So all that is relevant for present purposes is the transcript up to page 553, is that correct?

MR PAUL AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: Because when they talking about Smit that is another matter?

MR PAUL AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: Alright.

CHAIRPERSON: Was one of the voices yours?

MR PAUL AGRIZZI: Very seldom.

CHAIRPERSON: Ja okay but very distinct, is that right?

MR PAUL AGRIZZI: Very distinct.

CHAIRPERSON: Ja thank you.

10 **ADV PAUL PRETORIUS SC:** What was being said here? Let us take it step by step. Person 1 is Mr Watson?

MR PAUL AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: He says Jiba would try and close down twice but Dramat did not want to give the docket over to close it down?

MR PAUL AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: What – what is the reference there? What is being said?

MR PAUL AGRIZZI: Well Jiba basically wanted to get the docket and Anwar Dramat would not release the docket because she wanted to close it up. That is what was told to us.

20 **ADV PAUL PRETORIUS SC:** And then the next sentence?

MR PAUL AGRIZZI: Well are we – sorry I just want to double check are we on page 562?

ADV PAUL PRETORIUS SC: Yes.

MR PAUL AGRIZZI: Okay the next sentence is then he talks and he says well then Jiba took De Kock off the case. Now you must remember that he would have got his

information from another source as well. So somebody else has informed him on exactly where the process is at.

CHAIRPERSON: Other than Mti this time?

MR PAUL AGRIZZI: Correct. Other than Mti and other than Jiba.

CHAIRPERSON: Yes.

MR PAUL AGRIZZI: So he has got other information which he has got. He says then Jiba would – he explained that Jiba had tried to take De Kock off.

ADV PAUL PRETORIUS SC: Now that De Kock is that the same person that we have spoken about earlier?

10 **MR PAUL AGRIZZI**: That is the same De Kock. That is why I said earlier that we need to be very wary because.

ADV PAUL PRETORIUS SC: I know it is late in the day – sorry we must not speak together.

MR PAUL AGRIZZI: Not a problem. But then De Kock came back on. So he is referring to the 2012 matter where De Kock goes off the case and she comes back on. Smuggled back onto this case he says. So he – he has this conspiracy theory that Glynnis Breytenbach wanted De Kock on the case because she could control De Kock and De Kock could basically prosecute successfully Bosasa.

ADV PAUL PRETORIUS SC: Before you go on you have referred to documents which
20 indicate that De Kock was indeed told to stay off the case and that it is apparent she was later involved in the case?

MR PAUL AGRIZZI: That is – that is correct.

ADV PAUL PRETORIUS SC: Right. Carry on please.

MR PAUL AGRIZZI: So he says now the transcript is wrong here it says now I do not want to implicate Willie because Breytenbach and Willie still talk well Mr President. So

what he was saying was that Willie Hofmeyr and Breytenbach still have a relationship. But he does not want to implicate Willie Hofmeyr in this whole thing. It is a fact okay I want to say that. Okay.

CHAIRPERSON: Oh now – now you have just mentioned that he says.

MR PAUL AGRIZZI: Yes.

CHAIRPERSON: Now the – it says they implicate but you say that is wrong. He said they do not want to implicate Willie because Breytenbach and Willie and still talk as well Mr President. Now this reference to Mr President in the transcript here – he says that as if he is speaking the President because he was role playing?

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

CHAIRPERSON: He was showing – he was acting like he was talking to the President already?

MR PAUL AGRIZZI: As a matter of fact I think this was two or three days before the meeting.

CHAIRPERSON: Okay, alright.

MR PAUL AGRIZZI: Alright and it was before the visit to Bosasa I think by the President.

CHAIRPERSON: Okay.

20 **MR PAUL AGRIZZI**: But Chair what he then says is – where it says “now they implicate” that actually is I do not want to implicate Willie because Breytenbach and Willie still talk.

CHAIRPERSON: Oh so that they is actually I do not want to implicate, it is not they?

MR PAUL AGRIZZI: That is correct.

CHAIRPERSON: Okay thank you.

MR PAUL AGRIZZI: It is a fact. Okay. So he then carries on and he says “you know I

know that Willie is sitting on the fence and I know that he has done things for you Mr President” and he is specifically saying that to everybody, myself and Richmond Mti there. He says “whatever – wherever he goes I can talk to you about this.” So the role play that took place was to say “Mr President you have got a problem. You have not got much time left. You need to sort this problem out. You need to get Jiba on board or you need to get Mtlemza on board or you need to get some lady from KZN on board.

ADV PAUL PRETORIUS SC: Okay before you go on the word “Ntlameza” there is that a correct transcript of the word actually used? You mentioned Ntlameza now?

MR PAUL AGRIZZI: No Umthlameza.

10 **ADV PAUL PRETORIUS SC:** Not Ntlamanza?

MR PAUL AGRIZZI: No. I do not know what Hlamanza is. No it is – here on the recording you heard the words Ntlamenaa. So I have got people at Ntlemeza.

CHAIRPERSON: So we should correct where the transcript says Tramaza we should change that to Ntlemeza?

MR PAUL AGRIZZI: Well I – Chair to be franc with you I think what we should do is get a transcript done, a rescript done. Because...

ADV PAUL PRETORIUS SC: No but for the moment.

MR PAUL AGRIZZI: I am not registered as a transcriber.

ADV PAUL PRETORIUS SC: No, no, no.

20 **CHAIRPERSON:** Or in terms of your own recollection of what was said at the meeting.

MR PAUL AGRIZZI: Yes.

CHAIRPERSON: What is the name you remember?

MR PAUL AGRIZZI: Ntlameza.

CHAIRPERSON: Okay alright.

MR PAUL AGRIZZI: And he refers to that because he does have people well all over

including there. I have Ntlemenza working on their side so that I can get that right and I want to – what he was trying to get across or say is I want to say to people that this is a Breytenbach issue. All she wants to do is discredit us as Bosasa in the paper so that when this thing comes up and our agreements with Correctional Services and the banks and everything else our overdraft facilities when they come up they throw this thing in the press. So what he was saying was that when this issue comes up every time our overdraft facilities are renewed or banking facilities are renewed then something will pitch up the press and he was convinced that this was being caused by Breytenbach and by the likes of Naddie Kirsh and the Stellenbosch Grouping to try
10 and bring down Bosasa and the Watsons. So then he says who is calling it up in the press for they want something to stick to discredit us in the press. So then he goes back into the role play and he says: “Now Mr President we need to get this thing closed down.” He then turns around and he says “now we need the right people in the right place”. And he says: “Ntlamenza is the right guy at that place doing what he can. Now we need to get the right person at the National Prosecuting Authority.” Okay one of them – I do not know where this comes in. He says here: “either we get Chauke or Jiba or the woman down in Natal.” Okay.

ADV PAUL PRETORIUS SC: Sorry just before you go on. You say for present purposes and subject to a proper check.

20 **MR PAUL AGRIZZI:** Yes.

ADV PAUL PRETORIUS SC: We can delete [Shagukeng] and replace that with Chauke?

MR PAUL AGRIZZI: That is right.

ADV PAUL PRETORIUS SC: Yes and then what about one of them got a goose?

MR PAUL AGRIZZI: I have not got a clue where that comes from.

CHAIRPERSON: Well Chauke being C-h-a-u-k-e?

MR PAUL AGRIZZI: C-h-a-u-k-e.

CHAIRPERSON: Ja C-h-a-u-k-e.

MR PAUL AGRIZZI: Well I do not know why he said that or that but that is what it is on the tape.

CHAIRPERSON: Okay.

MR PAUL AGRIZZI: One of them got a goose. I think one them has got to move. I need to listen to it again but it is definitely one of them has got a goose. Not one of that. Well look at what has happened to Jiba. Jiba is buggered up in the press. He
10 told me that. He is now referring to Zuma. Zuma told him Jiba is buggering up in the press. He said "Jiba is his person", President's person. "Okay tell me must I ask" then he goes into he says: "yes but it does not help him going there and saying that you got to put this person in place. The President is going to ask him who must I put in place?" And then he is going to be stuck because he does not know what to say. That is what is on the transcript – what comes out. He says "now I did not say that you – your work will get on" I will have to listen to it again. He says "okay now Jiba has been buggered up" he repeats it. Mrwebi, supposed to be Mrwebi has been buggered up.

ADV PAUL PRETORIUS SC: So just pause there please. So we can delete Kwebo there and replace it by Mokgwebi?

20 **MR ANGELO AGRIZZI**: Mokgwebi that is correct.

"So how are you going to protect them Mr President? By putting the right person in there. I do not know who is advising you Mr President, but you need to make the right decisions now, you have not got much time left."

That is how he talks to the President. That is what he actually says and he

does.

CHAIRPERSON: What did this you do not have much time left, what was that about?

MR ANGELO AGRIZZI: Well, the...[intervenes]

CHAIRPERSON: You said this was 2013?

MR ANGELO AGRIZZI: I think it was 2015, Chair, we just need to check.

CHAIRPERSON: Okay.

MR ANGELO AGRIZZI: I think it was 2015.

CHAIRPERSON: Okay.

MR ANGELO AGRIZZI: Yes, he said to him "you do not have much time left" meaning
10 that he does not have much time in politics left or as President. That is how he spoke
to him. Now we need to get our facts right, okay. Sorry, Chair, I would have to read
through it again and I would have to listen to it again.

CHAIRPERSON: Oh, okay.

MR ANGELO AGRIZZI: So I do not think...[intervenes]

CHAIRPERSON: You do not think you might be too helpful?

MR ANGELO AGRIZZI: I do not think I have too much time.

CHAIRPERSON: Okay.

ADV PAUL PRETORIUS SC: Well you have done fairly satisfactorily up to now.

MR ANGELO AGRIZZI: I just do not want to be misquoted.

20 **CHAIRPERSON**: Yes.

MR ANGELO AGRIZZI: You know.

ADV PAUL PRETORIUS SC: But if you would just take a minute to read page 3,
because we only going to go up to two thirds of the way down page 3 of the transcript
that is page 563. Just take a minute to read it and see if there is anything useful you
need to tell the, Chair.

MR ANGELO AGRIZZI: Alright.

CHAIRPERSON: Well I am not sure he seems to be – you seem to be uncomfortable dealing with it.

MR ANGELO AGRIZZI: I would rather, Chair, if you played it, stopped it, and I could tell you what was said.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: Because otherwise I might just misconstrued what was being said.

CHAIRPERSON: Yes, let us maybe just allow him to do that.

10 **ADV PAUL PRETORIUS SC:** Do you want to listen to the first part of the exchange again?

MR ANGELO AGRIZZI: If I say stop then I will explain what happens, if the, Chair...[intervenes]

CHAIRPERSON: *Ja*.

ADV PAUL PRETORIUS SC: You just signal to our technician.

MR ANGELO AGRIZZI: Yes I will.

CHAIRPERSON: Okay, alright.

MR ANGELO AGRIZZI: So if you will play it again.

ADV PAUL PRETORIUS SC: So let us start at the beginning again.

20 [Listening to audio]

MR ANGELO AGRIZZI: What he is saying there is that Jeeb[?] is trying to close down the case, but Dramat is holding onto the docket. So Dramat is not handing over the docket and because of that Jeeb cannot issue a *nolle prosequi*. What he is then saying is that he is saying that the person who is controlling the whole process is Breytenbach and he does not want to implicate Willie, "because Breytenbach and Willie still talk as

well to each other, Mr President, it is a fact, and he repeats, I want to say that. He says Willie is sitting on the fence Mr President" and carried on.

CHAIRPERSON: Well I must just say, hang on, hang on. I must just say I do not know what the technicians may have done but it seems much more clearer now to me at least. So I can hear much more clearer.

MR ANGELO AGRIZZI: Good.

CHAIRPERSON: So thank you. You may proceed.

[Listening to audio]

MR ANGELO AGRIZZI: I am sure you might have heard that. He is saying "Willie is
10 sitting on the fence, wherever he goes I can talk to you about this Mr President."

CHAIRPERSON: Yes, I can hear. Everybody at the back can hear the witness? Okay, alright, thank you. You may proceed.

[Listening to audio]

MR ANGELO AGRIZZI: I think there you hear clearly he says "I want to get the facts. I have got people working at Umhlamenza and I just want to get the facts." What he is referring to there is often he would request me to draw up an organogram or a spidergram showing various factions within the ANC and the political overview of the ANC and the country and where the attacks were coming from.

CHAIRPERSON: Yes.

20 **MR ANGELO AGRIZZI:** So these would be, this is what he was instructing me to do.

CHAIRPERSON: Okay.

MR ANGELO AGRIZZI: Thank you.

[Listening to audio]

MR ANGELO AGRIZZI: I think that is self explanatory. I think it is much clearer now as well.

CHAIRPERSON: *Ja, ja* continue.

[Listening to audio]

MR ANGELO AGRIZZI: Sorry, Chair, is there anything I need to explain?

CHAIRPERSON: I think I could hear, I could hear, yes, continue.

[Listening to audio]

CHAIRPERSON: Just hold it there. So Mr Agrizzi the person asking the question whether Ms Jiba has got a letter of appointment that she will be acting again is that Mr Watson asking?

MR ANGELO AGRIZZI: That is correct, Chair.

10 **CHAIRPERSON:** But he is pretending that he is asking the President on this conversation that he was going to have with the President?

MR ANGELO AGRIZZI: Chair, at that stage he was asking Richmond Mti if Mti knew if Jiba got a letter of appointment.

CHAIRPERSON: Oh, okay, okay, thank you. You may proceed.

[Listening to audio]

ADV PAUL PRETORIUS SC: So we do not have to go on. We do not have to go on any further, because the topic of conversation apparently changes now.

MR ANGELO AGRIZZI: Yes.

CHAIRPERSON: Okay, thank you.

20 **ADV PAUL PRETORIUS SC:** The last portion there you are person three and you say to Gavin Watson:

"Have you explained to him what you caucused and arranged to move out to move those investigators and that Gavin?"

What were you saying to Gavin? Have you explained to whom?

MR ANGELO AGRIZZI: What I was asking Gavin to explain to Richmond Mti was how

he had arranged with various other people in I do not know who, he would not reveal to me who he was dealing with in the HAWKS and in the legislature and wherever he was dealing with people. He had arranged to move people around in government.

ADV PAUL PRETORIUS SC: Alright, because from the context it appeared to at least to us here that you might be saying to Gavin Watson "have you explained to the President in your role play what you caucused and arranged to move those investigators out Gavin", am I right?

MR ANGELO AGRIZZI: No, I was asking him to explain to Richmond Mti what he had done by moving people around.

10 **CHAIRPERSON:** Hang on I want to hear more about that. You were asking Mr Watson to explain to Mr Mti what he had done, who was the he? Mr Watson, moving people around?

MR ANGELO AGRIZZI: Correct.

CHAIRPERSON: Okay. Is that the Bosasa people?

MR ANGELO AGRIZZI: No, Chair, those are people in the HAWKS and in senior government positions.

CHAIRPERSON: Yes, but he was not in government, how could he move them around? Say he had the power to get them moved?

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

20 **CHAIRPERSON:** Well I want you to explain exactly what is in your mind. I do not want to...[intervenes]

MR ANGELO AGRIZZI: Chair, I said the other morning here...[intervenes]

CHAIRPERSON: I do not want to...[intervenes]

MR ANGELO AGRIZZI: That even the poor Pope could get corrupted.

CHAIRPERSON: I do not want to – I want you to tell me exactly what you heard, what

you knew about this moving of people?

MR ANGELO AGRIZZI: Well he had people moved around government. I mean when Vernie Petersen was moved by Sibeko, Siapela arranged that.

CHAIRPERSON: Yes, remember that you have not told me about that. I am hearing about that for the first time.

MR ANGELO AGRIZZI: Yes, but there are many instances where people were moved around.

CHAIRPERSON: But I do not know that. So you have got to tell me. You talk about him moving people around.

10 **MR ANGELO AGRIZZI**: Correct.

CHAIRPERSON: So...[intervenes]

MR ANGELO AGRIZZI: All I was told, Chair, is that he had moved people around, he had to make sure that Smith and the investigators that were on the case were taken off the case. How he did that, who he spoke to I do not know.

CHAIRPERSON: Okay, but that is what he told you?

MR ANGELO AGRIZZI: Chair, I am here telling you the truth.

CHAIRPERSON: *Ja*.

MR ANGELO AGRIZZI: I have exposed everything that I know. I have exposed myself to South Africa. I am not about to tell you a lie.

20 **CHAIRPERSON**: *Ja*.

MR ANGELO AGRIZZI: I cannot tell you who he used to move people around.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: But I do know that he is influential and he had people moved around and that is what he was telling Mti at that stage.

CHAIRPERSON: Yes, yes.

ADV PAUL PRETORIUS SC: Well...[intervenes]

CHAIRPERSON: Obviously those would be people that he thought who were not cooperating or were problematic for Bosasa?

MR ANGELO AGRIZZI: That is correct.

CHAIRPERSON: Okay, alright.

ADV PAUL PRETORIUS SC: Well let us just pause there a minute, because I am not sure what you are saying now is consistent with what you said on the transcript Mr Agrizzi. Two thirds of the way down page 563 against the words person three, that is yourself?

10 **MR ANGELO AGRIZZI:** Correct.

ADV PAUL PRETORIUS SC: It reads:

"Have you explained to him what you caucused and arranged
to move those investigators and that Gavin?"

So you are talking to Gavin?

MR ANGELO AGRIZZI: Yes.

ADV PAUL PRETORIUS SC: So the you is Gavin?

MR ANGELO AGRIZZI: Have you, yes.

ADV PAUL PRETORIUS SC: So have you explained to him who is the him?

MR ANGELO AGRIZZI: Him is Richmond Mti.

20 **ADV PAUL PRETORIUS SC:** Alright so this sentence then reads, as explained by you, have you explained to Mti what you caucused and arranged to move out those investigators and that Gavin? So the you is surely Gavin?

MR ANGELO AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: So you are asking Gavin, "Gavin what have you caucused and arranged?" Is that not clear from that?

MR ANGELO AGRIZZI: I am asking Gavin "have you explained to Mti what you have caucused."

ADV PAUL PRETORIUS SC: So the person doing the caucusing in this sentence is Mr Watson not Mr Mti?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: Okay. As foreshadowed, Chair, we will produce a new transcript.

CHAIRPERSON: Yes.

ADV PAUL PRETORIUS SC: Perhaps with another transcriber who dare I say can
10 hear better.

CHAIRPERSON: *Ja.*

ADV PAUL PRETORIUS SC: Let us go back please to your statement to page 77 paragraph 36. I am not sure we have to go into the generation of cash, once more you have given quite thorough evidence on that, but if there is anything in paragraph 36.1 that we have not dealt with we should put it on record now. Would you just briefly take an opportunity to read 36.1?

MR ANGELO AGRIZZI: Chair, there is one issue that I would just like to mention in 36.1. I believe Jumbo Liquors changed their name to Captain Liquor. I actually was informed yesterday evening by somebody who sent me a photograph and apparently
20 that specific one has become a Captain Liquor so if the go there to look for the place it will be Captain Liquor.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: Just for clarity purposes.

CHAIRPERSON: Okay, okay.

MR ANGELO AGRIZZI: In terms of – I think we have covered the various mechanisms

you are right adv Pretorius to go through it again.

CHAIRPERSON: The only thing I – Mr Pretorius my recollection was that or I may be confusing different pages what is at 36.1 and following related to I thought it related to a change in the method of making payments, because – was it Gillingham had expressed concern about how the NPA people were being paid but I think that part seems to be at page 73. I may be misunderstanding. You might have a better recollection and whether it is necessary, whether we have covered this or not.

ADV PAUL PRETORIUS SC: Well, Chair, that question may come, but the method of generating cash and the involvement of service providers in order to generate cash has
10 generally been dealt with and I can ask subject to one question first that I do want to ask whether this scheme or these schemes existed both before 2009 and after.

CHAIRPERSON: Yes that is fine.

ADV PAUL PRETORIUS SC: That would clear that up entirely. In 36.1.4 you mentioned Kgwetlo events.

MR ANGELO AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: I am not sure you have mentioned that concern before?

MR ANGELO AGRIZZI: Kgwetlo events was a hiring marquee, hiring company. Brown Gwebo actually owned Kgwetlo, used to work together with us. He was responsible for Gorano and then he passed on and it was decided through
20 Carlos Bonafacio and the accountants that they would continue using Kgwetlo events to filter cash through.

ADV PAUL PRETORIUS SC: Right, but that is a new concern?

MR ANGELO AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: The scheme that you referred to here, or the schemes that you referred to here for the generation for cash are in the same terms as you gave

evidence concerning previously?

MR ANGELO AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: Did this or did these arrangements exist both before and after 2009?

MR ANGELO AGRIZZI: They did.

ADV PAUL PRETORIUS SC: Alright. Then in paragraph 36.2 you talk of a Mr Andries van Tonder. Please tell the, Chair, of what you talk in paragraph 36.2?

MR ANGELO AGRIZZI: Well at this stage I started working very closely with Andries van Tonder who was the CFO of the group and he indicated to me, because at
10 first I knew there were cash, I did not know how they were getting it out, but he indicated to me that this had been the practice for quite some time and he also indicated to me that the cash was generated in the various, you know, that is how I got to know about it, he explained to me that the cash had been generated through various other sources of income and he gave me the load down on it.

ADV PAUL PRETORIUS SC: Yes, and again you talk in the same terms of arrangements about which you have already testified.

MR ANGELO AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: You talk about for example the garage.

MR ANGELO AGRIZZI: Correct.

20 **ADV PAUL PRETORIUS SC:** In Belfast.

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: And you talk about dummy invoices created for companies, some of whom did not even exist?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: Alright, okay, I am corrected, Chair, Kgwetlo, I am not

sure it was Kgwetlo events, but Kgwetlo indeed was in fact referred to before in paragraph 13.2, just to correct that on record.

CHAIRPERSON: Okay, alright.

MR ANGELO AGRIZZI: And then one question in relation to that conversation, the transcript that you have testified to the roleplay conversation.

MR ANGELO AGRIZZI: Yes.

ADV PAUL PRETORIUS SC: Do you remember more or less when that conversation took place?

MR ANGELO AGRIZZI: It is actually recorded on a date when they verified it. I think it
10 was 2015 and I think it was just before the President visited Bosasa if I am not mistaken.

ADV PAUL PRETORIUS SC: The President visited Bosasa?

MR ANGELO AGRIZZI: That is correct, yes.

ADV PAUL PRETORIUS SC: Not Russia?

MR ANGELO AGRIZZI: Sorry?

ADV PAUL PRETORIUS SC: Never mind.

MR ANGELO AGRIZZI: No he visited Bosasa and then went to Russia.

ADV PAUL PRETORIUS SC: At that same time?

MR ANGELO AGRIZZI: Correct.

20 **ADV PAUL PRETORIUS SC:** Right. And I take it that it is reasonably obvious that the President referred to there was President Zuma?

MR ANGELO AGRIZZI: Oh, yes.

ADV PAUL PRETORIUS SC: At paragraph 37 you discussed the role of Mr Danny Mansell and his ultimate fate, would you tell the, Chair, about that please?

MR ANGELO AGRIZZI: Danny Mansell was a previous partner as you know of

Gavin Watson and in 2012 Danny was the link man between Mti, between Gillingham, to a degree Mti and Gavin. So he was the guy who would write up the specifications, send them to me, go and market and he was the one who first really got involved with the whole Correctional Services thing.

So during 2012 I think it was a report was given back to parliament on the Bosasa investigation by Willie Hofmeyr, I am not exactly sure of the date, Chair, but I remember we watched this movie playing out together with Willie Hofmeyr giving the report on rugby tickets and it was a big story and you know the next morning Danny Mansell I think appeared at my office who was extremely nervous, and I would
10 normally get to the office at about 04:30, 04:45 in the mornings and he arrived there at 05:00, which was a shock to me, because normally people only came at about 06:30 to attend the prayer meetings.

So he insisted that I call Mr Watson. He insisted, insisted, insisted. Eventually I phoned Mr Watson, but the interesting thing was that he felt that Watson had left all the blame onto him and I asked him why, and I said why are you worried? He said he wants to get out of the country and he wanted to leave like immediately. So eventually Gavin arrived that morning and instructed me and I think Andries van Tonder to put everything in place to...[intervenes]

CHAIRPERSON: So you called Mr Watson in accordance with Mr Mansell's request?

20 **MR ANGELO AGRIZZI:** Yes, I called him, he insisted I called him and Watson did not really want to deal with him, but he had to come to the office so he had to deal with him and he basically told me listen you just sort out everything you and Andries, fund the process, get him overseas, make him disappear. Not in the sense that disappear, you know, not the Italian sense, but just get out of our way.

So basically we had to do everything for Danny Mansell to move him out of

the country. And then Danny confided in me personally about the nature of Gavin. I do not think it is necessary to go in there, but they had been working for quite some time together, many years ago they had both been involved with the small business development corporation and there was issues there as well.

So the following was agreed with Gavin Watson and obviously every single thing we did we agreed with him. We made sure that we had an agreement in place. We spoke about it, there were not only two people, there were three, four people that knew about it. So the instruction was to relocate Danny to the USA. Bosasa would pay 7 000 US Dollars per month to Danny Mansell for as long as he was alive and stayed in
10 the USA.

So and did not divulge any details of Bosasa and that was the rule. That if you, you get 7 000 US Dollars a month, but you do not talk about Bosasa and you do not come back into this country and you just stay away. So he would invoice us on a monthly basis and I do not know if advocate, I do not want to take over, but there is a copy of an invoice and letters and that. He would invoice on a monthly basis.

CHAIRPERSON: He will tell you if he wants you to stop or not go where you are going in the meantime just tell what happened.

MR ANGELO AGRIZZI: Okay, so we would get invoices, I would have to sign it off and I would also have to sign off his residency application in America as well.

20 **ADV PAUL PRETORIUS SC:** You have supplied the Commission with documents supporting these payments?

MR ANGELO AGRIZZI: Correct if you go to page 569, I can refer you to...[intervenes]

CHAIRPERSON: That is in EXHIBIT S2?

ADV PAUL PRETORIUS SC: S2 page 569, Chair.

MR ANGELO AGRIZZI: Just after the transcript.

ADV PAUL PRETORIUS SC: Well you tell us that the document is there. I am not sure that this evidence is too controversial, so perhaps we can just accept that the document is there if we need to check it.

MR ANGELO AGRIZZI: Alright, so I would then make sure that he got his green card and all the information that he required.

CHAIRPERSON: I am sorry, just complete the picture. Page 569 what do we find there?

MR ANGELO AGRIZZI: On page 569 you will find the email from Danny Mansell.

CHAIRPERSON: Yes?

10 **MR ANGELO AGRIZZI:** To myself with an invoice for 7 000 US Dollars.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: And it says at the bottom consulting for CCTV and system integration.

CHAIRPERSON: Yes.

ADV PAUL PRETORIUS SC: And that is a fictitious invoice?

MR ANGELO AGRIZZI: Well yes, because he did not do any work.

ADV PAUL PRETORIUS SC: Alright.

CHAIRPERSON: Yes, so it was a false representation that he was doing work for Bosasa?

20 **MR ANGELO AGRIZZI:** Correct.

CHAIRPERSON: Yes, but that was basically part of a scheme in terms of which he was going to be paid?

MR ANGELO AGRIZZI: Correct and that was his agreement that he had with Gavin Watson. Our responsibility was to effect the 7 000 Dollars payment.

CHAIRPERSON: Okay.

ADV PAUL PRETORIUS SC: Of course if the real purpose of the payment was to buy silence?

MR ANGELO AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: And the apparent purpose was an expense in the books of Safest Fences any purported deduction for tax purposes would be improper?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: But continue please?

MR ANGELO AGRIZZI: Okay, so Mansell then provided me with the documentation I had to sign and agree to in order to facilitate his residency program in America, his
10 application. A meeting was then held with Gillingham, Gavin Watson was there and myself and I was tasked to take over the role that Mansell had played with Gillingham.

ADV PAUL PRETORIUS SC: And that is in 2012?

MR ANGELO AGRIZZI: Excuse me?

ADV PAUL PRETORIUS SC: 2012?

MR ANGELO AGRIZZI: Correct. This is when Mansell left.

ADV PAUL PRETORIUS SC: Perhaps before we move onto the task that Mr Agrizzi was given and its implementation, it is two minutes to and I could spare...[intervenes]

CHAIRPERSON: Is it time?

ADV PAUL PRETORIUS SC: I could stretch the application out for another two
20 minutes.

CHAIRPERSON: Okay no. But now you remember we are not sitting tomorrow.

ADV PAUL PRETORIUS SC: Yes, Chair.

CHAIRPERSON: And the witness is aware?

ADV PAUL PRETORIUS SC: The witness is aware and he has agreed to postpone arrangements to return on Monday and I am hoping perhaps beyond hope, Chair, that

we can finish on Monday or at least on Tuesday.

CHAIRPERSON: Yes. Well on the pace we have been going and I am not criticising you, because I think his evidence is very important and it is important that it be dealt with properly, but just on the pace we have been going I thought we might take another two days at least, but you might have a better picture.

ADV PAUL PRETORIUS SC: Well perhaps you are correct, Chair.

CHAIRPERSON: But it is okay, it is important.

ADV PAUL PRETORIUS SC: The counsel's estimates are notoriously wrong.

CHAIRPERSON: It is important to make sure that the issues are dealt with properly.

10 **ADV PAUL PRETORIUS SC:** Thank you, Chair, but there are not matters to interrupt us such as SIU reports and the like.

CHAIRPERSON: Yes, okay, no that is fine. Understand Mr Agrizzi you know about the fact that we are not sitting tomorrow and that you will be back on Monday?

MR ANGELO AGRIZZI: I am well aware of that, Chair.

CHAIRPERSON: Okay thank you very much. We are not going to have a hearing tomorrow, because I am not available. One of my duties as Deputy Chief Justice is to sit in a committee called the Judicial Conduct Committee. That Committee is sitting tomorrow. It considers complaints against Judges. So I am sitting in that Committee tomorrow that is why we are not sitting, but we will resume on Monday at 10:00.

20 We adjourn until then.

MEETING ADJOURNED