

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

24 JUNE 2021

DAY 416



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22 Woodlands Drive
Irene Woods, Centurion
TEL: 012 941 0587 FAX: 086 742 7088
MOBILE: 066 513 1757
info@gautengtranscribers.co.za

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TRANSCRIBERS:

B KLINE; Y KLIEM; V FAASEN; D STANIFORTH



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PROCEEDINGS RESUME ON 24 JUNE 2021

CHAIRPERSON: Good morning Ms Molefe, good morning everybody.

ADV MOLEFE: Good morning DCJ.

CHAIRPERSON: Are you ready?

ADV MOLEFE: Yes Chair.

CHAIRPERSON: Yes.

ADV MOLEFE: Chair today we will be dealing with BOSASA related evidence. We have one witness who will be
10 testifying today his name is Mr Mbulelo Babalo Gingcana. He will then cross-examine Mr Richard Le Roux.

We also have Mr Agrizzi who will be cross-examined by Mr Wakeford. And that would be the business for today.

CHAIRPERSON: Okay thank you.

ADV MOLEFE: Chair just to remind you of the nature of today's evidence. Mr Gingcana is implicated by Mr Richard Le Roux in allegations that are related to the special projects that were allegedly undertaken at the expense of BOSASA for high ranking officials.

20 The Chair might remember that this evidence emanates from the broad allegations that was made by Mr Angelo Agrizzi in this respect.

As mention Chair Mr Agrizzi has – pardon me – Mr Gingcana instead has applied to cross-examine Mr Richard Le Roux and the Chair has granted him leave to do so.

Mr Gingcana is joining us virtually. Good morning Mr Gingcana.

MR GINGCANA: Good morning Advocate.

ADV MOLEFE: Now just to summarise quickly the issues that arise between Mr Le Roux and Mr Gingcana.

Mr Le Roux alleges that pursuant to the so called special projects BOSASA installed security equipment at the residence of Mr Gingcana. So the total cost of approximately R239 486.00 and that such costs were
10 incurred at the expense of BOSASA.

Insofar as Mr Le Roux intimated to have labelled the special projects different names he alleges that this particular project was named Project BOSASA – Project PRASA and Mr Le Roux alleges that it was so named on the basis that he was informed by Mr Syvion Dlamini that Mr Gingcana was the head of procurement at PRASA.

Chair in his affidavit Mr Gingcana concedes that he did in fact have security equipment installed at his residence but that this was to the amount of approximately
20 R40 000.00.

And insofar as...

CHAIRPERSON: Or does it say 50 – I think I saw 50 in your summary.

ADV MOLEFE: No, no that was the quote he was provided by Mr (indistinct) – by Mr Dlamini.

CHAIRPERSON: Oh okay. Okay.

ADV MOLEFE: Yes. And insofar as the special project was labelled Project PRASA Mr Gingcana denies any impropriety on his part and he does so based on the timing of events and his employment history and this will be dealt with in detail.

We will also be dealing with a statement that was provided by Mr Syvion Dlamini in reply to the Chairperson's directive in terms of Regulation 10.6.

10 So Chair broadly put those are the issues that we will be dealing with today. Might I beg leave to call Mr Gingcana to take the stand?

CHAIRPERSON: So that security installations were made in his house is common cause.

ADV MOLEFE: Yes Chair.

CHAIRPERSON: There may be a dispute about the monetary value?

ADV MOLEFE: Yes.

20 **CHAIRPERSON:** Of those installations and that they were installed by BOSASA is also common cause and the only issue is that Mr Gingcana's version is that he had made arrangements with Mr Dlamini for these installations they were not part of a special projects or anything like that.

ADV MOLEFE: That is correct Chair.

CHAIRPERSON: Ja. And it is also common cause that at a

certain stage he was working for PRASA but he – as to the timing there might be an issue about whether the timing coincides or does not coincide with the projects.

And there was contracts given by PRASA to BOSASA or in a subsidiary of BOSASA, is that correct?

MR GINGCANA: That is correct but those are not – Mr Gingcana does not deal with any contract.

CHAIRPERSON: Yes.

10 **ADV MOLEFE:** But the commission is in possession of a contract.

CHAIRPERSON: Yes.

ADV MOLEFE: That was awarded to – by PRASA.

CHAIRPERSON: Yes he – he might not have had a chance to deal with it.

ADV MOLEFE: Yes Chair.

CHAIRPERSON: Yes.

20 **ADV MOLEFE:** And it is on – in fact it is not only the contract that Mr Gingcana will be assisting the commission with insofar as it is further information but he will also have to reply to an affidavit that was deposed to by Mr Angelo Agrizzi in which Mr Agrizzi makes allegations relative to the special projects.

CHAIRPERSON: Yes.

ADV MOLEFE: But for the purposes of today Chair we will be dealing with the issues as pertaining Mr Le Roux and Mr

Gingcana.

CHAIRPERSON: Hm. Okay no that is all right. It may well be that for a complete picture some of the matters that the commission is in possession of may have to be mentioned to complete the picture even if Mr Gingcana will deal with that in due course because he has not had the chance. But you can reflect on it and we can see we will – we should – that should be done.

ADV MOLEFE: Thank you Chair.

10 **CHAIRPERSON:** Okay all right. Good morning Mr Gingcana. Unmute yourself.

MR GINGCANA: Good morning Chief Justice – Deputy Chief Justice good morning Chair.

CHAIRPERSON: Yes good – good morning Mr Gingcana. The Registrar is going to administer an oath or affirmation to you just now. Please administer the oath or affirmation.

REGISTRAR: Please state your full names for the record.

MR GINGCANA: Mbulelo Babalo Gingcana.

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

MR GINGCANA: No.

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

MR GINGCANA: Yes.

REGISTRAR: Do you solemnly swear that the evidence you

will give will be the truth; the whole truth and nothing but the truth, if so please raise your right hand and say, so help me God.

MR GINGCANA: Help me God.

CHAIRPERSON: Thank you Mr Gingcana and thank you for availing yourself to assist the commission Mr Gingcana and Ms Molefe I understand Mr Gingcana is legally represented.

ADV MOLEFE: Yes Chair I had forgotten to mention that.

CHAIRPERSON: Yes.

10 **ADV MOLEFE:** I apologise. May they place themselves on record?

CHAIRPERSON: Ja. His legal team can place themselves on record from where they are if their mic is working.

ADV MAUNATLALA: Yes Mr Commissioner I am Advocate 00:08:13 I am the advocate representing Mr Mbulelo. (Inaudible).

CHAIRPERSON: Thank you very much, thank you. Yes Ms Molefe.

20 **ADV MOLEFE:** Thank you Chair. Chair the totality of the exhibits that we will be referring to today are contained in a bundle that I believe has placed before you and it is labelled Bundle Number 5.

CHAIRPERSON: Yes BOSASA Bundle 5 yes.

ADV MOLEFE: And in that bundle Chair is contained Exhibit T3, Exhibit T21 and Exhibit T19 as well as Exhibit

T34 which has not yet been entered into evidence. The other T series exhibits have been previously dealt with – the matters of which have been placed before you Chair.

So I beg leave for that bundle to be entered into the record.

CHAIRPERSON: I see a divider or I see T3, I see T21 but I do not see T19, you mentioned T19.

ADV MOLEFE: It is the very first one Chair.

CHAIRPERSON: Oh. Oh okay all right. Okay let us not
10 admit the bundle but let us admit the specific affidavit but let us do that – with regard to the one for Mr Gingcana I suggest you get him to confirm his signature and that this is the – his affidavit that he deposed to and the contents are true and correct then I can admit it.

ADV MOLEFE: Thank you Chair. Mr Gingcana can you please have a bundle Exhibit T19 in front of you.

MR GINGCANA: I do.

ADV MOLEFE: Now in Exhibit T19 you will see that there are two sets of numbers at the top of the page. The first is
20 a black set of numbers it starts with BOSASA5 then on the extreme right side is numbering in the colour red and it – the page number it is proceeded by T19MBG, do you see that?

MR GINGCANA: Yes.

ADV MOLEFE: Okay can you please turn with me to page

4. We will be referring to the black numbers.

MR GINGCANA: Page 4.

ADV MOLEFE: Thank you. Right through to page 14 is that your first statement to the commission?

MR GINGCANA: Yes.

ADV MOLEFE: And on page...

MR GINGCANA: Yes Chair.

ADV MOLEFE: Thank you. And on page 14 is that your signature that appears on that page?

10 **MR GINGCANA:** Page 14. Yes.

ADV MOLEFE: And the date of the 22nd of February 2019 is that the date on which you signed this statement?

MR GINGCANA: Yes Chair.

ADV MOLEFE: Now I made to understand that you wish to supplement your statement insofar as it relates to your status of employment, is that correct?

MR GINGCANA: That is correct Chair.

ADV MOLEFE: And I was handed this morning a supplementary affidavit by your legal representative in
20 which you set out what your status of employment is.

MR GINGCANA: Yes.

ADV MOLEFE: Now can I take you ...

MR GINGCANA: Yes Chair.

ADV MOLEFE: Can I take you back to page 4 that is the very first page of that statement in particular to paragraph

1.

MR GINGCANA: Can you just hold because that document is it 00:12:44 on the same bundle.

ADV MOLEFE: So Mr Gingcana we are still on T19 – we are still looking at your first statement to the commission .

MR GINGCANA: Yes.

ADV MOLEFE: The one that you have just...he one that you have just...

MR GINGCANA: Okay.

10 **ADV MOLEFE:** Confirmed to have signed.

MR GINGCANA: Yes.

ADV MOLEFE: And I am taking you back to the...

MR GINGCANA: That is correct.

ADV MOLEFE: I am taking you back to the first page in particular to paragraph 1.

MR GINGCANA: Yes.

ADV MOLEFE: Now paragraph 1

MR GINGCANA: Yes Chair.

20 **ADV MOLEFE:** Paragraph 1 states that you are an adult male currently employed by the South African Civil Aviation Authority as a Senior Manager Supply Chain Management and you state further that

“I am presently on suspension due to allegations raised in this judicial commission relating to myself.”

Is that correct?

MR GINGCANA: That is correct Chair.

ADV MOLEFE: Is this this still the position?

MR GINGCANA: No Chair.

ADV MOLEFE: And what is the correction you wish to make in that regard?

MR GINGCANA: The correction is that since my suspension was done I had consequently been dismissed for – because of this allegation that was raised by my
10 employer.

CHAIRPERSON: Well Mr – Mr..

MR GINGCANA: They dismissed me.

CHAIRPERSON: I am sorry Mr Gingcana. Ms Molefe I think we should admit this affidavit first as it is and whether or not it is necessary to – whether or not it is to have a supplementary affidavit or statement correcting this is doubtful because this affidavit is talking about his status at the time he deposed to this affidavit so it remains correct that was the position then.

20 Insofar as the position may have changed his oral evidence should be enough unless that statement / affidavit deals with other things as well.

ADV MOLEFE: Thank you Chair we will deal with the supplementary at a later stage then.

CHAIRPERSON: Ja let us ...

ADV MOLEFE: All right. Mr Gingcana do you confirm the correctness of this first statement to the commission?

MR GINGCANA: Yes Chair I can confirm the statement.

ADV MOLEFE: Thank you. I am now going to take you to your second statement to the commission.

CHAIRPERSON: Do you not want us to admit this one first?

ADV MOLEFE: Oh it is contained in the same bundle Chair I thought we were going to...

CHAIRPERSON: No, no we will not admit the bundle we
10 will admit the – each affidavit.

ADV MOLEFE: Okay. So it is contained in the NT19.

CHAIRPERSON: So.

ADV MOLEFE: So is the Chairperson directing that we admit each statement NT19?

CHAIRPERSON: Well each affidavit will give it a separate exhibit number.

ADV MOLEFE: As it pleases you Chair.

CHAIRPERSON: So if you originally had T19 and T19 maybe it creates problems we will amend it and say T19a or
20 T19b as we may see necessary.

ADV MOLEFE: Thank you Chair.

CHAIRPERSON: So ...

ADV MOLEFE: May we please then admit Mr Gingcana's statements to the commission that is dated 22 February 2019 as T19.1.

CHAIRPERSON: Thank you. Mr Mbulelo Babalo Gingcana's affidavit that starts at page 4 is admitted as an exhibit and will be marked as Exhibit T19.1.

ADV MOLEFE: Thank you Chair.

CHAIRPERSON: Okay so that – that one is done.

ADV MOLEFE: Mr Gingcana in the same bundle can you then turn with me to page 19.

MR GINGCANA: Page 19.

ADV MOLEFE: Yes.

10 **MR GINGCANA:** It is T19.

ADV MOLEFE: Are you there?

MR GINGCANA: Yes.

CHAIRPERSON: She is referring to the...

MR GINGCANA: Statement.

CHAIRPERSON: Statement – your statement that comes immediately after the first statement.

ADV MOLEFE: Yes.

CHAIRPERSON: Are you there?

MR GINGCANA: Yes I am there Chair.

20 **CHAIRPERSON:** Okay.

ADV MOLEFE: Mr Gingcana from that page – page 19 all way through page 22 is that your second statement to the commission?

MR GINGCANA: That is correct Chair.

ADV MOLEFE: And on page 22 the Commissioner stamp is

the 24 June 2019 however it appears that you did not put down a date on which you signed the statement. Do you see that?

MR GINGCANA: Yes I can see that Chair.

ADV MOLEFE: Did you sign this statement in the presence of a Commissioner?

MR GINGCANA: Yes I did sign the statement in front of the Commissioner on the 24 June.

ADV MOLEFE: Thank you. And do you confirm the
10 correctness of the statement?

MR GINGCANA: Yes I can confirm the correctness of the statement.

ADV MOLEFE: Thank you. Chair with your leave may we please admit the second statement as T19.2.

ADV MAUNATLALA: Chair I just want to bring to the commission's attention that.

CHAIRPERSON: Yes.

ADV MAUNATLALA: As we go into the bundles we were given a different numbered bundle and we were told in the
20 early hours of the morning that this bundle has changed. Now we have got the old version and we obviously trying to keep up. So some of these things we might struggle a bit in getting to them. But I did also explain to my learned colleague that we could not renumber at the time that they have given us the new bundle.

CHAIRPERSON: Yes. Yes.

ADV MOLEFE: Okay.

ADV MAUNATLALA: And I am a bit worried that some of the statements as my – our client confirmed we might not follow.

CHAIRPERSON: Yes okay.

ADV MOLEFE: Chair as – as – can I – can I clarify and then assist? So Mr Gingcana's team was given the bundle with the red numbering by the secretariat or the documents
10 team. Last night we then had a bundle that had the black numbering under BOSASA's file so what I propose to do then Chair is to refer to both the red numbering which my learned colleagues have as well as the black numbering.

CHAIRPERSON: That would be fine.

ADV MAUNATLALA: That will be in order.

CHAIRPERSON: Yes that would be fine.

ADV MOLEFE: Thank you Chair.

CHAIRPERSON: Okay it is just – Mr Gingcana do you confirm that the signature that appears above your name at
20 page 22 is your signature?

MR GINGCANA: Yes I can confirm that the signature above my name is my signature Chair.

CHAIRPERSON: Okay. All right. The affidavit of Mr Mbulelo Babalo Gingcana that starts at page 19 is admitted as an exhibit and will be marked as Exhibit T19.2.

ADV MOLEFE: Thank you Chair.

CHAIRPERSON: Okay all right.

ADV MOLEFE: Then Chair in this same bundle under the T19 series is a statement by Mr Richard Le Roux and this is a statement in response to Mr Gingcana's first statement. If the Chair so commits might we tender that statement as T19.3.

CHAIRPERSON: That is Mr Le Roux.

ADV MOLEFE: Yes Chair that appears at page – the red
10 numbers would be page 13.

CHAIRPERSON: Wait.

ADV MOLEFE: And the black numbering would be page 15.

CHAIRPERSON: Yes we will provisionally admit it as an exhibit but when Mr Le Roux takes the witness stand then we will go through the formalities. Okay.

ADV MOLEFE: Thank you Chair.

CHAIRPERSON: And then have it admitted finally then provisionally this should be admitted as Exhibit?

ADV MOLEFE: T19.3 please.

20 **CHAIRPERSON:** T19.

ADV MOLEFE: Point 3.

CHAIRPERSON: Point 3. Mr Richard Le Roux's affidavit that starts at page 15 will be provisionally admitted and marked as Exhibit T19.3. Okay.

ADV MOLEFE: Thank you Chair. Right Mr Gingcana in

essence as you might have heard me say earlier the allegations that were raised by Mr Le Roux against yourself is firstly that there was a security assessment and equipment installed at your residence. Secondly that the equipment cost in the amount of just over R48 000.00. Third that the total amount inclusive of labour and travel is in the amount of just over R239 000.00 and lastly Mr Le Roux alleged that this is pursuant to the so called special projects of high profile officials of BOSASA – of BOSASA –
10 by BOSASA – pardon me.

To this end he then stated that the particular project concerning you was named Project PRASA and he says that it was because he was informed by Mr Dlamini that you are the head of procurement at PRASA.

So in essence those are the allegations that we will be dealing with today.

I am going to take you to a Bundle T3 and this is the first statement Chair of Mr Le Roux to the commission in particular Mr Gingcana I am referring you to paragraph 50
20 of that statement. Are you there?

MR GINGCANA: Yes I am on paragraph 50 Chair.

CHAIRPERSON: Mr Gingcana there is quite some noise coming from your end from time to time and when you are paging through if there is somebody who can do something about that. I do not whether it is something that needs

technicians. If it is the technicians should look at it so that we do not have that noise. Okay all right let us continue in the meantime.

ADV MOLEFE: Thank you Chair. So Mr Gingcana I have referred you to paragraph 50 of Mr Richard Le Roux's first statement to the commission and that appears in Bundle T3.

CHAIRPERSON: Just hang on one second Ms Molefe. It appears as if Mr Gingcana is with somebody where he is. Do we know who the person is and what the position is?

10 Does the legal team know?

ADV MAUNATLALA: Mr Commissioner yes the person sitting to the witness is the candidate attorney of my attorneys Ms 00:24:22 from Maunathlala. She is just sitting there so that she help with arranging – because the bundle obviously as we have indicated were numbered this morning some – some of these things the witness might not follow so she was placed there just for assistance.

CHAIRPERSON: The commission's legal team has it reflected on that?

20 **ADV MOLEFE:** No Chair I was not aware that he is with someone or that he would be with someone in the morning.

CHAIRPERSON: Ja.

ADV MOLEFE: But I think to the extent that we can see Mr Gingcana and his mic remains on then I think we should be able to pursue Chair.

CHAIRPERSON: I am concerned about it. Normally we would get somebody to be in another room and if there is a need for that person to come into the room where the witness is for purposes of assisting with the bundle then it is announced that person goes in and then leaves. So I am a little concerned about it. Let me take a five minutes adjournment. Can you – can the two teams talk about it and when I come back you – you can indicate whether I should be concerned or not.

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

CHAIRPERSON: We obviously what is important is that the integrity of the evidence given by Mr Gingcana should not be put in question because of arrangements that are not – have been made but at the same time when – if and when he needs assistance it should be possible. But should be possible for somebody to explain to him how the bundle works. This is somebody who was at some stage as I understand the position acting Chief Procurement Officer of PRASA so it should not really be a problem for somebody to
20 explain how to find his way through the documents in the bundles and the bundle is a small bundle – it is not a big bundle.

ADV MOLEFE: Thank you Chair.

CHAIRPERSON: I adjourn.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Yes, Ms Molefe.

ADV MOLEFE: Thank you, Chair. The candidate attorney who was in the room with Mr Gingcana has been asked to leave the room. Should it be necessary, she can return back to the room. Insofar as the confusion around the numbering of the bundles. As I have earlier proposed, Chair, I will refer first to the red numbers which Mr Gingcana has. And then in addition, refer to the black
10 numbers.

CHAIRPERSON: Yes-no, that is fine. Maybe as you refer to the numbers, you can just say red number this, black number this to make sure everyone knows which one is the black, which one is the red one.

ADV MOLEFE: Thank you, Chair.

CHAIRPERSON: Ja, okay, alright.

ADV MOLEFE: Mr Gingcana, did you follow that?

MR GINGCANA: [No audible reply]

ADV MOLEFE: Your mic is off.

20 **CHAIRPERSON:** Can you hear us, Mr Gingcana?

MR GINGCANA: I can hear you, Chair. I am sorry. I was still muted.

CHAIRPERSON: Yes, okay. Ms Molefe has just indicated that with regard to the numbers, the page numbers in the bundle, she will call both the red numbers and the black

numbers. So, when she says turn to page so and so, she will say turn to red page – red number this and black number this. So, if you have only the red numbers at the top of each page, you focus on the red number. Those of us who have black numbers or both black and red, will focus on black. Okay?

MR GINGCANA: Yes, Chair.

CHAIRPERSON: Alright. Okay, Ms Molefe.

ADV MOLEFE: Thank you, Chair. Mr Gingcana, before
10 the short adjournment, I have referred you to Exhibit T-3.

MR GINGCANA: Yes?

ADV MOLEFE: And I referred you specifically to paragraph 50.

MR GINGCANA: Five, zero?

ADV MOLEFE: Yes.

MR GINGCANA: Yes?

ADV MOLEFE: And that black number 34, there are no red numbers. This is an old statement, Chair, before the red numbers were introduced.

20 **CHAIRPERSON:** Okay.

ADV MOLEFE: And it has the statement number as T-10 but the black number for the record purpose is page 34.

CHAIRPERSON: Ja, okay.

ADV MOLEFE: Now, at paragraph 50, Mr Richard le Roux alleged that he was instructed firstly by Syvion Dlamini and

Mr Angelo Agrizzi to do a security analyses and installation for a certain Mr Mbulelo and he states the area. He then says that the project's name was called Project PRASA. He says that this is the equipment that was installed at your residence. It is an alarm system as well as a full CCTV IT base system, a brand-new gate motor and an intercom system. Do you confirm that this equipment was installed at your house?

MR GINGCANA: Yes, in line with my statement. I can
10 confirm that this was installed at my place.

ADV MOLEFE: Thank you. Now we will deal with the costs in a bit. So, firstly, in conceding to the security equipment having been fitted at your house, the tables, just to try and understand that you also concede to it having been fitted by the company of PRASA?

MR GINGCANA: Since I received this, then I concede that it was fitted by BOSASA, but it was said these people are from a company which Syvion Dlamini was a director in.

ADV MOLEFE: And do you know Mr Syvion Dlamini?

20 **MR GINGCANA:** Yes.

ADV MOLEFE: How do you ...[intervenes]

MR GINGCANA: I know Mr Syvion Dlamini.

ADV MOLEFE: How do you know him?

MR GINGCANA: We met with Mr Syvion Dlamini sometime in 2013/2014. It was a security export gala(?) and we

exchanged numbers and we started chatting as general friends.

ADV MOLEFE: So, would you say that you have been friends with Mr Syvion Dlamini since around 2013/2014?

MR GINGCANA: Yes.

ADV MOLEFE: And did Mr Dlamini have anything to do with the security update at your residence?

MR GINGCANA: Yes.

ADV MOLEFE: How did he become involved?

10 **MR GINGCANA:** Syvion Dlamini came to my place. We met. We had communicated that we can meet at home and in that time that we had our meeting, when he was just checking, he found out that I had some security which is there, but it is outdated, but this has been one of my key plans to upgrade my security. So we deliberated(?) on this issue and we – I asked him what needs to be done because he was in the security space, and he gave me an indicator of about plus-minus fifty thousand to have an upgrade what I had at the time.

20 **ADV MOLEFE:** And when was this visit by Mr Dlamini at your house?

MR GINGCANA: It was in 2016.

ADV MOLEFE: Right. Then, insofar as Mr Agrizzi is said to have been involved. Firstly, do you know who Mr Angelo Agrizzi is?

MR GINGCANA: I happen to know Mr Agrizzi through the things that he had been said in the Commission.

ADV MOLEFE: And – so, before he appeared at the Commission, did you know Mr Agrizzi?

MR GINGCANA: No.

ADV MOLEFE: Now in reply to your assertion that you do not know Mr Agrizzi. Mr Le Roux alleges that you are not being honest with the Commission. Can I – can you turn with me to Exhibit T-19? And ...[intervenes]

10 **MR GINGCANA:** T-19 ...[indistinct] [Speaker unclear – distortion in video link]

ADV MOLEFE: Wel, it should have been T-19 but you would have it at T-16.

MR GINGCANA: Yes. Okay.

ADV MOLEFE: Thank you. And if you can turn to – the red numbering is 15 and the black numbering is 17.

MR GINGCANA: Yes? Is the one with my statement, is that correct?

ADV MOLEFE: Yes, that is the bundle that contains your
20 application and ...[intervenes]

MR GINGCANA: Okay.

ADV MOLEFE: ...in that application, your statement is first. Followed by that is Mr Le Roux's statement. So, I am taking you to that particular statement by Mr Le Roux.

MR GINGCANA: Okay. I am getting there. That is the T,

19.3?

ADV MOLEFE: Yes. The red numbering that you would have would be page 15.

MR GINGCANA: [No audible reply]

ADV MOLEFE: I am referring you to paragraph 5 of that statement ...[intervenes]

MR GINGCANA: Okay?

ADV MOLEFE: ...which starts on page 14, but the contents thereof are on page 15. Are you there?

10 **MR GINGCANA:** I am there.

ADV MOLEFE: Thank you. Now, Mr Richard le Roux says that, firstly, that you are to being honest in denying that you know or spoke to Mr Agrizzi. He says that he was present at the house on a Saturday afternoon when both Mr Agrizzi and Mr Dlamini had a meeting with you and that he, namely Mr Richard le Roux, waited outside the premises and only after he was requested to go in and do a survey of the house after the meeting concluded. He then says that he specifically remembers this as Mr Agrizzi said
20 to me, this is Mr Le Roux, in a gold Maserati and went with him to the house in order to do a survey of what security equipment is needed. Do you have a response to that statement?

MR GINGCANA: I have responded in my affidavit, and I clearly indicated that I do not know Mr Agrizzi at all.

ADV MOLEFE: Have you ever met ...[intervenes]

MR GINGCANA: I have no interactions(?). I have never met him to discuss security issues at all.

ADV MOLEFE: And having come to know who Mr Agrizzi is in these proceedings, as you say. Would you recall whether, for a fact, you had met him before?

MR GINGCANA: No, I cannot recall meeting him.

ADV MOLEFE: Alright.

CHAIRPERSON: Are you, having seen him giving
10 evidence in the Commission, I assume you have seen him
or having seen his pictures on television or in newspapers,
are you definite that you have never met that man, or are
you saying, you do not recall that you ever met him, but it
is possible that you did meet him?

MR GINGCANA: Well, I never met Mr Agrizzi, Chair.

CHAIRPERSON: On any occasion?

MR GINGCANA: On any occasion, especially around my security issues.

CHAIRPERSON: Yes, okay. Ms Molefe.

20 **ADV MOLEFE:** Thank you, Chair. Now, Mr Gingcana, you
have told the Chair about the discussion you have had with
Mr Dlamini. You have also denied the allegations by
Mr Le Roux. In your discussion with Mr Dlamini that you
earlier referred to, you say he gave you an estimate of the
costs of the security upgrade. Do I have that correctly?

MR GINGCANA: Yes.

ADV MOLEFE: Now in that discussion. What did you and Mr Dlamini agree on insofar as what would follow having been given that estimate?

MR GINGCANA: Well, we agreed that it would be done when I am getting my bonus after September. That is when I will be ready for the installation because I would settle that at that time.

ADV MOLEFE: Did you agree to receiving a quotation
10 prior to the security installation?

MR GINGCANA: No, there was no written quotation, but it was a verbal quotation.

ADV MOLEFE: And what was your agreement with Mr Dlamini insofar as the payment for the costs?

MR GINGCANA: Well, now that we had agreed on the figure, my expectation was when the installations are going to be done, we are also – I am also going to get an invoice which I have to pay which never came.

ADV MOLEFE: When you say which never came, are you
20 referring to the invoice?

MR GINGCANA: The invoice.

ADV MOLEFE: Did you, as at the point of discussing the security upgrade, have any agreement about the payment terms of the installation?

MR GINGCANA: Well, I was going to afford the amount

that was estimated because I would say I knew that I would have it and set it aside.

ADV MOLEFE: Okay. So, if I understand you correctly. When you say you were not going to be able to afford. Is this at the point of your discussion about this possible be costing R 50 000,00, and you saying you will have to wait until you receive your bonus in September 2016? So, I have that correctly?

MR GINGCANA: I would like to clear something. I did not
10 say I could not afford the system which is fifty thousand. I said I am going to be ready after September ...[intervenes]

ADV MOLEFE: Okay.

MR GINGCANA: ...with the fifty thousand because of additional income.

ADV MOLEFE: Okay. Thank you. Now I have that clearly. Now, insofar as – and we will get back to the payment term – insofar as the equipment at your house. When was the equipment installed at your house?

MR GINGCANA: It was installed in March – I think it was
20 March/April 2017.

ADV MOLEFE: And before the security upgrade, did you know of any other costs that would be associated with the equipment itself?

MR GINGCANA: No.

ADV MOLEFE: Did you know whether labour costs would

be costs that you would incur?

MR GINGCANA: I thought it was inclusive of the fifty thousand that was given as an estimate.

ADV MOLEFE: Is that what Mr Dlamini said to you?

MR GINGCANA: Yes. We agreed on that figure.

ADV MOLEFE: So, Mr Dlamini said to you that the costs of your security upgrade of the equipment, that we have just taken the Chair through, would cost approximately R 50 000,00 and that this would be inclusive of labour?

10 **MR GINGCANA:** That was my understanding.

ADV MOLEFE: But did he explicitly say so?

MR GINGCANA: No, when we agreed on a particular figure, we agreed on a ballpark figure which I can actually put on the side and reserve it for the installation. We never actually broken down the fifty thousand what it is that is going to be costing how much.

ADV MOLEFE: Okay. So, now that you told that the installation and the upgrade would cost R 50 000,00 and in your mind it includes labour costs. Did you then budget for
20 R 50 000,00 as soon as September 2016 came?

MR GINGCANA: Yes. Yes, I did.

ADV MOLEFE: So, you put aside R 50 000,00 for purposes of the installation?

MR GINGCANA: Yes, I did.

ADV MOLEFE: Alright. I am going to refer you to what

Mr Le Roux says the costs of the equipment was. Can we go to Exhibit T-21? That is the statement of Mr Richard Le Roux. In particular, I am going to refer you to... The red numbering, Chair, is 19 and the black numbering is 58.

MR GINGCANA: I have got T-19.

ADV MOLEFE: No, no Mr Gingcana, I am taking you to Exhibit T-21, please.

MR GINGCANA: Can I request the assistant to assist with this, because the numbering here has not been very good.

10 So...

CHAIRPERSON: She can come in or can come in, assist you, and then leave the room again.

MR GINGCANA: Okay, thanks. Can I just be given a moment?

CHAIRPERSON: No, do not go away Mr Gingcana.

MR GINGCANA: No, I just wanted to call her.

CHAIRPERSON: Oh, okay. Okay.

MR GINGCANA: She is not in the room, Chairperson.

CHAIRPERSON: Oh, I thought she would be next door.

20 **ADV MAUNATLALA**: ...she will get a message from us...

CHAIRPERSON: Okay, alright.

ADV MOLEFE: Chair, can I try again?

CHAIRPERSON: Okay.

ADV MOLEFE: Mr Gingcana, you had the bundle
...[intervenes]

CHAIRPERSON: Mr Gingcana? Mr Gingcana, just before you ...[intervenes]

MR GINGCANA: Yes, Chair?

CHAIRPERSON: Just before she assists you, just listen to Ms Molefe and see whether you will not manage without assistance. Just listen to Ms Molefe.

MR GINGCANA: [No audible reply]

ADV MOLEFE: Thank you, Mr Gingcana. I am going to try and assist. So, what you had before I referred you to
10 this other bundle, was T-19 which is your application bundle. In that bundle, it is your affidavit, Mr Le Roux's affidavit, as well as your further reply. Now, the bundle I am referring you to is written Exhibit 21 ...[intervenes]

CHAIRPERSON: Hang on. No, Mr Gingcana, you are not going to ...[intervenes]

MR GINGCANA: What is it, Chair?

CHAIRPERSON: You are not going to hear Ms Molefe if you keep on talking to your – the candidate attorney while she is speaking. So, when she is speaking, indicating
20 where you are going to find the document, just listen to her. If, despite her explaining, you cannot find it, then we will call the candidate attorney. Is that alright?

MR GINGCANA: That is correct, Chair. I have got the page.

CHAIRPERSON: You have got the page now?

MR GINGCANA: Yes.

CHAIRPERSON: Okay, alright. And the candidate attorney has left the room?

MR GINGCANA: Yes, Chair.

CHAIRPERSON: Okay, alright.

ADV MOLEFE: Thank you, Chair. Mr Gingcana, I was referring you to paragraph 89 of that exhibit.

MR GINGCANA: Paragraph eight, nine?

ADV MOLEFE: Yes. And that appears on the red
10 numbers, page 19 and the black number, Chair, page 58.

CHAIRPERSON: Yes, I have got it.

MR GINGCANA: I have got it, Chair.

ADV MOLEFE: Thank you. At paragraph 89, and this is Mr Richard le Roux's statement, just to orientate you. He sets out the breakdown of the costs of the equipment that was installed at your residence. And he has provided a little table which is a summary of the annexures that he has attached as RLR-13. Now in that table, Mr Gingcana, he provides first the date. That is the first column. The
20 second column is the reference number of the particular invoice. The third column is the branch at which this invoice is produced. And lastly, the last column is indicated there as debit and under that are different amounts. Now, in his allegation ...[intervenes]

MR GINGCANA: Yes, I see it.

ADV MOLEFE: Thank you. In his allegations, he says here that the approximate costs of this equipment was roughly R 48 686,00. Do you see that?

MR GINGCANA: Yes, I can see that figure.

ADV MOLEFE: Do you dispute that figure?

MR GINGCANA: Well, I am not disputing the figure because it reflect to the equipment that he is saying was installed.

ADV MOLEFE: Yes.

10 **MR GINGCANA:** And here are some attachments and Annexure RFR(?)-15 where he defines the things that are equivalent(?) to things that were installed.

ADV MOLEFE: And do you agree that that according to those invoices, that is indeed the equipment that was installed at your house?

MR GINGCANA: Yes, Chair.

ADV MOLEFE: And your figure earlier, as I have pointed out to the Chair, was a rough estimation of R 38 000,00 for the same equipment. Is that correct?

20 **MR GINGCANA:** That is correct, Chair.

ADV MOLEFE: Do you take any issue with this particular figure of R 48 000,00?

MR GINGCANA: Well, I also did my analyses when I was to respond by going out and getting some internet quotations of a similar make of equipment that was

installed. That is how I arrived at that figure.

ADV MOLEFE: I understand that. I am referring to Mr Le Roux's figure, Mr Gingcana. Do you take any issue with the figure that he has provided, based on the invoices that he has provided to the Commission?

MR GINGCANA: No, that is what he has provided, and I cannot dispute the figures from the supply, because the supply from those invoices that are supplied to the documents.

10 **ADV MOLEFE:** Alright.

MR GINGCANA: I think it is ...[indistinct] [Speaker unclear – distortion in video link]

ADV MOLEFE: Thank you. Now, if we look again at the same table, the dates that he has summarised, range from the 26th of April 2016 to 10 May 2016. In fact, there are only three invoices. So, I will take you through them. The first one is the 26th of April 2016. Do you see that?

MR GINGCANA: I can see that.

ADV MOLEFE: The second is also the 26th of April 2016.

20 Do you see that?

MR GINGCANA: I can see that.

ADV MOLEFE: And the third is the 10th of May 2016. Do you see that?

MR GINGCANA: Yes, I can see that.

ADV MOLEFE: Alright. Now, in your version, you

indicated to the Chair that you had wanted the security updates to be installed after September 2016 and you earlier intimated that the installation, according to your recollection, was around March/April 2017.

MR GINGCANA: That is correct, Chair.

ADV MOLEFE: Alright. Can I then take you, still, in the same bundle, Mr Gingcana, to Annexure RLR-13? And that appears in that same bundle that is in front of you at – pardon me – at the red numbering, page 108, and the black
10 numbering page 147.

MR GINGCANA: I am on 180, Chair.

ADV MOLEFE: Thank you, Mr Gingcana. That is Annexure RLR-13. The overleaf, that is where Mr Le Roux attaches the three invoices. I just want you to confirm that the total amount reflected in those invoices are as reflected in the summary that Mr Le Roux has provided. If you go to – the first invoice starts at page 109, the red numbers. And black numbering, 148. That is Part 1 of the invoice. As you can see, on the bottom right of that
20 invoice, it says continued. Do you see that?

MR GINGCANA: Yes, I can see that.

ADV MOLEFE: And overleaf, on page 110 being the red numbers, that is 149. A total amount of R 40 576,60 is provided. Do you confirm that?

MR GINGCANA: That is the figure I see.

ADV MOLEFE: And the date on that invoice at the top is 26/04/2016. Do you see that?

MR GINGCANA: Yes, that is what I see.

ADV MOLEFE: And the description of what is then purchased there is provided. Do you see that?

MR GINGCANA: Yes, I can see that.

ADV MOLEFE: Do you dispute any of the equipment that was purchased?

MR GINGCANA: I am not disputing the equipment that
10 was purchased. I am actually disputing the date of the purchase, which is the 26th of April 2016, and my installation was done in April 2017.

ADV MOLEFE: So, you are saying that this date cannot be correct? Do I understand that to be what you are saying?

MR GINGCANA: I am not saying the date is not correct. The date is what it is.

ADV MOLEFE: H'm?

MR GINGCANA: But I only got the equipment in 2017,
20 April. But according to these invoices it was bought in April 2016. So, the question is. Whose equipment was this? Is this still a new equipment? Was I given a second-hand equipment in this arrangement? You know, these are some of the questions I would be raising.

ADV MOLEFE: Alright. Let us move on to the second

invoice and that is overleaf at page – red numbering 111, black numbering 150. And the amount that is reflected at the bottom right, Mr Gingcana, is R 3 351,60. Do you confirm?

MR GINGCANA: Yes, that figure I can see.

ADV MOLEFE: The date is also 26/04/2016. Do you confirm?

MR GINGCANA: Yes, I can see the date as the 26th of April 2016.

10 **ADV MOLEFE:** Then on the next page, page 112, red numbers page 112, black numbers page 151, at the bottom right corner is another amount of R 4 760,64. Do you confirm?

MR GINGCANA: Yes, that is what I see on the invoice.

ADV MOLEFE: And the date there is the 10th of May 2016. Do you confirm?

MR GINGCANA: That is the date that appears on the invoice, yes.

20 **ADV MOLEFE:** Alright. Can I take you then to the annexure that follows, which is on red page numbering 113 and black numbering 152? So, it is just the next page, Mr Gingcana.

MR GINGCANA: Yes.

ADV MOLEFE: Annexure RLR-14. Are you there?

MR GINGCANA: Yes, I am there.

ADV MOLEFE: Alright. Thank you. Are you able to identify what appears on that page?

MR GINGCANA: Yes, I can identify what appears on the page.

ADV MOLEFE: Am I correct to say that it appears to be a screenshot?

MR GINGCANA: It is correct. It is a screenshot with a date 16 April 2017.

ADV MOLEFE: And is it a screenshot of a message?

10 **MR GINGCANA:** Yes, there is a message that is there which is a message I sent after we had a power-cut, and the system was not working at the gate and an over-right start number was given to me by Syvion Dlamini. And I sent him a message to look for an over-right key which they did not give(?) ...[intervenes]

ADV MOLEFE: Alright ...[intervenes]

MR GINGCANA: [Indistinct]

ADV MOLEFE: I would like you to please ...[intervenes]

CHAIRPERSON: I am sorry, Ms Molefe. Did you say
20 black number is 153?

ADV MOLEFE: Yes, Chair.

CHAIRPERSON: There may be – there seems to be more than one message. I am not sure which one?

ADV MOLEFE: Yes, I am going to ...[intervenes]

CHAIRPERSON: You are going to deal with that?

ADV MOLEFE: ...take Mr Gingcana to it.

CHAIRPERSON: Ja, okay.

ADV MOLEFE: Thank you, Chair.

CHAIRPERSON: H'm.

ADV MOLEFE: Mr Gingcana, can you please read the message that appears – starting as: “Morning Richard...”?

MR GINGCANA:

10 “I have a challenge here, I am locked in without a key to disable the gate to manual. There is no power on areas in [indistinct] here. Do you have anyone on standby to assist me with the key?”

ADV MOLEFE: And then there is another message after that, can you please read that as well?

MR GINGCANA: Must I read my address now?

ADV MOLEFE: You can skip your address, just ...[intervenes]

CHAIRPERSON: You can just say – it is your name and your home address given without saying the home address.

20 **MR GINGCANA:** Okay, that is why I was asking before ...[intervenes]

ADV MOLEFE: No, thank you, Mr Gingcana you are correct.

CHAIRPERSON: No, that is fine, you are right to ask, ja.

MR GINGCANA: It is my name and my address where it is.

ADV MOLEFE: Now immediately above those two

messages is a date which you have earlier indicated of the 16 April 2017. Do you confirm?

MR GINGCANA: Yes.

ADV MOLEFE: And what seems to be an indication of time there, it is 10.36, do you confirm?

MR GINGCANA: Yes.

ADV MOLEFE: Did you send it Mr ...[intervenes]

CHAIRPERSON: That is 10.36 in the morning?

ADV MOLEFE: 10.36 in the morning. Thank you, Chair.

10 **MR GINGCANA**: Yes.

ADV MOLEFE: Did you send that message?

MR GINGCANA: I did.

ADV MOLEFE: On the date cited there?

MR GINGCANA: Exactly, yes.

ADV MOLEFE: And who were you sending it to?

MR GINGCANA: To Richard le Roux.

ADV MOLEFE: And his response appears at the bottom of that screenshot although it is not the entire response. Just to read it, Chair, it just says:

20 “Sir, I am just in church at the moment, I will be out
 in about twenty minutes. Then please can I
 arrange...”

And the remainder part is not there. But do you confirm that, Mr Gingcana.

MR GINGCANA: I can confirm what I was saying there.

CHAIRPERSON: It looks like, Ms Molefe, the part that you – or at least part of it that you say you did not read it looks like:

“Can I arrange when I am out?”

And then of course I think it continues.

ADV MOLEFE: The Chair has a better eyesight than me, thank you, I am indebted. Do you confirm, Mr Gingcana?

CHAIRPERSON: Do you confirm that, Mr Gingcana, that it says:

10 “...when I am out.”

MR GINGCANA: Yes, as he was saying he was in church.

CHAIRPERSON: Yes.

MR GINGCANA: Oh and in about twenty minutes he can arrange when he is – when I am [inaudible – speaking simultaneously]

CHAIRPERSON: When he is out of the church. Okay, alright.

ADV MOLEFE: Yes, can you explain to the Chair what circumstances brought about you sending this message to
20 Mr Richard le Roux?

MR GINGCANA: I requested a number after the installation because of the power load shedding which happened. I phoned Syvion Dlamini and requested who can I contact to assist us because the key has not been left to bypass the gate or put it manual. So he gave me

that number, that is the number I communicated to and he said it is Richard le Roux.

ADV MOLEFE: And had you ever communicated with Mr Richard le Roux before this occasion?

MR GINGCANA: Well, there is a message if you go – it is just unfortunately my phone was my work phone that I was using which had to be returned. I could not get the previous messages because Richard sent me a message earlier to say that he will do the programme and he was
10 saying:

“Mike(?) to programme it for you besides today’s events or Wednesday.”

That was the message from Richard as he have claimed that he was doing so.

ADV MOLEFE: Can you recall when about you would have spoken to Mr Richard le Roux before the 16 April 2017?

MR GINGCANA: I think that is the time – that is the week – because it was the first weekend when I had this challenge. I think that is the time when they installed the
20 system.

ADV MOLEFE: So other than on these two occasions had you ever spoken to Mr Richard le Roux?

MR GINGCANA: Not that I can recall.

ADV MOLEFE: Had you ever spoken to any of the officials who had installed equipment at your house?

MR GINGCANA: No.

ADV MOLEFE: Alright. Then at – still on the same
...[intervenes]

CHAIRPERSON: I am sorry, did you say that you never met him when he and his team installed the – made the installations in your house, Mr Gingcana?

MR GINGCANA: No, Chairperson, I met the installers of the armed response, I hope I am not creating a lack of – in my response in my affidavit, the installation was done once
10 I was working and it took an estimate of three days to do it.

CHAIRPERSON: So when Mr Richard le Roux says he and his team installed – made the installations in your house. Are you in a position to deny that or you accept that if that is what he says then that is what happened.

MR GINGCANA: Mr le Roux may be right to say he is the one who installed the system because the system was installed.

CHAIRPERSON: Yes. Okay, Ms Molefe?

20 **ADV MOLEFE:** Are you able to recall who was at your premises, your house, when the installations were done?

MR GINGCANA: I had a lady who was assisting at the time but unfortunately she passed on last year.

ADV MOLEFE: Okay, thank you and would she have been present on all three – over the three days as you say when

the installations were being done?

MR GINGCANA: The communication was between me and her. I would advise her when I leave in the morning that so and so would come and do all of it, others will be coming later to repair whatever in the house and when those people are at the gate then she would phone or buzz me and I will say okay, you can open for them, they are the ones that I have said they will be working on an item so – because there were the two people that were working.

10 **ADV MOLEFE**: Yes, so who did you communicate with in respect of the installations being done?

MR GINGCANA: It was Syvion Dlamini.

ADV MOLEFE: On all three days?

MR GINGCANA: He is the one who actually told me that they are not coming to do installations then I arranged for them to be given access by the lady who assisted me to.

ADV MOLEFE: So how did you get to communicate with Mr le Roux? How did you come into contact with Mr le Roux?

20 **MR GINGCANA**: It is when there was this incident as I indicated.

ADV MOLEFE: Okay and who provided you with his number? I would assume someone would have provided a number?

MR GINGCANA: It is Syvion Dlamini.

ADV MOLEFE: Alright, thank you. Still in the same bundle, Mr Gingcana, can I refer you to page 20, red numbering page 20 and it is black numbering 59, Chair. I am referring you, Mr Gingcana, to paragraph 98.

MR GINGCANA: Is it the RLR or the T numbers, T20?

ADV MOLEFE: The same – T21, the same bundle you have in front of you, if you can turn a couple of pages back to page 20, the red numbers, page 20.

MR GINGCANA: Okay, in page 20 I have got – you want
10 me to go to T20, nè?

ADV MOLEFE: T21, the same bundle that is in front of you where we have been looking at the screenshot messages. I am now taking you back into the statement at page 20. I am taking you in particular to paragraph 98.

CHAIRPERSON: Is it not going to be easier if you just mention the page number only?

ADV MOLEFE: It seems to be confusing, page ...[intervenes]

CHAIRPERSON: Maybe forget about the T numbers, Mr
20 Gingcana, just listen to the page number and follow the page numbers.

MR GINGCANA: Okay.

CHAIRPERSON: Okay, just tell him the page number again.

ADV MOLEFE: So it is the red numbers at the top page

20.

CHAIRPERSON: So look for the page number only.

ADV MOLEFE: Mr Gingcana, do you have EXHIBIT 21 open in front of you, the very same one that we have been looking at.

MR GINGCANA: Yes.

ADV MOLEFE: Did you manage?

MR GINGCANA: It is the one [indistinct] the statement.

ADV MOLEFE: Yes. Now I am referring you to paragraph
10 98 and that appears on the red numbering 20. Are you there?

MR GINGCANA: I am there.

ADV MOLEFE: Thank you. Now at that paragraph Mr Richard le Roux speaks about a Paradox wireless alarm system. Do you confirm?

MR GINGCANA: Well, what I saw in the house is something else which I reflected it is a – there is another name but not Paradox.

ADV MOLEFE: Okay, but let us first confirm what he is
20 saying there, he is saying there that – he speaks about costs. He refers to costs in the preceding paragraph and then this particular paragraph he deals with:

“The costs being to the exclusion of the Paradox wireless system, which came with a key pad and internal security eyes, PSU siren and battery.”

And he goes on further, says that which he could approximate to have cost between 8 000 to 10 000. Do you see that?

MR GINGCANA: Yes, I can see that.

ADV MOLEFE: Now you were telling the Chair a few moments ago that what you saw in your house was something different. Is the Chair to understand that there was never a Paradox wireless alarm system which is said to have come with a key pad and internal security eyes
10 installed at your house?

MR GINGCANA: There is a system but the name appearing on the system is different from Paradox.

ADV MOLEFE: So the only issue that you have ...[intervenes]

MR GINGCANA: It is not Paradox.

ADV MOLEFE: I am sorry, I intervened while you are speaking.

MR GINGCANA: I am saying the only thing that is written on this system is not Paradox, there is another name that
20 is written.

ADV MOLEFE: But it is the same system.

MR GINGCANA: Well, I am not sure to say it is the same system if the names are not the same.

ADV MOLEFE: Well, save for the name, there it says that it is a Paradox but is there a wireless alarm system which

comes with a key pad and internal security eyes installed at your premises?

MR GINGCANA: Chair, there is no dispute about the items installed but what we are talking to now are the items as they appear on – and as they have been installed. So that is why I am saying we have an item there which is not written the word Paradox.

ADV MOLEFE: I under...[intervenes]

MR GINGCANA: But there is a system that is there.

10 **ADV MOLEFE**: Thank you. And he says further that it cost between 8 000 to 10 000.

MR GINGCANA: Yes, I can see that.

ADV MOLEFE: Do you confirm the cost of the system?

MR GINGCANA: As per his write-up that is what he is presenting, but I cannot confirm if it is the right figure because I do not know where it is based on.

ADV MOLEFE: Do you have an idea of how much the system costs?

20 **MR GINGCANA**: Well, I think there was a reference on some of the things that I checked but I do not have the estimated figure now and I wanted to go back to the name that is appearing which is Texecom, T-e-x-e-c-o-m.

ADV MOLEFE: Okay, can I help you then by referring you to your statement where you list the equipment that was installed and perhaps you can assist the Chair.

MR GINGCANA: Okay.

ADV MOLEFE: I am going to then take you back to ...[intervenes]

CHAIRPERSON: Ms Molefe, I see we are at half past eleven, we did not take the break at quarter past eleven. As that question and when he has answered it, take the tea break.

ADV MOLEFE: Thank you, Chair. Mr Gingcana, I am referring you to your bundle, T19. It might be marked T16,
10 the copy you have and we apologise for that. That is the bundle that has your application.

MR GINGCANA: Yes.

ADV MOLEFE: Yes, I am referring you in particular to the red numbering page 10. Do you have it?

MR GINGCANA: Page 10? Yes, I have got it.

ADV MOLEFE: And the black numbering for the record is page 12. Thank you.

MR GINGCANA: Yes?

ADV MOLEFE: At paragraph 30.1 starting on the previous
20 page at paragraph 30 you list the equipment that was installed and the cost estimates. You say there that:

“The following equipment with current cost estimates were installed at my home.”

Is that correct?

MR GINGCANA: That is correct.

ADV MOLEFE: Now on the list of equipment that you provide from 30.1 to 30.4, is there any particular item that in your dispute insofar as Paradox is concerned would be the correct equipment according to your evidence?

MR GINGCANA: Well, as I dictate, those are the things that I [indistinct] and they are installed and based on my statement, those were the items that I had to get the estimated value for them.

ADV MOLEFE: Okay, so on those items, are you able to
10 point the Chair to any of the items where a wireless alarm system which comes with a keypad and internal security eyes is listed?

MR GINGCANA: There is something from alarm system, 130.1.

ADV MOLEFE: Is that the system that would be wireless alarm system which came with a key pad and internal security eyes?

MR GINGCANA: That is the one I call it – which may be equivalent to what Richard – that he is referring to.

20 **ADV MOLEFE:** Okay. Can we take a...?

CHAIRPERSON: Let us take the tea break. We will resume at ten to twelve. We adjourn.

INQUIRY ADJOURNS

INQUIRY RESUMES

ADV MOLEFE: Thank you Chair. Mr Gingcana just

before the short adjournment we were dealing with paragraph 30.1 of your statement and that appears at the red numbered page 10, and you were drawing a distinction between what Mr Richard Le Roux has referred to as a paradox system in line with your paragraph 30.1, which you have referred to as a home alarm system, is that correct?

MR GINGCANA: Yes.

ADV MOLEFE: But now even in your description of the home alarm system there is no particular system, other
10 than that general description of the being a home alarm system, do you agree?

MR GINGCANA: Yes.

ADV MOLEFE: So can you identify any other equipment on that list from now 30.2 to 30.4 upon which you base your dispute of a paradox system having been installed.

MR GINGCANA: Okay, thanks Chair. The alarm system that is in my place is – that is why I was saying, I have got a name here, which says - I am trying to get to the name tech support.

20 **ADV MOLEFE:** And is there anywhere in your statement where we find it, Mr Gingcana?

MR GINGCANA: Well, in my statement, I used that to check the value of that system.

ADV MOLEFE: Okay, but you have just referred the Chair to a particular name and if I heard it correctly, you said

Texecom, did I get that right? text?

MR GINGCANA: It is Texecom.

ADV MOLEFE: Can you spell that for the Chair?

MR GINGCANA: T-e-x-e-c-o-m.

ADV MOLEFE: Now that particular name Texecom, where is it located in your statement?

MR GINGCANA: The name that as I indicated is not located in my statement when I did my statement, but when I took some of the pictures, and to make sure that I have
10 some pictures, which if required I would share, it is written Texecom but not – I could not pick up the one that Mr Le Roux is mentioning in his statement.

ADV MOLEFE: Okay, now in your exercise of obtaining estimate costs, were you able to obtain one for a Texecom system?

MR GINGCANA: Yes, which is the one that is installed.

ADV MOLEFE: And what figure did you arrive at?

MR GINGCANA: You see; the current value was around 20,000.

20 **ADV MOLEFE:** And is that what is set out in paragraph 30.1 of your statement? Is that amount the quote for this Texecom system, you referred to?

MR GINGCANA: Yes.

ADV MOLEFE: Right, now still staying on Bundle T21, which is the other bundle we have been referring to, the

one that Mr Le Roux's statement where he speaks about the paradox system, that bundle.

MR GINGCANA: Okay.

ADV MOLEFE: I am referring you to the red numbering page 20 and if black numbering page 59.

MR GINGCANA: Okay, just hold, page 20, I am there.

CHAIRPERSON: What is the black numbers?

ADV MOLEFE: It is page – it is 59, Chair.

CHAIRPERSON: Oh, okay.

10 **ADV MOLEFE:** Thank you, Mr Gingcana can we go to paragraph 95 on that page.

MR GINGCANA: Okay.

ADV MOLEFE: Now in paragraph 95 Mr Richard Le Roux sets out the estimate costs of the installation and vehicle travel which his broken down excluding the cost of the equipment. You will recall that on Mr Le Roux's version, the cost of the equipment was roughly 48,686. So now in paragraph 95, he provides a breakdown of the additional costs that were related to the installation, do you see that?

20 **MR GINGCANA:** I can you see them.

ADV MOLEFE: And he starts off at paragraph 95.1 by stating that the labour cost was for 20 days, do you see that? **MR GINGCANA:** I can see that.

ADV MOLEFE: Do you dispute or confirm the 20 days that he has indicated?

MR GINGCANA: I disputes that.

ADV MOLEFE: On what basis?

MR GINGCANA: I am of the view that they only took three days to install, I wanted him to give maybe the works order, and also for the project plan and decide all which must be supported in this costing that he has done.

If he is also qualified to do cost analysis, or analyst for BOSASA he must bring proof in terms of mileage, kilometres, and everything that he is purporting to have
10 done and it must be a justification for me to consider it, but I am of the view, I have three days, they were not using an alarm system around my house, 20 days is the max, they should have finished in 20 days.

ADV MOLEFE: Alright.

CHAIRPERSON: Mr Gingcana you have given a certain figures with regard to the costs of the equipment they installed at your house, you may be disputing those figures. But are you in a position to say that the equipment would be about 40 or R50,000 or you might not agree with
20 them in terms of R239,000 but you would accept maybe that, nevertheless, the equipment is not - would not have cost less than a figure such as R100,000 or you say no, no this equipment that they installed is - would be around 40,000 or 50,000, are you able to indicate anything along those lines?

I just do not want us to spend too much time on whether you agree with the exact figure that they give, because maybe even if you do not agree with the exact figure, nevertheless, you are able to concede that such equipment would not be less than a certain amount.

MR GINGCANA: Thanks Chairperson, I am of the view that the figures that are given here are not correct and the estimation that I did when I had to respond to this particular theory was also justifiably list price for the
 10 equipment but the rest which is appearing in 95.1, there are no supporting documents it is just somebody's calculation.

I wanted to see a works order, I want to see logbooks, I want to see the people signing on and off my site and a number of things in order to justify what he is talking to here. That is why I say the 95.1 up to 95.96 and 98 are – thank you Chair.

CHAIRPERSON: So is your position that as far as you are concerned, the costs for the equipment that was installed
 20 in your house would be about the amount that you were quoted by that was estimated or quoted by Mr Syvion Dlamini, is that where you stand?

MR GINGCANA: Yes, Chair.

CHAIRPERSON: And what is the basis for your thinking that that is what that equipment would cost or would have

cost them?

MR GINGCANA: It is based on the quotations that I had to do, to do a comparative pricing of the similar equipment that was in the past which is referred to in my statement.

CHAIRPERSON: Okay, alright Ms Molefe I am not sure that you can take this particular matter further, it may well be that to the extent that is necessary, maybe some other person with the right qualifications in the security sector who knows prices, may look at the equipment and give an indication by way of an affidavit what the equipment would have cost in 2017.

ADV MOLEFE: That is in order Chair.

CHAIRPERSON: Ja.

MR GINGCANA: Thank you, let us then move Mr Gingcana to the payment of the installation. You earlier indicated at the start to your opening that you had requested Mr Dlamini for an invoice. Did I have that correctly?

MR GINGCANA: Yes.

20 **ADV MOLEFE:** And did you ever receive an invoice from Mr Dlamini?

MR GINGCANA: Yes, Chair, no Chair.

ADV MOLEFE: Okay, please confirm what your answer is, are you saying that no, you did not receive an invoice from Mr Dlamini?

MR GINGCANA: No, I did not receive an invoice from Mr Dlamini.

ADV MOLEFE: And did you ever follow up with him for an invoice?

MR GINGCANA: Yes, I did follow up with him on several occasions.

ADV MOLEFE: And did he respond to your queries for an invoice?

MR GINGCANA: He actually responded and said he is
10 going to come back to me and when we get the invoice from his office.

ADV MOLEFE: Now, during the time that you are speaking to Mr Dlamini about the invoice were you still communicating with him on a friendly basis?

MR GINGCANA: Yes and as at this time when you were asking for the invoice and it is not forthcoming, did you still have Mr Richard Le Roux's contact number?

MR GINGCANA: I hope it was still there because it was saved on my phone which I was using to send him a
20 message.

ADV MOLEFE: Did you ever attempt to contact Mr Richard Le Roux about the invoice?

MR GINGCANA: No, I had nothing to do with Mr Le Roux in terms of the inbox.

ADV MOLEFE: Now you indicate in your statement that to

date, you have not received the invoice, is that correct?

MR GINGCANA: That is correct.

ADV MOLEFE: And your position, as I have understood is that even to date you are still willing to pay, is that correct? **MR GINGCANA:** That is correct.

ADV MOLEFE: When the allegations were raised by Mr Richard Le Roux implicating you in this stream of evidence. Did you ever make any further attempts to make the payment or to pursue an invoice?

10 **MR GINGCANA:** Okay, by the time I think it was somewhere during the first week of September and I tried to communicate with Mr Dlamini to still pursue him to say, hey, I want my invoice what is happening. I was - you know, in the dark not knowing and I said, guys, I am going to use - my money can be utilised for other priorities that may come as measured this.

So, that week of the 5th of September I received a message from – I think it is from someone who was an investigative journalist asking me questions around the
20 affidavit of Mr Le Roux of which now I have just picked up that he was referring to that same affidavit because the same question was wanting me to clarify are the same.

Then I telephoned immediately Mr Dlamini, as I said, Mr Dlamini there is somebody who is calling me and wanting information and has written me an SMS I am busy,

what is happening here? That is where I had to, you know, say, I am now having a concern about this, if now, there is media participation in an issue that I am awaiting an invoice, thank you.

ADV MOLEFE: Right, so earlier you mentioned to the Chair, that you can see that it was BOSASA that installed the equipment. Do you know which particular subsidiary of BOSASA would have installed the equipment?

MR GINGCANA: I have since learnt that it was Sondolo,
10 is it Sondolo?

CHAIRPERSON: Ja, there is Sondolo.

ADV MOLEFE: Sondolo IT, but as of the point where you are pursuing the invoice, the only knowledge that you had was that the company concerned was BOSASA.

MR GINGCANA: That was my understanding at the time, and I was expecting an invoice from BOSASA, I did not know how their operations work.

ADV MOLEFE: Now, when you are not getting an invoice from Mr Dlamini, did you ever try to contact the offices of
20 BOSASA?

MR GINGCANA: No.

ADV MOLEFE: Is there any particular reason why not?

MR GINGCANA: It is because he was promising that he will come back to me, he is coordinating and organising it, and that was the only person that actually I had a link with

regards to the security system.

ADV MOLEFE: So since the year 2017 to today, and we are in the year 2021, all you have had were promises of an invoice from Mr Dlamini that was to be provided to you.

MR GINGCANA: Yes.

ADV MOLEFE: And you have made no means to either approach BOSASA or find other alternative means by yourself to pay for the instalment, for the security system instalment, installation.

10 **MR GINGCANA:** Well, as it is public knowledge that immediately after that that article of the 9th of September in the City Press there was also a turmoil at BOSASA I could not get hold of Mr Dlamini and he was all over working.

If I send him a message, hey, can you please come back to me because we need to resolve this issue and I could not get hold of them and this combined with whatever, there is a number of things that have happened that have prevented me from getting my invoice.

20 **ADV MOLEFE:** So the last time you spoke to Mr Dlamini about the invoice is last year?

MR GINGCANA: Yes.

ADV MOLEFE: Alright. Now, the last allegation that Mr Le Roux has made is that the special project was labelled Project PRASA and as you were said to have been the

head of procurement at PRASA, have you been employed at PRASA?

MR GINGCANA: I was seconded at PRASA on the 1st of October 2015. We had an agreement between myself, my employer and the National Treasury, which requested the secondment.

ADV MOLEFE: Can I refer you to...[intervene]

CHAIRPERSON: Ms Molefe, I just want you to – the two
10 of us to have an idea when – how long you are still going to be, are you able to give me an estimate?

ADV MOLEFE: Yes, Chair this is actually the last point and I think it should take about 10 minutes.

CHAIRPERSON: Okay, alright.

ADV MOLEFE: Thank you. Thank you, Mr Gingcana I am referring you to your statement that that bundle with the application Bundle T19, are you there? Do you have it Mr Gingcana?

MR GINGCANA: I have it.

20 **ADV MOLEFE:** Thank you.

MR GINGCANA: I am there.

ADV MOLEFE: Great, I am referring you to the red paginated number 9 and the black paginated numbers Chair would be page 11, at paragraph...[intervene]

MR GINGCANA: Okay.

ADV MOLEFE: Thank you at paragraph 25 to 27, well more particularly 26, you set out your employment history in the public procurement space, is that correct?

MR GINGCANA: Yes.

ADV MOLEFE: Can you just give the Chair in brief an exposition of your employment history in procurement?

MR GINGCANA: My last position or during the...[intervene]

ADV MOLEFE: Can you give the Chair a summary, I am
10 sorry, can you give the Chair a summary of what you set out at page 20 - at paragraph 25 and 26, in so far as your employment in the public space, as a procurement employee?

CHAIRPERSON: Ms Molefe, I am not sure that I need that, I have read that, you might just need to cover when he was employed by PRASA or what timesheet his entered PRASA.

ADV MOLEFE: Yes.

CHAIRPERSON: That might do, that should be enough.

20 **ADV MOLEFE:** Thank you Chair, Mr Gingcana you confirm in your statement that at paragraph 25, you state that you were seconded from the South African – let me just get the name right bear with me, the South African Civil Aviation Authority to the Passenger Rail Agency of South Africa being PRASA around October 2015 until October 2016, is

that correct?

MR GINGCANA: That is correct.

ADV MOLEFE: And you say that this was in the position of acting chief procurement officer, is that correct?

MR GINGCANA: That is correct.

ADV MOLEFE: And then you go on to set out your duties. Moving down to paragraph 26, you then say that from November 2016, to July 2017 you were then seconded to National Treasury in the office of the chief procurement officer, is that correct?

MR GINGCANA: That is correct.

ADV MOLEFE: Other than these two positions that you have set out, have you held any other office in the public sector procurement officer, or employee?

MR GINGCANA: I have been appointed, I have been at CE for almost 20 years straight and then I was seconded to these two entities in those years, that I have reflected on this.

ADV MOLEFE: Then you have provided to the Commission, a supplementary affidavit, is that correct?

MR GINGCANA: That is correct.

ADV MOLEFE: And in this particular supplementary affidavit, you deal with two issues, is that correct?

MR GINGCANA: That is correct.

ADV MOLEFE: Chair, we have been provided with a copy

of the supplementary statements which I will beg leave to hand up.

CHAIRPERSON: What does it deal with because if it deals with his employment, it is not really necessary. If it seeks to correct, what was correct when he deposed to his first affidavits, that should not be corrected because it is correct.

ADV MOLEFE: Yes, in the supplementary affidavits Chair, Mr Gingcana basically speaks about how he was dismissed
10 because of unfounded allegations that were made by Mr Richard Le Roux. He also talks about how he challenged his dismissal at the CCMA and that his case went as far as arbitration.

He attaches a copy of the CCMA award and he says there that the arbitrator found that his dismissal was substantively unfair and awarded a three-month compensation. He has taken the Commissioner on review since what he wanted was reinstatement and compensation.

20 Then the second point that he deals with is the periods within which he was employed at PRASA which is what we have just covered, now. He says - he stated that he was employed by PRASA during October 2015 to 2016. He then attaches his employment contract and he then also talks about having been employed in National Treasury, as

we have covered, Chair.

He then talks about how Mr Richard Le Roux having named the project of installing the security system at his house Project PRASA was premised on a lie that led to his dismissal and he goes on to say that the impression that is created is that he was working at PRASA and as such received security upgrades as a benefit for some companies linked to BOSAS who wanted - that wanted contracts from PRASA.

10 However, he says this could not be so because I had seized - he had ceased to be an employee of PRASA at the time of the upgrade. So that is basically what the supplementary deals with, Chair.

CHAIRPERSON: Okay, you can hand it up.

ADV MOLEFE: I must apologise that it is not stapled
Chair, we could not find a stapler in the venue and we received it this morning.

CHAIRPERSON: Okay, has Mr Le Roux been given a coup?

20 **ADV MOLEFE:** A copy is available for Mr Le Roux.

CHAIRPERSON: Do you want to go through the formalities to get Mr Gingcana to what he has just confirmed to or have you just done that.

ADV MOLEFE: Mr Gingcana I trust that you were following, we – I have just handed up your...[intervene]

MR GINGCANA: Yes, I confirm.

ADV MOLEFE: Thank you, I have handed up your supplementary statement on page 5 of that statement, or rather page 4 of that statement, is it your signature that appears on that statement?

MR GINGCANA: That is my signature that appears on the statement.

ADV MOLEFE: And the date of...[intervene]

CHAIRPERSON: That is now the signature on top of your
10 name and because there is another signature on the same page.

MR GINGCANA: On top of the name, Chairperson.

CHAIRPERSON: Ja, okay.

ADV MOLEFE: Thank you and the date of the 23rd of June 2021, is that the date on which you signed the statement?

MR GINGCANA: Yes, Chairperson.

ADV MOLEFE: Chair, with your leave I would request - and do you confirm the correctness of the contents of the statement?

20 **MR GINGCANA:** I can confirm the correctness of the statement, Chairperson.

ADV MOLEFE: Thank you, Chair with your leave might it be entered into evidence as Exhibit T19.1?

CHAIRPERSON: Did we not have T19.1 already, I think we did.

ADV MOLEFE: I am sorry T19.4.

CHAIRPERSON: Ja. The statement or affidavit deposed to by Mr Gingcana on the 23rd September 2021, together with its annexures is admitted as an Exhibit and will be marked as Exhibit T19.4.

ADV MOLEFE: Thank you, Chair.

CHAIRPERSON: I am not going to slot it into the file that should be arranged after it has been paginated.

ADV MOLEFE: Thank you, Chair.

10 **CHAIRPERSON:** Okay, alright.

MR GINGCANA: Then finally, Mr Gingcana, I refer you to bundle T34. This is a bundle that we have not referred to.

CHAIRPERSON: I think that will be confusing if you call it bundle because...[intervene]

ADV MOLEFE: Because the exhibit is marked T34.

CHAIRPERSON: Yes, I think if you refer us to the page, that starts on black number 165, is that right?

ADV MOLEFE: That is correct, Chair.

20 **CHAIRPERSON:** And the affidavit of Mr Dlamini starts at 167, black number.

ADV MOLEFE: That is correct, Chair, thank you. Chair, this is a statement that was provided to the Commission by Mr Syvion Dlamini and it was in response to the Chairs directive in terms of Regulation 10.6.

CHAIRPERSON: Yes.

ADV MOLEFE: Chair, just too much is in this affidavit that I would like to deal with but before doing so might we enter it into evidence as Exhibit T - as it has been marked Chair, as Exhibit T34.

CHAIRPERSON: Mr Syvion Dlamini's affidavit that starts at 167 is admitted as Exhibit T34.

ADV MOLEFE: Thank you, Chair. Mr Gingcana, can I refer you to page - the reds numbered page 6 of that Exhibit T34.

10 **MR GINGCANA:** I am going there. I am there, Chairperson.

ADV MOLEFE: Thank you and, Chair, the black numbering is 172.

CHAIRPERSON: Yes.

ADV MOLEFE: I am referring you to paragraph 28 of Mr Dlamini's statement where he deals with what he had titled as Project PRASA. Do you see that?

MR GINGCANA: Correct, I see that.

20 **ADV MOLEFE:** Thank you. In his statement Mr Dlamini confirms to have met you at a security exhibition held at Gallagher Estate during approximately 2014 whereafter you became social friends. Do you see that at paragraph 29?

MR GINGCANA: Yes, I can see that.

ADV MOLEFE: Do you confirm this?

MR GINGCANA: Yes, I can con... [intervenes]

CHAIRPERSON: Ms Molefe, do you not want to go straight to what may be important or in dispute, because that part is not in dispute? He said earlier on that is how they met.

ADV MOLEFE: Well, Mr Dlamini's statement, Chair, is in most part confirmatory to Mr Dlamini's statement. In fact all he does is to also dispute the allegations by Mr Le Roux insofar as Project PRASA. Now he also deals with Mr Agrizzi's allegations in the statement... [intervenes]

10 **CHAIRPERSON:** Yes, insofar as his version is not in conflict with Mr Gingcana's version you do not need to go through it.

ADV MOLEFE: I do not need to place it on record.

CHAIRPERSON: Ja.

ADV MOLEFE: No, thank you, Chair.

CHAIRPERSON: Only if there are issues there which you think have got some significance that you want to put to Mr Gingcana insofar as they may be inconsistent with his version. But if there is nothing that you see as
20 inconsistent with his version, you do not have to put that way.

ADV MOLEFE: Thank you, Chair. I do have just one question. In paragraph 44 of that statement, Mr Gingcana, it is the red number 8.

MR GINGCANA: Yes, I can see 44.

ADV MOLEFE: And it is the black numbering 175. There Mr Dlamini says that:

“During installation of Mbulelo’s security update Le Roux, Agrizzi and I once met at Mbulelo’s house while Mbulelo was at work as Agrizzi wanted to demonstrate the upgrade.”

Are you aware of the events that are stated there?

MR GINGCANA: Yes, I am aware because he was there and the lady who worked in that house confirmed that.

10 **ADV MOLEFE:** Okay. Is there anything else that you wish to bring to the attention of the Chair?

MR GINGCANA: Well, I must thank the Chairperson for the indulgence and allowing me time after two years of a marathon of postponements of the cross-examination. I appreciate the fact that I came and ventilated exactly what had transpired which was being misconstrued by the media which as negative publicity.

I want to confirm one thing, Chairperson. I am a supply chain professional. I have 30 years of experience
20 in this game. I have been involved in this big, very complicated supply chain transactions and it must not be misconstrued that when somebody is doing his personal work it is assumed because you are a supply chain you must be getting a kickback of whatever nature. I have never, ever been bribed, Chairperson. I am anti-

corruption, Chairperson. I am not corruptible, Chairperson, as it was assumed and purported by the statements that were gone through here.

I am a professional in this field. That is why I was seconded to these areas of expertise. I had to lose my job because of an allegation. You can go back to my history of 20 to 30 years. I have seven years of clean audit, Chairperson, which I must emphasise they are of importance.

10 I have presented papers in supply chain forums. I am a member of the Supply Chain Companies that are registering us. So it was very unfortunate that supply chain in this country went through to the deterrent of being manipulated to a level by the suppliers and some of these things that resulted into this Commission being set up.

Chairperson, I must thank you with your colleagues and the cooperation that I got and the opportunity that I was given before the Commission since its existence in terms of your work. Thank you very much, Chairperson.

20 **CHAIRPERSON:** Thank you, Mr Gingcana. I did have one or two questions before I check whether your counsel wishes to re-examine you. My questions relate to this. There is a dispute between yourself and Mr Agrizzi where you say – where Mr Agrizzi says he did meet you in your house and you are saying that never happened. You

remember that dispute between the two of you?

MR GINGCANA: What are you referring to, Chairperson, in terms of the bundle if I may ask?

CHAIRPERSON: I will go and have a look. Mr Agrizzi, you remember even Ms Molefe told you this that Mr Agrizzi said he had been to your house and he met you and I think you said no, that never happened. Do you remember that or you do not... [intervenes]

MR GINGCANA: I remember that.

10 **CHAIRPERSON**: Yes. Ms Molefe, do you remember where I will find that?

ADV MOLEFE: If I can assist, Chair.

CHAIRPERSON: Ja.

ADV MOLEFE: These were the allegations of Mr Richard Le Roux and that appears in Bundle T19.

CHAIRPERSON: T19, yes.

ADV MOLEFE: The red page 15.

CHAIRPERSON: But I thought Mr Le Roux is confirming what Mr Agrizzi said or did Agrizzi not say that?

20 **ADV MOLEFE**: Well, there is a version by Mr Agrizzi that has not yet been put... [intervenes]

CHAIRPERSON: Yes, I want to – is that in the supplementary?

ADV MOLEFE: No, it is in Exhibit S14.

CHAIRPERSON: Where is Exhibit S14? Because

Mr Gingcana must know that there is that version. If he is not able to deal with it he can tell me. Where is Exhibit 14?

ADV MOLEFE: Exhibit 14, Chair, appears in the bundle from the black numbered page 160.

CHAIRPERSON: 160.

MR GINGCANA: Chairperson, can I come in?

CHAIRPERSON: Yes, come in.

MR GINGCANA: Chairperson, Exhibit S14 was submitted
10 (indistinct) know about it yesterday. I never got an opportunity to go through it and put a supplementary affidavit for it.

CHAIRPERSON: Hang on one second. I will talk to you just now, Mr Gingcana. Ms Molefe, you said S14.

ADV MOLEFE: Exhibit S14 that appears, Chair, at page... [intervenes]

CHAIRPERSON: Ja, that is Mr Agrizzi's supplementary affidavit.

ADV MOLEFE: Yes, it is... [intervenes]

20 **CHAIRPERSON:** Now where is the affidavit that he was supplementing?

ADV MOLEFE: This is Mr Agrizzi's supplementary affidavit. He was supplementing his main affidavit as I understand.

CHAIRPERSON: Ja, in his main affidavit he did speak

about Mr Gingcana, did he not?

ADV MOLEFE: Not in his main affidavit. Can I refer you, Chair, to paragraph 3 of this particular statement?

CHAIRPERSON: Yes.

ADV MOLEFE: At paragraph 3 Mr Agrizzi refers to a previous statement that he made in April 2019. As I took over the leading of this matter I engaged with Mr Agrizzi's counsel and we are yet to locate this particular statement, which is one of the reasons that it has not yet been put to
10 Mr Gingcana to – and him being afforded an opportunity to respond to it.

CHAIRPERSON: Well, I may be mistaken but I believe that Mr Agrizzi when he gave his oral evidence... [intervenes]

MR GINGCANA: Chairperson.

CHAIRPERSON: Hang on, Mr Gingcana. When he gave his... [intervenes]

MR GINGCANA: We were cut off for some time.

CHAIRPERSON: You cannot hear me?

20 **MR GINGCANA**: Ja, we were cut off for about five minutes. I am still trying to reconnect.

CHAIRPERSON: Okay, we can... [intervenes]

MR GINGCANA: But I can hear you now.

CHAIRPERSON: Okay, we can hear you.

MR GINGCANA: Thank you.

CHAIRPERSON: So my recollection although it is quite some time back is that Mr Agrizzi had in his oral evidence referred to Mr Gingcana. I may be mistaken. There are too many witnesses I have heard.

ADV MOLEFE: Chair, I do not recall that particular piece of evidence, but I do stand to be corrected and will have to check... [intervenes]

CHAIRPERSON: Yes, but which statement could not be traced? Is it his original statement... [intervenes]

10 **ADV MOLEFE:** No, no, it is the statement he refers to in paragraph 3, that April 2019 statement.

CHAIRPERSON: That must be his or it may have been his second statement or his second set of statements, because he had testified – did he testify in 2018 or 2019?

ADV MOLEFE: IN 2019, but... [intervenes]

CHAIRPERSON: So it may well have been his first if it was done in April.

ADV MOLEFE: No, Chair. In this particular statement he says that he was responding to Mr Gingcana's application
20 and this would be Mr Gingcana's application to cross-examine Mr Richard Le Roux. So it was a statement that was specific to issues relating to Mr Gingcana.

CHAIRPERSON: And this you could not trace within the time available.

ADV MOLEFE: Not within the Commission, Chair.

CHAIRPERSON: And his legal team did not have Mr Agrizzi's... [intervenes]

ADV MOLEFE: When I spoke to them they said that they would also check, but they could not locate it either.

CHAIRPERSON: Okay, but in any event, Mr Le Roux has made the allegation that Mr Agrizzi did meet with Mr Gingcana and Mr Le Roux in the house, is it not?

ADV MOLEFE: Yes, that is... [intervenes]

MR GINGCANA: No, Chairperson. Can I come in?

10 **CHAIRPERSON:** Hang on. Hang on. I will come back to you, Mr Gingcana.

ADV MOLEFE: That is where I was referring the Chair to in... [intervenes]

CHAIRPERSON: Ja, let us go there.

ADV MOLEFE: ...Exhibit T19.

CHAIRPERSON: Yes.

ADV MOLEFE: At red page number 15 and it is the black page number 17.

CHAIRPERSON: Yes.

20 **ADV MOLEFE:** That is paragraph 5 of Mr Richard Le Roux's statement and... [intervenes]

CHAIRPERSON: What is the black numbered page?

ADV MOLEFE: The black number is 17, Chair.

CHAIRPERSON: 117.

ADV MOLEFE: 17. 17.

CHAIRPERSON: Oh, okay. Yes.

ADV MOLEFE: And in that second paragraph he says there that:

“Mr Mbulelo...”

Pardon me.

10 “...is not being honest with the Commission in respect of denying that he knows or spoke to Mr Agrizzi as I was present at the house on a Saturday afternoon when both Mr Agrizzi and Mr Dlamini had a meeting with Mr Mbulelo and I waited outside the premises only after I was requested to go and do a survey of the house once the meeting had been concluded. I remember specifically as Mr Agrizzi fetched me in a gold Maserati and I went with him to the house in order to do a survey of what security equipment was needed.”

CHAIRPERSON: Yes, that is what I want to ask him about.

20 **ADV MOLEFE:** Thank you, Chair.

CHAIRPERSON: That is in Mr Le Roux’s affidavit.

ADV MOLEFE: This was Mr Le Roux’s... [intervenes]

CHAIRPERSON: Which Mr Gingcana did get and has dealt with.

ADV MOLEFE: Yes.

CHAIRPERSON: Yes. What you are saying is that we do not have – you have not been able to trace an affidavit by Mr Agrizzi where he says the same thing, where he confirms this.

ADV MOLEFE: Yes, Chair.

CHAIRPERSON: Okay, alright. Okay. Mr Gingcana, Mr Richard Le Roux says in the paragraph that Ms Molefe has read which would be at your red page number 15, black page number 17, that Mr Richard Le Roux says that
10 you do know Mr Agrizzi because he was present at your house on a certain Saturday when Mr Agrizzi was there and you were there and he was there and he says he waited outside and only after he was requested to go in did he go into the house.

He says he was there to do a survey of the house and he says he was allowed to go in after you and Mr Agrizzi had concluded your meeting. And he says he remembers this specifically because Mr Agrizzi had fetched him in a gold Maserati and he had gone with him to your
20 house in order to do a survey of what security equipment you needed. Does this jog your memory at all or not?

MR GINGCANA: Chairperson, I have responded to that. As I said, I had not met Mr Agrizzi in my house to discuss security issues.

CHAIRPERSON: Do you accept that it was Mr Richard Le

Roux who conducted a survey of your house before the equipment could be installed or do you not accept that either?

MR GINGCANA: Well, somebody did the survey which can be Mr Le Roux. I would not know. But the issue is he, Le Roux, if he came to do the survey he should confirm that.

CHAIRPERSON: Yes, well he – that is what he is doing here. He says he went to do the survey... [intervenes]

MR GINGCANA: (Indistinct) the survey.

10 **CHAIRPERSON:** Sorry, he is saying he was there to do the survey and he had been fetched by Mr Agrizzi in his gold Maserati and they both went to your house. He says it was a Saturday and he says you and Mr Agrizzi had a meeting in the house while he waited outside and after the meeting had been concluded he was then allowed to come in. You say nothing of that sort ever happened.

MR GINGCANA: There is nothing of that sort that has ever happened, Chairperson, and I dispute that.

CHAIRPERSON: Yes. Now, Mr Stephen Dlamini has said
20 in his affidavit that he spoke to Mr Agrizzi about the installation of security in your – security equipment in your house. He also says in his affidavit in regard to getting an invoice that he approached Mr Agrizzi and asked for an invoice so that he could give it to you and Mr Agrizzi did not give him the invoice. He says he approached him a

few times or a number of times. Did you see that in his affidavit?

MR GINGCANA: I saw it, Chairperson.

CHAIRPERSON: And he says the reason why he has never given you an invoice is because Mr Agrizzi did not give him an invoice. You saw that?

MR GINGCANA: I saw it, Chairperson.

CHAIRPERSON: From his affidavit it seems clear to me, and I want you to say whether it is clear to you as well,
10 that Mr Agrizzi was quite involved in the matter of the installation of security equipment in your house. Is that the picture you get also when you read his affidavit?

MR GINGCANA: Well, because I could not even apply my mind and focus on what was written on this affidavit because it came very late, therefore I cannot be able to comment on the contents thereof.

CHAIRPERSON: Yes. You see, these projects at Bosasa where security equipment was installed at the residencies of certain people or government officials that Bosasa
20 identified, because Mr Agrizzi gave extensive evidence about these projects as well as people like Mr Richard Le Roux and I think others, they gave extensive evidence about these projects.

When one has regard to that evidence Mr Agrizzi was very involved in those projects. He might well be

described as having been central in those projects. Is that something you are able to comment on or is that something you are not able to comment on?

MR GINGCANA: I am not able to comment on that, Chairperson, less to say that was their internal matter at Bosasa on how they did whatever they wanted to achieve and ulterior motives that they were having.

CHAIRPERSON: Yes, yes. But by virtue of the role that Mr Agrizzi played in this project it would not be surprising
10 if he did go to your house because he was quite – he was playing quite a prominent role in the whole thing. You want to say something?

MR GINGCANA: Yes, Chairperson (indistinct) to the house, Chairperson.

CHAIRPERSON: But what you are saying is that he never met you, that is what you are – that is your point.

MR GINGCANA: That is my point of departure.

CHAIRPERSON: Yes.

MR GINGCANA: I had never, ever had any interviews
20 around the security system.

CHAIRPERSON: Yes, yes. Now, Mr Le Roux appears to be... [intervenes]

MR GINGCANA: The person I had an agreement with – okay, sorry, Chairperson.

CHAIRPERSON: Yes, Mr Le Roux seems... [intervenes]

MR GINGCANA: (Indistinct).

CHAIRPERSON: Mr Le Roux seems very clear that Mr Agrizzi did meet you. We have just read the paragraph where he deals with this. Do you think he is mistaken or do you think he is fabricating this meeting that you say never took place?

MR GINGCANA: I would not know his ulterior motives, Chairperson, because what I have picked up in the whole of this saga is that there is some movement which was
10 concocting and targeting certain individuals for their ulterior motives, of which Le Roux was participating in that scheme and Agrizzi himself.

CHAIRPERSON: But is the position that prior to the installation of the security equipment in your house and the preparations that preceded the installation, you never knew Mr Richard Le Roux, is that correct, or did you know him?

MR GINGCANA: I did not know him, Chairperson. I have disposed of that point in my affidavit (indistinct).

CHAIRPERSON: Yes, so... [intervenes]

20 **MR GINGCANA:** (Indistinct) exactly when the events happened.

CHAIRPERSON: So if he is falsely implicating you in something wrong, you have no reason why he is doing this or do you?

MR GINGCANA: Well, he is the one, that is why I applied

to cross-examine him that he must explain exactly why is these which resulted in me losing my job of 20 years.

CHAIRPERSON: Yes. Well, based on Mr Agrizzi's evidence and other witnesses from Bosasa, it may well be that if you were not party to any arrangement for wrongdoing it may well be that Bosasa may have had plans to use you. Maybe that never happened because the evidence that is before the Commission suggest that they were doing these projects of installing security equipment
10 in respect of people that they believed could strategically assist their businesses.

So if there was wrongdoing in which you were involved, then it is one thing, but if there was not maybe it is possible that it was part of a plan that might never have materialised other than that the installation – the equipment was installed. Do you want to say anything?

MR GINGCANA: Chairperson, now I am actually checking the whole thing why my invoice was not issued out and if you look at the puzzle, yes, there may have been a plan
20 that was cohorted because of the nature of work that I am doing. But unfortunately for them I want to explicitly address this to them so that in the future even in the country they must understand that you will not be able to bribe a secured environment like the supply chain.

Supply chain is a process, Chairperson, and supply

chain you have to go A to Z. You cannot jump certain areas. Therefore if there are plans and plot that was meant to induce me to do the wrongful thing, I cannot sacrifice my 30 year career for an alarm system.

CHAIRPERSON: Yes. Lastly, on your version the arrangement was always on the basis that you were going to pay for the security equipment. You asked for an invoice. Mr Mbulelo, Mr (indistinct) confirms that you asked for an invoice. He says he asked Mr Agrizzi for an invoice. He
10 confirms that he never gave you an invoice because Mr Agrizzi never gave him an invoice. That is the one version.

And then there is the version that is also which would be that this was done all as part of special projects. So your version is you have always been prepared to pay, they just did not give you an invoice. But there is evidence that this was part of the special projects. I guess your position is simply that you know nothing about special projects. Is that right?

20 **MR GINGCANA:** I do not know anything about special projects, Chairperson.

CHAIRPERSON: Yes. Of course what does emerge maybe is that a lot of money was spent whether one is looking at R50 000, R40 000 or 200 000 in terms of the cost of the equipment and the installation. A lot of money

was spent on the equipment and for some reason this company just did not give you an invoice over a long period of time despite your insisting that you wanted an invoice. That is what happened. Is that correct?

MR GINGCANA: You see, Chairperson, the best people to be answering some of these things in order for me to be satisfied is Le Roux and his team who were actually coming to my house and he stated in his affidavit when he was there on the 31st of January that they were coming
10 with unmarked cars. If they had a plan to destroy people's lives, they were part of a syndicate that was planning to ensure that they destroy the officials that are supposed to implement compliance in this country.

CHAIRPERSON: Thank you, Mr Gingcana. Nothing arises... [intervenes]

ADV MOLEFE: Thank you, Chair. No further questions.

CHAIRPERSON: Okay. Counsel for Mr Gingcana, did you intend to re-examine?

COUNSEL: Well, Mr Commissioner, just a few questions,
20 but can I just converse with my attorney on that?

CHAIRPERSON: Ja.

COUNSEL: Thank you.

MR GINGCANA: Can I stand, Chairperson, a bit? I am struggling with my feet.

CHAIRPERSON: Yes, it is fine. It is fine.

MR GINGCANA: I am here. I am watching.

CHAIRPERSON: Ja, okay. Two questions. Okay, I will let you ask from where you are if your mic is working, that way it is going to work quicker. Okay, alright. Mr Gingcana, your counsel is going to ask you two questions in re-examination. Yes, you may go ahead.

COUNSEL: Yes. Mr Mbulelo, you have mentioned that you were aware that the security system was being installed by Bosasa.

10 **MR GINGCANA:** I beg yours, counsel. Go ahead.

COUNSEL: You mentioned that the security – you were aware that the security system in your house... [intervenes]

CHAIRPERSON: I am sorry. I am sorry, counsel. Let me check with the technicians whether they can hear you properly so that you – whether you are recorded.

COUNSEL: Mr Commissioner, this chair is in the way so I cannot – the mic is more on the left, so I am unable to... [intervenes]

CHAIRPERSON: I think go to the podium there. Go to the
20 podium. Somebody will sanitize or have they brought you another one.

COUNSEL: The other mic on my right... [intervenes]

CHAIRPERSON: Okay, alright.

COUNSEL: Yes. I am not sure if this one is audible.

CHAIRPERSON: No, it should be fine.

MR GINGCANA: Yes, I can hear you.

COUNSEL: Yes, okay. Thank you, Mr Commissioner. Yes, Mr Mbulelo, you mentioned that you were aware that the security system installed in your house was installed by Bosasa.

MR GINGCANA: Yes.

COUNSEL: Remember that? You have also mentioned that as far as you were aware the person that you were dealing with as far as the system is concerned was
10 Mr Dlamini.

MR GINGCANA: Yes.

COUNSEL: You mentioned that you met Mr Dlamini at a security expo.

MR GINGCANA: Yes.

COUNSEL: So at the time when you met him, did you guys discuss anything concerning security this... [intervenes]

MR GINGCANA: No, we just met. I looked at what was there and we exchanged numbers. We did not go into detail.

20 **COUNSEL:** Did you know the company that he was working for at the time when you met him in 2014?

MR GINGCANA: Well, at the time there were a number of companies that were in the display area. I did not really bother to look at the names that were on the podium.

COUNSEL: Yes. Now you casually communicated with him

as you have mentioned earlier throughout the years up until 2016.

MR GINGCANA: Yes. Yes.

COUNSEL: Now in your communications, when did the security issue come up? Did it come up... [intervenes]

MR GINGCANA: It was when we communicated that we are going to meet in my house.

COUNSEL: Yes and when is this?

MR GINGCANA: 2016.

10 **COUNSEL**: Okay, so for the first time you discussed the security issue in 2016 at your house.

MR GINGCANA: Yes.

COUNSEL: And why is the security system only installed in 2017?

MR GINGCANA: That is the question I want to understand, because it was agreed that we were going to install after September, but because the year was almost over then it was only installed in April. I was ready for installation after September.

20 **COUNSEL**: Okay, so when you discussed the security issue with Mr Dlamini at your house, did he mention that the security would be installed by Bosasa?

MR GINGCANA: No.

COUNSEL: Who did he say would be installing the system in your house as you understood it?

MR GINGCANA: In my understanding he actually said they will come and do the installation. So I took it it is his company as he is the director of the company. I never knew who he is going to use subsidiaries or whoever.

COUNSEL: And by his company, which company did you think that he would – he was representing?

MR GINGCANA: I thought he was representing Bosasa.

COUNSEL: So at that stage you knew that he would be – the system would be installed by Bosasa.

10 **MR GINGCANA:** Yes.

COUNSEL: At the time of the installation you mentioned that you were no longer at PRASA, you were actually at National Treasury.

MR GINGCANA: That is correct.

COUNSEL: Did you know whether the name of the project or what they called this installation project at your house?

MR GINGCANA: Well, I saw the name when I was given the (indistinct) to respond and also on the Sunday newspaper which was written by (indistinct).

20 **COUNSEL:** Okay. So finally, when we go to T19 – well actually T34 which is Mr Dlamini's statement and specifically at page 8, paragraph 44.

MR GINGCANA: Paragraph?

COUNSEL: 44. Mr Commissioner, my apologies, I said two questions but they are leading to more questions. This

is my last question. Paragraph 44 reads:

“During installation of Mbulelo’s security upgrade Le Roux, Agrizzi and I once met at Mbulelo’s house while Mbulelo was at work as Agrizzi wanted to demonstrate the upgrade.”

You see that?

MR GINGCANA: Yes, I can see that.

COUNSEL: Did you know about this meeting that happened at your house between the three?

10 **MR GINGCANA**: Yes, I was informed by Mr Dlamini.

COUNSEL: When did Mr Dlamini inform you about this?

MR GINGCANA: He told me before they went to the house, but I told him I was busy at work at the time.

COUNSEL: Just a second, Mr Chair, Mr Commissioner, my attorney is just giving me instructions on something here. So did you know that Agrizzi will be at the house together with the two, with Le Roux and Mr Dlamini?

MR GINGCANA: No, I was not aware until he came there.

COUNSEL: So you only knew after the fact that Mr Agrizzi
20 did come to your house at the time.

MR GINGCANA: Yes.

COUNSEL: Mr Commissioner, that will be my... [intervenes]

CHAIRPERSON: Thank you. Okay, we are going to take the lunch adjournment and then after lunch I will allow

Mr Gingcana's counsel to cross-examine Mr Le Roux and once we are done with that then it will be Mr Agrizzi who will be cross-examined by Mr Wakeford's counsel. We will adjourn and we will resume at 14:00. We adjourn.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: I made the mistake of not noting your name in the morning. Please help me. Okay, just spell the surname for me? Please switch on your mic. Switch on
10 your mic. Ja.

ADV MAUNATLALA SC: I am Matjitji Maunatlala. Surname is M-A-U-N-A-T-L-A-L-A.

CHAIRPERSON: M-A-U-N-A-T-L-A-L-A?

ADV MAUNATLALA SC: M-A-U ...[intervenes]

CHAIRPERSON: Or is it ...[intervenes]

ADV MAUNATLALA SC: N for Nellie.

CHAIRPERSON: Is it double MM at the beginning?

ADV MAUNATLALA SC: No, no, no it is just ...[intervenes]

CHAIRPERSON: Single M.

20 **ADV MAUNATLALA SC:** Single M.

CHAIRPERSON: M-A-U?

ADV MAUNATLALA SC: N-A.

CHAIRPERSON: Ja.

ADV MAUNATLALA SC: T-L-A.

CHAIRPERSON: Ja.

ADV MAUNATLALA SC: L-A.

CHAIRPERSON: LA at the end?

ADV MAUNATLALA SC: Yes.

CHAIRPERSON: Okay.

ADV MAUNATLALA SC: Yes.

CHAIRPERSON: Maunatlala.

ADV MAUNATLALA SC: That is correct.

CHAIRPERSON: Is my pronunciation ...[intervenes]

ADV MAUNATLALA SC: You have got it on the nick.

10 **CHAIRPERSON:** Okay, alright.

ADV MAUNATLALA SC: That is correct.

CHAIRPERSON: Okay.

ADV MAUNATLALA SC: Yes.

CHAIRPERSON: Okay. Good afternoon Mr le Roux?

MR LE ROUX: Good afternoon Mr Chairperson.

CHAIRPERSON: Good. Thank you for availing yourself for cross-examination. The registrar will administer the oath or affirmation now.

REGISTRAR: Please state your full names for the record?

20 **MR LE ROUX:** Richard le Roux.

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

MR LE ROUX: I do not.

CHAIRPERSON: Sorry, your voice is too low Mr le Roux. Maybe go closer to the mike.

MR LE ROUX: I do not.

CHAIRPERSON: Start afresh.

REGISTRAR: Please state your full names for the record?

MR LE ROUX: Richard le Roux.

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

MR LE ROUX: I do not.

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

10 **MR LE ROUX:** I do.

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

MR LE ROUX: So help me God?

RICHARD LE ROUX: (D.s.s)

CHAIRPERSON: Thank you very much. You may be seated Mr le Roux. When I granted leave to cross-examine, I would have indicated that I would decide on the
20 duration of cross-examination at the beginning of the cross-examination.

Do you have an idea how long you think you would be?

ADV MAUNATLALA SC: Mr Commissioner, I am not going to be too long, but depending on the witness's answers.

CHAIRPERSON: Yes.

ADV MAUNATLALA SC: Whereby he disputes some of the questions.

CHAIRPERSON: Ja.

ADV MAUNATLALA SC: I am anticipating that we could spend less than 30 minutes.

CHAIRPERSON: Ja, okay no I think that is consistent with my understanding of ...[intervenes]

ADV MAUNATLALA SC: Yes.

10 **CHAIRPERSON:** Where the disputed areas may be.

ADV MAUNATLALA SC: That is so Mr Commissioner.

CHAIRPERSON: Let us work on that basis.

ADV MAUNATLALA SC: On that basis.

CHAIRPERSON: Ja.

ADV MAUNATLALA SC: But depending on the witness Mr Commissioner, we will then ask for ...[intervenes]

CHAIRPERSON: No, that is fine. Ja.

ADV MAUNATLALA SC: Thank you.

CHAIRPERSON: Okay, you may proceed.

20 **ADV MAUNATLALA SC:** Thank you Mr Commissioner. Mr le Roux, you have a bundle of documents in front of you. Can you go to Annexure T3 of the document in front of you?

MR LE ROUX: I am there.

ADV MAUNATLALA SC: That is an affidavit that

...[intervenes]

CHAIRPERSON: I am sorry. Just pull the mic a little closer to you Mr le Roux, ja. Okay.

ADV MAUNATLALA SC: That was an affidavit disposed to by yourself. Can you turn to page 12 of that affidavit?

MR LE ROUX: 12, bottom right?

CHAIRPERSON: Are you saying 12, the paginated 12 or I think it is better if you use ...[intervenes]

ADV MAUNATLALA SC: The paginated 12. Mr
10 Commissioner, I will proceed in terms of the paginated
...[intervenes]

CHAIRPERSON: Yes, ja.

ADV MAUNATLALA SC: The paginated numbers, yes.

CHAIRPERSON: Okay.

ADV MAUNATLALA SC: Because as I have indicated in the morning ...[intervenes]

CHAIRPERSON: Ja.

ADV MAUNATLALA SC: The documents I have might differ with what the Commission has.

20 **CHAIRPERSON:** You will be using the right numbers?

ADV MAUNATLALA SC: The right, well my bundle does not have colours. I printed them out from what we were sent, so I just ... well ...[intervenes]

CHAIRPERSON: Whenever Ms Molefe was saying in the morning red number that, did it coincide with your

numbers?

ADV MAUNATLALA SC: I could follow, because yes it did coincide with my numbers.

CHAIRPERSON: Okay, I think she wants to offer you one that has got both, but maybe because you have prepared on the basis of this one, you might not be able ... okay, I think we will work on the basis that your numbers are red numbers.

ADV MAUNATLALA SC: Yes.

10 **CHAIRPERSON:** But for the, for in order to make sure there is no confusion in the record, I think always say red number whatever.

ADV MAUNATLALA SC: Okay.

CHAIRPERSON: If I find that it does not coincide with my red numbers ...[intervenes]

ADV MAUNATLALA SC: Yes.

CHAIRPERSON: Then I will know that there is something wrong.

ADV MAUNATLALA SC: Fair enough. Mr Chair
20 ...[intervenes]

CHAIRPERSON: And that would be the same as he might think.

ADV MAUNATLALA SC: Yes, fair enough. Just so that we are sure that the red numbers is what I am referring to here.

CHAIRPERSON: Ja.

ADV MAUNATLALA SC: It is paragraph 12, I mean it is page 12, the page where it has the signature of the witness in his affidavit.

CHAIRPERSON: Let us see. Did you say T3?

ADV MAUNATLALA SC: T3 yes.

CHAIRPERSON: Okay.

ADV MAUNATLALA SC: [indistinct]

CHAIRPERSON: Okay, the black numbers are on the black
10 numbers it starts on 25. What paragraph were you talking about in his affidavit?

ADV MAUNATLALA SC: Well, it is paragraph 62. The last page of the affidavit Mr Commissioner.

CHAIRPERSON: Oh yes, oh okay.

ADV MAUNATLALA SC: Yes.

CHAIRPERSON: No, I see the 12 you are talking about. Yes, no, no that is fine yes. That 12 is black on this one, but it is not the black that I am talking about.

ADV MAUNATLALA SC: Okay ...[intervenes]

20 **CHAIRPERSON:** This one is black on the right hand corner of the page.

ADV MAUNATLALA SC: Yes.

CHAIRPERSON: The ones that we normally use are the black numbers on the top left hand corner of the page.

ADV MAUNATLALA SC: Okay.

CHAIRPERSON: So we will take those that are on the right hand corner.

ADV MAUNATLALA SC: Yes.

CHAIRPERSON: As the red numbers, even if they are black.

ADV MAUNATLALA SC: That is fine.

CHAIRPERSON: We will take them as the numbers.

ADV MAUNATLALA SC: That is fine Mr Commissioner, mine are all on the right.

10 **CHAIRPERSON:** Yes.

ADV MAUNATLALA SC: These are the ones I am referring to.

CHAIRPERSON: Alright.

ADV MAUNATLALA SC: Yes. Mr le Roux, on the last page of your affidavit which is at page 12, there is a signature that appears on the affidavit. Is that your signature?

MR LE ROUX: That is correct.

ADV MAUNATLALA SC: Is this your affidavit deposed to by yourself?

20 **MR LE ROUX:** Yes.

ADV MAUNATLALA SC: Have you read this affidavit, familiarised yourself with it before you signed?

MR LE ROUX: I have.

ADV MAUNATLALA SC: Yes. I understand you have also been led on this affidavit. There is a record that speaks to

this affidavit.

MR LE ROUX: That is correct.

ADV MAUNATLALA SC: Now when we go to paragraph 8 of this affidavit ...[intervenes]

MR LE ROUX: Paragraph?

ADV MAUNATLALA SC: 8, that would be on page 2.

MR LE ROUX: Yes.

ADV MAUNATLALA SC: Can you read that paragraph for us?

10 **MR LE ROUX**: Mr Chair, it says:

“Part of my duties was the implementation of what was called special projects. These projects included the purchase and installation of close circuit television systems, CCTV systems for high profile associates of Gavin Watson as well as the directorate.”

ADV MAUNATLALA SC: Can we hold on there?

MR LE ROUX: Yes.

20 **ADV MAUNATLALA SC**: Now, so as I understand it you were specifically doing projects, this special projects for people who were associated with Gavin Watson as well as the directorate.

MR LE ROUX: That is correct Chair.

ADV MAUNATLALA SC: Okay. Now there is another affidavit that you deposed to, that we find at T21, which is

Annexure T21 at page 1 of that annexure. Exhibit T21, page 1.

CHAIRPERSON: That will be page 40 on the black numbers.

ADV MAUNATLALA SC: That is fine Mr Commissioner.

CHAIRPERSON: Ja, okay.

MR LE ROUX: Page 1?

ADV MAUNATLALA SC: I beg yours?

MR LE ROUX: Page 1?

10 **ADV MAUNATLALA SC:** Yes, look at page 1. Is that also your affidavit?

MR LE ROUX: Yes, it is.

ADV MAUNATLALA SC: Okay, now if you turn to page 24 of that affidavit ...[intervenes]

CHAIRPERSON: Sorry Mr le Roux, try and make sure you can be heard when you respond, try and raise your voice.

ADV MAUNATLALA SC: Yes, if you turn to page 24 of that affidavit you will see there is also a signature there on this affidavit as well. Page 24. It could be the last page of the
20 affidavit.

MR LE ROUX: That is correct.

ADV MAUNATLALA SC: That is your signature?

MR LE ROUX: That is correct.

ADV MAUNATLALA SC: So this affidavit similarly is your affidavit deposed to by yourself?

MR LE ROUX: Yes.

ADV MAUNATLALA SC: You are familiar with the contents?

MR LE ROUX: Yes.

ADV MAUNATLALA SC: Look at paragraph 4.2 of that affidavit. Can you read that into the record?

MR LE ROUX: Four point?

ADV MAUNATLALA SC: 4.2.

MR LE ROUX: Page?

10 **ADV MAUNATLALA SC:** That would be page 1, the first page of the affidavit.

MR LE ROUX: “These projects included the purchase and installation of close circuit television systems and other security equipment for the high profile associates of Gavin Watson as well as the [indistinct].

ADV MAUNATLALA SC: Yes. So at paragraph 8 that we had just read previously, when you talk about the directorate, you are talking about the directorate
20 mentioned here as the directorate of BUSASA?

MR LE ROUX: That is correct Chair the BUSASA directorate.

ADV MAUNATLALA SC: Yes, and we continue reading from where you left off at paragraph 8.

MR LE ROUX: Paragraph 8?

ADV MAUNATLALA SC: Yes. You stopped where the word directorate is. There is a full stop there. That is where you had stopped. Can you continue?

MR LE ROUX: On 4.3?

CHAIRPERSON: I am sorry. Is that another, the other affidavit?

ADV MAUNATLALA SC: Yes, the other ... the previous affidavit.

CHAIRPERSON: Ja, let us go to that one.

10 **ADV MAUNATLALA SC:** Apologies for that. Yes, let us go back to the previous affidavit at paragraph 8.

CHAIRPERSON: That is the affidavit that starts at page 25 of the black numbers.

ADV MAUNATLALA SC: Yes.

CHAIRPERSON: And paragraph 8 is on page 26 of the black numbers.

ADV MAUNATLALA SC: Yes.

CHAIRPERSON: You should be having the black numbers as well, on the top hand left corner ...[intervenes]

20 **MR LE ROUX:** Paragraph 8 on page 2?

ADV MAUNATLALA SC: On, okay. Annexure T3 which is the first annexure you opened for us is your first affidavit.

MR LE ROUX: Yes.

ADV MAUNATLALA SC: You were reading that for us.

MR LE ROUX: Paragraph 8.

ADV MAUNATLALA SC: Paragraph 8, yes.

MR LE ROUX: That is on page 2?

ADV MAUNATLALA SC: That is correct.

MR LE ROUX: You want me to read that paragraph for you?

ADV MAUNATLALA SC: You can continue reading from where you stopped. You stopped at directorate.

MR LE ROUX: “I was the head of special projects team that was created to deal with special projects.

10 We had three vehicles in the team that were not branded with any branding, like the normal Sondolo vehicles.”

ADV MAUNATLALA SC: Yes, now you mentioned Sondolo. What is this Sondolo in that paragraph?

MR LE ROUX: Sondolo was a company within BUSASA.

ADV MAUNATLALA SC: A company within BUSASA?

MR LE ROUX: That is correct.

ADV MAUNATLALA SC: But Sondolo is not BUSASA?

MR LE ROUX: No, Sondolo is not BUSASA.

20 **ADV MAUNATLALA SC:** It is a separate entity?

MR LE ROUX: It is a separate entity, yes.

ADV MAUNATLALA SC: Okay. You can continue reading.

MR LE ROUX: “We wore civilian clothing when we were busy with special projects, the reason why this was done was in order that there would be no

link to any of the Sondolo IT vehicles or anything related to BUSASA African Global.”

ADV MAUNATLALA SC: Yes. So you mentioned in this paragraph that these special projects were specifically for Gavin Watson’s associate as well as BUSASA directorate and you have also mentioned that Sondolo would be used as part of these projects. Is that a correct understanding of what you are saying?

MR LE ROUX: I worked for Sondolo IT Chair.

10 **ADV MAUNATLALA SC:** Okay, so you worked for a separate entity, but that entity was used to provide services to people of BUSASA, who associated with BUSASA.

MR LE ROUX: That is correct.

ADV MAUNATLALA SC: Yes.

CHAIRPERSON: Was Sondolo a subsidiary of BUSASA?

MR LE ROUX: Yes Chair, that is correct.

CHAIRPERSON: Okay.

20 **ADV MAUNATLALA SC:** Alright. Now you mentioned that you would receive instructions from Agrizzi and Gavin Watson. If you go to paragraph 11 and 12 of the same affidavit, in short that is what you are saying there. Is that, can you confirm that?

MR LE ROUX: 11 and 12?

ADV MAUNATLALA SC: Yes.

MR LE ROUX: On page 3?

ADV MAUNATLALA SC: Yes. If you take into account paragraph 11, 12 and 13, the understanding I get there, is that you would get instructions from Gavin Watson, from Mr Agrizzi as well as other directors ...[intervenes]

MR LE ROUX: That is correct.

ADV MAUNATLALA SC: On the special projects. So is this a correct understanding of what you are saying?

MR LE ROUX: That is correct Chair.

10 **ADV MAUNATLALA SC:** Yes. Now these individuals that you have referred to, are they directors at Sondolo? Do they ...[intervenes]

MR LE ROUX: They are directors of the BUSASA group of companies.

ADV MAUNATLALA SC: Yes. Are they also directors at Sondolo? So even though BUSASA is obviously the holding company and Sondolo is a subsidiary, Sondolo is a separate company with its directors. Now what I am asking is are these people also directors at Sondolo?

20 **MR LE ROUX:** Yes, there was one director at Sondolo, yes.

ADV MAUNATLALA SC: Who is that director at Sondolo?

MR LE ROUX: Mr Trevor Motenzwa.

ADV MAUNATLALA SC: Oh, okay. No, maybe you misunderstood my question. So none of the individuals

you have mentioned, being Mr Gavin Watson as well as Mr Agrizzi are members or directors of Sondolo?

MR LE ROUX: I have no idea of the shareholding of the company.

ADV MAUNATLALA SC: Okay, alright.

MR LE ROUX: I know Gavin Watson was the owner of the company and I know Angelo was the COO of the company.

ADV MAUNATLALA SC: Yes, okay. Now at Sondolo, did you have any person that you reported to at Sondolo?

10 **MR LE ROUX:** Yes, I did Chair.

ADV MAUNATLALA SC: Who is that person?

MR LE ROUX: Trevor Motenzwa.

ADV MAUNATLALA SC: Pardon?

MR LE ROUX: Mr Trevor Motenzwa.

ADV MAUNATLALA SC: Trevor Motenzwa, okay.

CHAIRPERSON: It is Trevor Matetwa.

ADV MAUNATLALA SC: Oh, Matetwa.

CHAIRPERSON: Trevor Matetwa, ja.

ADV MAUNATLALA SC: Yes, thank you Mr Commissioner.

20 **CHAIRPERSON:** Ja.

ADV MAUNATLALA SC: Now was Trevor Matetwa aware of your arrangement with Mr Agrizzi, Gavin Watson and other directors in as far as the special projects were concerned?

MR LE ROUX: Yes Chair, he was aware.

ADV MAUNATLALA SC: Did you get any instructions from him directly or was the instructions only from the individuals you have mentioned?

MR LE ROUX: I did get instructions from Mr Trevor Matetwa with regards to other special projects.

ADV MAUNATLALA SC: Okay. Now when we go to page, paragraph 50 of this same affidavit at page 10, ...[intervenes]

MR LE ROUX: Paragraph 50?

10 **ADV MAUNATLALA SC:** 50, five zero. That is at page 10.

MR LE ROUX: Yes.

ADV MAUNATLALA SC: You say the following:

“Savion Dlamini and Angelo Agrizzi requested that we do a security analysis, and installation for a certain Mr Mbolelo at Randburg.”

MR LE ROUX: That is correct.

ADV MAUNATLALA SC: Yes, now here you are mentioning Mr Dlamini. Is Mr Dlamini a director at BUSASA?

MR LE ROUX: Yes, he is Chair.

20 **ADV MAUNATLALA SC:** Is he a director at BUSASA directly or at a subsidiary of BUSASA?

MR LE ROUX: As far as I am aware Chair, he is a subsidiary of BUSASA, a directorate of the subsidiary, I think he was the director in the youth centres.

ADV MAUNATLALA SC: In?

MR LE ROUX: In the youth centres.

ADV MAUNATLALA SC: That is correct. That is my understanding. In fact, if we turn to Mr Dlamini's statement which is T34, he does deal with that issue and specifically you find that at paragraph 6 which, paragraph 6 of Mr Dlamini's statement.

Mr Dlamini's statement is annexure Exhibit T34. If you turn to page 2 of T34.

CHAIRPERSON: Okay. Just repeat your page number?

10 **ADV MAUNATLALA SC:** Yes, the page number is page 2 at ... page 2 of Exhibit T34. The second page ...[intervenes]

CHAIRPERSON: T34?

ADV MAUNATLALA SC: I beg your pardon Mr Commissioner?

CHAIRPERSON: T34?

ADV MAUNATLALA SC: T34, yes.

CHAIRPERSON: Okay. Page 2, that is in the red numbers is black page 168.

20 **ADV MAUNATLALA SC:** Thank you Mr Commissioner.

CHAIRPERSON: Yes.

ADV MAUNATLALA SC: Paragraph 6 reads:

“Approximately in 2006 I was promoted to the position of director of professional services and operations for the youth development

centres nationally. This is not the same company as BUSASA operations.”

So he does mention there that he is not a director of BUSASA. Do you now confirm that he is not a director of BUSASA?

MR LE ROUX: Yes.

ADV MAUNATLALA SC: Okay. SO he would not be part of the people who would be giving you instructions on the special projects?

10 **MR LE ROUX**: Chair, he gave me the instruction to meet Angelo at that premises of Mr Mbolelo.

ADV MAUNATLALA SC: Why would he be giving you instructions, because he is not part of the BUSASA team as well as the Sondolo team.

MR LE ROUX: I just followed instructions.

ADV MAUNATLALA SC: And he is from a separate company.

MR LE ROUX: I just followed the instructions. I was an employee.

20 **ADV MAUNATLALA SC**: Yes.

MR LE ROUX: I was not a director of the company. I just followed instructions, which I got an instruction from Mr Lee, [indistinct] and Angelo at the premises of Mr Mbolelo.

CHAIRPERSON: The, he says in paragraph 6 as counsel says, he says he was promoted to the position of director

of professional services and operations for the youth development centres nationally. Was there a company called youth development centres?

MR LE ROUX: As far as I am aware Chair, it was called BUSASA development centre. That is why I know that Watson, he was part of the BUSASA group of companies as the director.

CHAIRPERSON: When you say he, when you said you believed he was a director of a subsidiary of BUSASA, do
10 you know what the name of the subsidiary was?

MR LE ROUX: No Chair. What I knew it was, is BUSASA youth development.

CHAIRPERSON: Yes, okay. That is how, what you know how it was called?

MR LE ROUX: That is how I knew how it was called Mr Chair.

CHAIRPERSON: But did you know whether that was a company in the legal sense, Pty Ltd company or you just know the name?

20 **MR LE ROUX:** I really do not know Chair, I do not recall.

CHAIRPERSON: Yes.

MR LE ROUX: I did not get involved in those, we were all in one business park.

CHAIRPERSON: Ja.

MR LE ROUX: And I mean Mr Dlamini wore a BUSASA

uniform.

CHAIRPERSON: Was he, did he have an office in the same place as ...[intervenes]

MR LE ROUX: As the BUSASA office park.

CHAIRPERSON: [indistinct]

MR LE ROUX: Yes Chairperson. Ja, his offices were in the same office park.

CHAIRPERSON: Yes, okay. Please continue.

ADV MAUNATLALA SC: Thank you Mr Commissioner.

10 **ADV MAUNATLALA SC:** How many instructions have you received from Mr Dlamini on this special project?

MR LE ROUX: Only the one.

ADV MAUNATLALA SC: That was for the first time?

MR LE ROUX: The first time.

ADV MAUNATLALA SC: Was it the first time you had dealings with him or was he somebody that you knew occasionally?

MR LE ROUX: No, Mr Dlamini I knew quite well because I used to do a lot of work at the youth centres, on access
20 control ...[intervenes]

ADV MAUNATLALA SC: In the time that you have known him, he has never given you instructions to do any project, anything under the special projects?

MR LE ROUX: Besides Mr Mbolelo?

ADV MAUNATLALA SC: Yes.

MR LE ROUX: No other special projects came from Mr Dlamini.

ADV MAUNATLALA SC: This was the first time?

MR LE ROUX: The first time.

ADV MAUNATLALA SC: Okay. Now, when he give you those instructions, were you surprised that he is now giving you those instructions for the first time. Did you question him around that?

MR LE ROUX: I did not question him about it, no.

10 **ADV MAUNATLALA SC:** Why were you readily willing to accept an instruction from him when he has never given you instructions under this project.

MR LE ROUX: Because he was a director of a company. I am an employee, I am not a director of a company. I cannot judge him.

ADV MAUNATLALA SC: So as I understand it you could take instructions from any director at BUSASA, irrespective of who it was on the special project?

MR LE ROUX: That is correct.

20 **ADV MAUNATLALA SC:** So this special project was not a secret at BUSASA. Is that what you are saying?

MR LE ROUX: No, it was told that it was only amongst the directors and Angelo Agrizzi and Gavin Watson.

ADV MAUNATLALA SC: Well, what I am saying is, that is how I understood your initial evidence to be, that it was a

closed group of people that knew about the special projects and that ...[intervenes]

MR LE ROUX: It was a closed group of people, yes.

ADV MAUNATLALA SC: Yes, but now you have this new person coming in and instructing you to do something under the special project and you are not surprised about that. Why is that so?

MR LE ROUX: No, you must understand when I was phoned ...[intervenes]

10 **ADV MAUNATLALA SC**: Yes.

MR LE ROUX: By Mr Agrizzi, and told him to meet me at the garage. I climbed into the Maserati with him. We went to ...[intervenes]

CHAIRPERSON: Please speak up Mr le Roux, just please speak up.

MR LE ROUX: Sorry Chair.

CHAIRPERSON: Ja.

MR LE ROUX: Mr Chair, what happened is I got a phone call from Mr Agrizzi to say that we needed to go and do a
20 site evaluation at a premises. I parked my vehicle at the Engen Garage. I then climbed into his Maserati with him. We then proceeded to, I did not know the name then, but we proceeded to Mr Mbolelo's property alright, where I found Mr Dlamini there.

Alright. His vehicle was parked outside. Mr Agrizzi

parked his car outside as well. Mr Agrizzi said to me please just wait in the car. We will be attending a meeting. Once we are finished with our meeting in the house, then we will ask you to come in and you can do a site evaluation and start doing all the paper work.

ADV MAUNATLALA SC: I think you went a bit ahead of us. I was going to actually get there, but what I want to understand now, is something different. But let us actually come to that issue that you are speaking to now. You
10 mentioned that you did the installations at Mr Mbolelo's house.

MR LE ROUX: That is correct, in 2016.

ADV MAUNATLALA SC: I beg yours?

MR LE ROUX: In 2016.

ADV MAUNATLALA SC: Well, ...[intervenes]

CHAIRPERSON: Please do not forget what he has just said. I wanted to say please refer to him as Mr Xinana. You are referring to him as Mr Mbolelo. Anybody, somebody reading the record might think we are now
20 talking about somebody else.

ADV MAUNATLALA SC: Oh yes, Mr Xinana.

CHAIRPERSON: Yes.

ADV MAUNATLALA SC: It is just that I find that it is sometimes a bit problematic. I was deliberately avoiding ...[intervenes]

CHAIRPERSON: Oh, is that the reason?

ADV MAUNATLALA SC: Yes, no I found it a bit challenging to, ja. Sometimes I say it wrong.

CHAIRPERSON: Okay, no then at least the record will show that you mean the same person.

ADV MAUNATLALA SC: I still mean Mr Xinana yes.

MR LE ROUX: It might be an incorrect, am I saying the name correctly ...[intervenes]

CHAIRPERSON: No, no I was talking about him.

10 **ADV MAUNATLALA SC:** And in the witness statement and his, the record he seems to be consistently referring to him as Mr Mbolelo.

CHAIRPERSON: Yes.

ADV MAUNATLALA SC: So I thought I will just climb on that board.

MR LE ROUX: Apologies, that is how I knew the client.

ADV MAUNATLALA SC: Yes.

MR LE ROUX: As Mr Mbolelo.

ADV MAUNATLALA SC: Yes.

20 **MR LE ROUX:** Sorry.

CHAIRPERSON: No, maybe it is the one thing the two of you have in common.

ADV MAUNATLALA SC: Look, now when did you then, well you have indicated that at some point you went to do an assessment at the property. When you first did that,

were you alone or were you accompanied by anyone?

MR LE ROUX: I was accompanied with Angelo Agrizzi and I found Mr Dlamini at the premises.

ADV MAUNATLALA SC: Okay, well Mr Dlamini disputes that Mr Agrizzi was at the property at the time when Mr Mbolelo was also there. I will take you to his paragraph where he deals with that. Let us go back to T34. Paragraph 44 of T34.

CHAIRPERSON: Paragraph 44 is the black numbers 174.

10 **ADV MAUNATLALA SC:** Yes, that will be at page 8. Yes, it says:

“During installation of Mbolelo’s security upgrade, Le Roux, Agrizzi and I once met at Mbolelo’s house while Mbolelo was at work, as Agrizzi wanted to demonstrate the agreement.”

So Mr Dlamini says Mr Mbolelo was at work when you went there.

MR LE ROUX: It was not during the week, it was definitely a Saturday morning, or a Saturday afternoon, sorry.

20 **ADV MAUNATLALA SC:** When you first went there?

MR LE ROUX: That is correct, and I would not know how Mr Agrizzi would want to demonstrate the upgrade, because Mr Agrizzi knew nothing about that technology.

CHAIRPERSON: I am sorry, just repeat that Mr le Roux, speak up a bit.

MR LE ROUX: Sorry Mr Chairperson.

CHAIRPERSON: You said he would not know something?

MR LE ROUX: I said I would not know how Mr Agrizzi would have wanted to demonstrate the, how the equipment worked, because Mr Agrizzi did not install the equipment. Installed it.

CHAIRPERSON: Is that a point that you are putting forward to substantiate why Mr Agrizzi was there?

MR LE ROUX: No, no I am just saying I would not
10 understand how he would want to demonstrate the system, because what would he be demonstrating?

CHAIRPERSON: Yes, okay.

MR LE ROUX: I am the one that did the installation, so I would have been the one that would have done the demonstration to the client, the hand out to the client.

CHAIRPERSON: Oh, you are saying that ... you are saying that Mr Agrizzi would not have been the right person to demonstrate ...[intervenes]

MR LE ROUX: Yes, that is correct Chair.

20 **CHAIRPERSON:** How the security system worked.

MR LE ROUX: That is correct Chair.

CHAIRPERSON: You were the one who would be able to do that?

MR LE ROUX: That is correct Chair.

CHAIRPERSON: Yes.

MR LE ROUX: But to answer your question we definitely went there on a Saturday afternoon. It was not during the week and Mr Mbolelo was definitely at home.

ADV MAUNATLALA SC: Well, Mr Mbolelo also denies that he was there when Mr Agrizzi came to the house. So that is both Mr Dlamini and Mr Mbolelo saying the same thing.

MR LE ROUX: Well, I am telling you he was definitely there and we definitely went there on a Saturday afternoon.

- 10 **ADV MAUNATLALA SC:** Well, now you seem to have followed instructions in these special projects and you seem to have understood that certain things were not to be told to people. So what was your understanding of this arrangement.

Did you understand it as an unlawful arrangement or is it something that you thought it was part of company, normal company processes?

MR LE ROUX: No, I was told that it was going to become a special project.

- 20 **ADV MAUNATLALA SC:** I beg your pardon?

MR LE ROUX: I was told it is going to become a special project.

ADV MAUNATLALA SC: Yes, well I understand the word special project, but did you ...[indistinct – word cut] be anything that is unlawful not – something that is not legal or

did you understand it to be something that was just a normal thing?

MR LE ROUX: I was doing my job.

ADV MAUNATLALA: And in doing your job obviously you are getting instructions being told that you cannot say certain things and so forth. Now when that gets told to you what impression did you get? Did you think that it is normal – it is fine – it is well within your job scope or did you question anything?

10 **MR LE ROUX:** I did not question anything.

ADV MAUNATLALA: Okay. Now you did not – you mentioned at some point that you were told to lie about this special projects and who gives you instructions and you say that it was Mr Watson that had told you to lie about it and say that you receiving instructions from Mr Agrizzi.

MR LE ROUX: That is correct.

ADV MAUNATLALA: You remember that?

MR LE ROUX: Yes.

ADV MAUNATLALA: So at that stage now when you are
20 being told that you must lie about even who gives you instructions did you now question anything?

MR LE ROUX: Well in my affidavit it states there and I told Mr Watson straight I am not going to lie on his behalf. I am not going to implicate somebody all right that did not give me instructions. He gave me instructions as well as Angelo

Agrizzi.

ADV MAUNATLALA: Yes but why would you see it as implicating him. This is you doing your job there is nothing wrong with what ..

MR LE ROUX: Because that is when I started getting attacked by the people at BOSASA.

ADV MAUNATLALA: I beg your pardon.

MR LE ROUX: That is when I started getting attacked by the people at BOSASA.

10 **ADV MAUNTLALA:** That is now when?

MR LE ROUX: I started getting attacked by the people at BOSASA.

ADV MAUNTLALA: When you were getting attacked.

MR LE ROUX: Mr Gavin Watson phoned me and he said to me you need to choose sides. And I said to him I do not choose sides.

ADV MAUNTLALA: What – what were they attacking you about?

MR LE ROUX: About the special projects.

20 **ADV MAUNTLALA:** What exactly about the special projects were they attacking you?

MR LE ROUX: He told me I needed to choose sides. Either I was going to be on Angelo's side or I was going to be on his side. I said to him well I am not choosing sides. I am not going to blame one person for special projects when the

instructions came from himself, Gavin – Gavin Watson, Angelo Agrizzi and the director of BOSASA.

ADV MAUNTLALA: Well at some point you say that you were told that if you tell anyone about the special projects you will never get a job anywhere because you are dealing with people that have connections.

MR LE ROUX: That is correct.

ADV MAUNTLALA: You remember that?

MR LE ROUX: Yes.

10 **ADV MAUNTLALA:** Now when you told that...

CHAIRPERSON: I am sorry Mr Le Roux try and make sure your answers – your responses are audible so that they can be – they can (talking over one another.

MR LE ROUX: Sorry Mr Chairperson.

CHAIRPERSON: For the record ja. Ja. And face this side most of the time not (talking over one another0.

MR LE ROUX: No I am sorry Mr Chair.

CHAIRPERSON: Ja.

20 **ADV MAUNTLALA:** Yes at the time when now you will receive these threats that if you tell anyone about this project you are going to be fired and you will not get a job anywhere. Did you question anything there at that point?

MR LE ROUX: I never questioned it at all. I just went about doing my job.

ADV MAUNTLALA: Well did you accept that you were

doing anything wrong when they then told you that you cannot tell anyone otherwise you will not find a job anywhere?

MR LE ROUX: Mr Chair like I said I got paid a salary – I was an employee and I just went about doing my job.

ADV MAUNTLALA: Now you also have this at paragraph 80 you mention how your vehicles were unmarked when you go to people's premises. The fact that your vehicles were unmarked did that raise any questions to you?

10 **ADV MAUNTLALA:** No it did not raise any questions to me at all Chair.

ADV MAUNTLALA: Okay. Now let us get to the people that you are dealing with. You mentioned a number of people ranging from politicians and senior people in government and so forth. I do not want to get into the names but Mr Mbulelo is also mentioned in this same affidavit. Now when you then do the special projects do you know what those people knew about the special projects?

MR LE ROUX: Which people are you referring to?

20 **ADV MAUNTLALA:** The people you mention in the affidavit including Ms Mbulelo. What information did they have about the special projects? Did they know that the services rendered to them were rendered as special services under the special projects?

CHAIRPERSON: In other words Mr Le Roux the question is

when you had to install the security equipment at Mr Gingcana's home do you know whether he had knowledge what the special projects was all about at BOSASA.

MR LE ROUX: I do not think he had any knowledge of the special projects Mr Chair.

CHAIRPERSON: Okay.

ADV MAUNTLALA: So you will confirm if I say that at the time when he spoke to Mr Dlamini he did not know that he was being done a favour under what is termed special
10 projects?

MR LE ROUX: Not as far as I know Chair.

ADV MAUNTLALA: Well I also realise that you do not dispute what Mr Dlamini says and what Mr Mbulelo says about how they met and how they had conversations from 2014 until 2016.

MR LE ROUX: I have no disputing that because I did not know that they knew each other until the day I that – that I came to that house.

ADV MAUNTLALA: Yes and there is also mention of the
20 fact that Mr Dlamini mentioned to Mr Mbulelo that the security system will cost R50 000.00 and I see you do not dispute that as well.

MR LE ROUX: No price was ever mentioned to me Mr Chair.

ADV MAUNTLALA: I beg your pardon.

MR LE ROUX: No price was ever mentioned to me.

ADV MAUNTLALA: So you have never had a conversation beyond just the instruction for you to go and do the system with Mr Dlamini.

MR LE ROUX: Sorry can you just repeat that.

ADV MAUNTLALA: So your conversations with Mr Dlamini they were only limited to an instruction to you to go and put a security system at Mr Mbulelo's house?

MR LE ROUX: That is correct Chair.

10 **ADV MAUNTLALA:** Yes. Do – did you know why that instruction came from Mr Dlamini?

MR LE ROUX: I do not Chair. I do not know what his connection was to – to Mr Mbulelo. I was just given an instruction – I followed the instruction.

ADV MAUNTLALA: Yes. Do you know if Mr Dlamini – Mr Mbulelo is an associate of Mr Watson or a person that knows Mr Watson.

MR LE ROUX: I do not Chair.

20 **ADV MAUNTLALA:** Do you know that if Mr Mbulelo had ever met or known Mr Agrizzi? Well I know what your testimony is on the issue of the house but before that do you know of any relationship between the two?

MR LE ROUX: I do not Chair I only know that on the day that Saturday afternoon I went with Mr Agrizzi they had a meeting with Mr

CHAIRPERSON: Gingcana.

ADV MAUNTLALA: Yes Mr Mbulelo.

MR LE ROUX: Mr Mbulelo – sorry. Apologies Chair. Syvion and him had a meeting with Mr Mbulelo. Then they came out after that meeting and they asked me to do the security survey.

ADV MAUNTLALA: From your understanding of the special projects can you say that any of the people that received the services under special projects were in a corrupt
10 relationship between them and Mr Agrizzi or Mr Watson or any of the directors of BOSASA?

MR LE ROUX: I was not privy of – to any of that discussions.

ADV MAUNTLALA: So you cannot confirm that?

MR LE ROUX: No.

ADV MAUNTLALA: Yes. Now you receive a project that is a project to go and install a system at Mr Mbulelo's house and you call it – you name it Project PRASA. You mentioned that you named it Project PRASA because you
20 were told that Mr Mbulelo works at PRASA.

MR LE ROUX: That is correct Chair by Mr Dlamini.

ADV MAUNTLALA: Yes. We have handed a supplementary affidavit this morning that contains a contract from Mr Mbulelo showing that at the time when you installed the system he was not employed at PRASA. What would you

have to say to that?

MR LE ROUX: All I know Chair I think it April / March of 2016 we procured the equipment for Mr Mbulelo's residence. A week later plus minus a week later we went and done the installation. The installation was done in 2016 not 2017.

ADV MAUNTLALA: Oh.

CHAIRPERSON: Oh. Okay so you say the installation was done in April 2016. Mr Le Roux.

10 **MR LE ROUX:** I speak under correction I think it was March / April somewhere around there.

CHAIRPERSON: March or April. But you say 2016 not 2017.

MR LE ROUX: 2016 not 2017 Chair.

CHAIRPERSON: Okay. Counsel was asking you about when Mr Gingcana would have been employed by PRASA. Do you – do you know for a fact when Mr Gingcana was employed by PRASA and when he was not?

MR LE ROUX: Chair I have no idea when he was employed
20 – where he was employed. I was just told that he was
00:09:12 person at PRASA that is why I out of my own
called it Project PRASA.

CHAIRPERSON: And who told you that?

MR LE ROUX: Syvion Dlamini.

CHAIRPERSON: Okay.

ADV MAUNTLALA: I have looked at both your affidavits. You do not mention the date of when you installed the system at Mr Mbulelo's house. Why did you not mention the date?

MR LE ROUX: Because you can look on the invoices – the Regal invoices where the reference is. It says Project SD which stands for Project Syvion Dlamini.

ADV MAUNTLALA: Okay so after installing the system at some point the system did not work properly. I think that is
10 closer to the time when the system was installed if I am not mistaken.

MR LE ROUX: In what sense it did not work properly?

ADV MAUNTLALA: Well there was a time where you received an – a Whatsapp message.

MR LE ROUX: In 2017 that is right.

ADV MAUNTLALA: Yes. Is that – why did you – when you received a message in 2017 was that long after you had done the security system?

MR LE ROUX: It was a year afterwards Chair.

20 **ADV MAUNTLALA:** And why did you respond to a Whatsapp message a year after concerning the security system?

MR LE ROUX: Because the client – sorry – the client sent a Whatsapp message to say that his gate motor was not operational. I sent a techni – well I was in church so I had

to wait until I got finished with church. After church I sent a technician out to go and sort out the gate motor Chair.

ADV MAUNTLALA: Can we go to annexure RLR14 which is at page 1.113.

MR LE ROUX: Which Bundle?

ADV MAUNTLALA: That would be Annexure T21 Exhibit T21.

MR LE ROUX: Sorry what page?

ADV MAUNTLALA: Page 11 – okay we start at page 113
10 but I want to lead you to page 114.

MR LE ROUX: 114.

ADV MAUNTLALA: Yes. Can you see that?

MR LE ROUX: I can.

CHAIRPERSON: I am sorry Mr Mauntlala I must make sure I pronounce your real surname.

ADV MAUNTLALA: You use it correctly.

CHAIRPERSON: And use the name correctly.

ADV MAUNTLALA: Yes, yes.

CHAIRPERSON: I mention that we are at forty-five
20 minutes.

ADV MAUNTLALA: Yes.

CHAIRPERSON: I can still give you let us say whether by – by end of an hour you will be done.

ADV MAUNTLALA: That is fine.

CHAIRPERSON: Ja.

ADV MAUNTLALA: Mr Commissioner I –

CHAIRPERSON: Which is fifteen minutes ja.

ADV MAUNTLALA: Yes, yes.

CHAIRPERSON: Okay, all right.

ADV MAUNTLALA: Yes do you see the document there?

MR LE ROUX: I do.

ADV MAUNTLALA: That is the Whatsapp message.

MR LE ROUX: That is correct.

ADV MAUNTLALA: It says: It is on the 16th of April 2017.

10 **MR LE ROUX:** That is correct Chair.

ADV MAUNTLALA: It says:

“Morning Richard, I have a challenge here I am locked in without a key to disable the gate to manual. There is no power for the area since 3 am. Do you have anyone on standby to assist with a key?”

Now is this the first time you receive a message from him since you had installed the system?

20 **MR LE ROUX:** No I had received previous messages from him. Sorry Mr Chair I had received previous messages from him.

ADV MAUNTLALA: And what would those messages – what would those messages be pertaining to?

MR LE ROUX: I cannot recall. I mean 2016/2017 (Inaudible).

CHAIRPERSON: Were they – were they about any problems relating to this electric security equipment or not?

MR LE ROUX: Chair I am – there could have been one or two.

CHAIRPERSON: Ja.

MR LE ROUX: I really cannot recall.

CHAIRPERSON: Okay.

ADV MAUNTLALA: Let us go back to the invoices that you say are for the – for the system that you bought. Can we go
10 to T21 starting from paragraph 89.

MR LE ROUX: Sorry from where?

ADV MAUNTLALA: T21 paragraph 89 – staring from paragraph 89.

CHAIRPERSON: I am sorry I missed that page.

ADV MAUNTLALA: It is under Exhibit T21 page 19.

CHAIRPERSON: Okay.

ADV MAUNTLALA: You have provided invoices there and they come up to R48 000.00.

MR LE ROUX: That is correct Chair.

20 **ADV MAUNTLALA:** That is the amount you say you spent on the equipment.

MR LE ROUX: That is correct Chair.

ADV MAUNTLALA: Can you proceed to the following page you have given us now figures that concerning labour and others from paragraph 95.

MR LE ROUX: That is correct Chair.

ADV MAUNTLALA: All these amounts come to R239 486.84.

MR LE ROUX: Correct Chair.

ADV MAUNTLALA: Yes. In your affidavit that you have deposed to you mention that the amount that was – that is page 10 paragraph 51 you say:

“The total value of the above was approximately R150 000.00.”

10 **MR LE ROUX:** That is correct Chair.

ADV MAUNTLALA: So the figure that is on this page is almost double what you have actually said is approximately the amount that was supposed to be spent.

MR LE ROUX: That is correct Chair.

ADV MAUNTLALA: Why is that so? Such a discrepancy.

MR LE ROUX: Well on the previous R150 000.00 I said it was approximately firstly and the equipment that was bought was bought on a trade price not a retail price.

20 **ADV MAUNTLALA:** Well in any event the equipment that you bought is about R40 000.00 and the rest of everything that was spent is labour. Now how – that is – that is quite expensive for labour to cost far more than the equipment itself.

MR LE ROUX: That is correct Chair.

ADV MAUNTLALA: Now why is that so?

MR LE ROUX: Well salaries had to be paid.

ADV MAUNTLALA: I beg your pardon.

MR LE ROUX: Salaries had to be paid.

ADV MAUNTLALA: Well I understand salaries.

MR LE ROUX: From (talking over one another).

ADV MAUNTLALA: Must be paid but I am saying ..

MR LE ROUX: I mean obviously – sorry.

ADV MAUNTLALA: I am saying.

CHAIRPERSON: Do not speak on top of

10 **ADV MAUNTLALA:** Yes.

CHAIRPERSON: Each other voices.

ADV MAUNTLALA: Apologies – apologies.

CHAIRPERSON: Let Mr Le Roux just ...

ADV MAUNTLALA: Mr Commissioner. Could – just finish off your statement.

MR LE ROUX: No you can carry on.

ADV MAUNTLALA: Yes. So..

CHAIRPERSON: Ja I think Mr Le Roux just finish off you were saying salaries have to be paid.

20 **MR LE ROUX:** Salaries have to paid, vehicles have to be paid Chair. Fuel has to be paid. Project management's fees to be paid.

ADV MAUNTLALA: Well – but – now you were installing a system at Mr Mbulelo's house and Mr Mbulelo had been told that the system would cost R50 000.00 which obviously is

not far from what they – the equipment costs. But now you come and charge him about R172 000.00 just for labour. Did you tell him that?

MR LE ROUX: I did not Chair and he never asked me and neither did Mr Dlamini. I did not even know there was an arrangement with Mr Dlamini and Mr Mbulelo for a price of R50 000.00. Mr Mbulelo never during the course of the projects stopped us to say to us look guys are doing a lot more than what was expected.

10 **ADV MAUNTLALA:** Well in fact Mr Mbulelo – Mr Dlamini says he also gave an approximate figure of R50 000.00 so he also confirms what Mr Mbulelo is saying so he is far from what you are giving us here as a figure.

MR LE ROUX: Once again Chair Mr Mbulelo – I mean Mr Dlamini never gave me a figure.

CHAIRPERSON: Let me just make sure I understand this. Are you saying that you accept that the cost of the equipment was in the region of 40 or R50 000.00 but whatever you have charged that BOSASA has charged on
20 top of that was for labour and other costs but not the actual equipment.

MR LE ROUX: Not the actual equipment that is correct.

CHAIRPERSON: So the actual equipment would have cost around R40 000.00 – R50 000.00.

MR LE ROUX: It actually cost a lot more than that Chair.

CHAIRPERSON: What – how – what did it cost or is it here?

MR LE ROUX: It is here. The invoices are there. There are two invoices that are still missing Chair.

CHAIRPERSON: Oh it is just that...

MR LE ROUX: That we could not find and that was for the alarm system. Because the alarm system is not on here either.

CHAIRPERSON: Okay it is just that I understood you to be
10 agreeing with him when he said the equipment cost about 40 000.00 or 50 000.00 the rest was labour. So I wanted to make sure that my understanding was correct. So you are saying – you saying the equipment cost more than R50 000.00.

MR LE ROUX: The equipment in total Chair cost R48 686.00.

CHAIRPERSON: Yes. But that is not a lot more than R40 000.00 or R50 000.00 that..

MR LE ROUX: Ja.

20 **CHAIRPERSON:** Remember I just asked you whether 40 and you said it is a lot more.

MR LE ROUX: Yes sorry – sorry Chair apologies yes. That is correct.

CHAIRPERSON: Okay so where we are now is that you say that the equipment itself cost R48 000.00.

MR LE ROUX: That is correct.

ADV MAUNTLALA: Yes and that is my understanding.

CHAIRPERSON: Yes okay.

ADV MAUNTLALA: So now – now we have a figure of R239 486.84 so you are saying that out of that figure close to R50 000.00 is only equipment and the rest is labour.

MR LE ROUX: Labour, travelling, expenses.

ADV MAUNTLALA: I put it to you that it can never come to that Mr Le Roux. I am not a prof – an expert is this but the
10 figure that you are talking about is too extreme especially because you are talking close to R200 000.00 I mean close to R170 000.00 of only labour. But that is just my input. I put it to you that you are misleading this commission on that issue.

CHAIRPERSON: Do you want to say anything Mr Le Roux in response.

MR LE ROUX: No it is fine Chair.

CHAIRPERSON: Okay.

ADV MAUNTLALA: Well I also want to put it to you that
20 you are actually misleading this commission when you say you were involved in a special project and you did not see anything wrong but yet you were told to hide information from people and you thought it was – it is business as usual.

MR LE ROUX: It was business.

CHAIRPERSON: The – when counsel says to you Mr Le Roux he is putting something to you and you do not agree with it you need to say you do not agree with it or if you agree you say you agree or if you want to explain you explain.

MR LE ROUX: Sorry I do not agree.

ADV MAUNTLALA: Yes.

CHAIRPERSON: Sorry

MR LE ROUX: I do not agree.

10 **CHAIRPERSON:** Okay.

ADV MAUNTLALA: And I put it to you that you are also misleading this commission when you say that this system was installed in 2016. Mr Le Roux has testified that the system was installed in 2017.

MR LE ROUX: Mr Le Roux.

ADV MAUNTLALA: I mean Mr Mbulelo testified that the system was installed in 2017. You say at the time of installing the system you would have met with Mr Mbulelo at more occasions but when we got to annexure T21 at page
20 114 which is the Whatsapp message that does not seem like a message from somebody that has met you occasionally. In that message Mr Mbulelo is actually even giving you his physical address as if you have never been to his address.

MR LE ROUX: I did – I disagree Chair. I was at his address in 2016 the installation was done in 2016 and the

invoices say it was done in 2016.

ADV MAUNTLALA: And you mentioned that you have been there a couple of times and I say that is highly improbable because when I look at your statement you actually mentioned that you have actually been there twenty times.

MR LE ROUX: Twenty times.

ADV MAUNTLALA: Well perhaps you can clarify that for us.

CHAIRPERSON: I think his technicians that he – or people
10 he took with him that ...

ADV MAUNTLALA: Yes ...

CHAIRPERSON: Oh no, no it is the twenty days I am ...

ADV MAUNTLALA: Twenty days yes.

CHAIRPERSON: Twenty days ja.

ADV MAUNTLALA: Twenty days I take it is twenty times.

CHAIRPERSON: Ja.

ADV MAUNTLALA: That you have come back and forth.

CHAIRPERSON: Ja.

ADV MAUNTLALA: That is going to his house. So then it
20 seems to me you are familiar with this house.

MR LE ROUX: I am familiar with this house.

ADV MAUNTLALA: Now he even sees a need to give you his address after twenty times of you being there. That is highly improbable.

MR LE ROUX: Chair at the end of the day Chair you know

what I do not like being looked at like this from a person in a gallery there going like this to me.

CHAIRPERSON: Who is that?

MR LE ROUX: Mr Watson that is sitting over there Chair.

CHAIRPERSON: He is looking at you and..

MR LE ROUX: I am not happy with him going like this to me.

CHAIRPERSON: Ja nobody

MR LE ROUX: Really I do not like it Chair.

10 **CHAIRPERSON:** Nobody must communicate anything to the witness while the witness is giving evidence.

MR LE ROUX: I do not want to answer any more questions.

CHAIRPERSON: No hang on Mr Le Roux.

MR LE ROUX: I am not going to be intimidated by somebody that is sitting over there.

CHAIRPERSON: Please – nobody must communicate anything to the witness while the witness is giving evidence. Did you say that was Mr

MR LE ROUX: He went like this to me Chair.

20 **CHAIRPERSON:** Mr Agrizzi.

MR LE ROUX: Mr Watson.

CHAIRPERSON: Mr Watson.

MR LE ROUX: Mr Jared Watson that is sitting over there.

CHAIRPERSON: That must be not be done interfering with the evidence of the witness. Okay.

MR LE ROUX: I am not happy.

CHAIRPERSON: It must not happen again. Okay let us continue.

ADV MAUNTLALA: Yes.

CHAIRPERSON: The witness must give evidence as he understands it to be true and correct and anybody who does not agree with it that they can exercise whatever rights they have but the witness must be allowed to give his evidence freely and I will not allow anybody

10 **MR LE ROUX:** (Inaudible).

CHAIRPERSON: In this room to interfere with a witness. Anyone who does that again will be thrown out.

MR LE ROUX: I will not be – I will not be stared down either Mr Chair.

CHAIRPERSON: Okay if it happens again.

MR LE ROUX: (Inaudible).

CHAIRPERSON: If it happens again let me know.

MR LE ROUX: Do not check him. I am really not – I am not comfortable with even carrying on.

20 **CHAIRPERSON:** Hang on.

ADV MAUNTLALA: Mr Commissioner this is a – can we stand down for two minutes Mr Commissioner I need to canvass with my attorney as well.

CHAIRPERSON: Ja okay.

ADV MAUNTLALA: Whilst we try to get his emotions down

because I do not want this to affect my questions as well.

CHAIRPERSON: No, no that is fine we are going to adjourn and Mr Pretorius the head of the legal team is there.

MR LE ROUX: Yes.

CHAIRPERSON: He can try and establish what is going on but.

ADV MAUNTLALA: But that is fine.

CHAIRPERSON: But anybody in the audience trying to interfere with the witness when the witness is giving
10 evidence that is totally unacceptable and it is not acceptable at all. I am going to adjourn for about five minutes. We adjourn.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: I have been told by Mr Pretorius, the Head of the Commission's Legal Team, that as a result of the discussion he has had with Mr Le Roux and Mr Watson, there is not to be any problem going forward in terms of what both sides said to him, but I just want to make one
20 thing clear. I will not tolerate anybody making any communications with a witness who is giving evidence or trying to intimidate this witness and I will not hesitate to get them thrown out of the venue. Let us continue.

MR LE ROUX: I apologise, Chair.

CHAIRPERSON: No, thank you. Thank you. Please

switch on your mic.

ADV MAUNATLALA: Apologies, Commissioner.

Mr Le Roux, we were still discussing your visits to the house of the premises of Mr Mbulelo. You mentioned at paragraph 95.1:

“The labour costs for the 20-days would be...”

And meaning that you have been there for 20-days, or you have worked for 20-days at those premises. And I put it to you that you are misleading this Commission because it is
10 highly improbable for you to do that system within 20-days. What do you have to say to that?

MR LE ROUX: I disagree.

ADV MAUNATLALA: The system involved a few items. Now if we go to under Chapter(?) 19 and which is Mr Mbulelo’s affidavit where he mentions the items that were fitted in his premises. He says:

“A home alarm system, gate motor
...[indistinct]

MR LE ROUX: Sorry, which paragraph?

20 **ADV MAUNATLALA:** Paragraph – it will be paragraph 30 which appears at page 10 of Mr Mbulelo’s affidavit.

MR LE ROUX: Yes.

ADV MAUNATLALA: So there are items that are listed there and prices that Mr Mbulelo thinks should be reasonable prices and those are about four items that were

installed at his home. Now, are these the items that were installed at his property?

MR LE ROUX: That is correct, Chair.

ADV MAUNATLALA: Yes. Now, you are telling us you took 20-days for you to install these items at his property.

MR LE ROUX: That is correct.

ADV MAUNATLALA: And you charged for that.

MR LE ROUX: That is correct.

ADV MAUNATLALA: And I am putting to you that you are
10 misleading this Commission. Now, let us move on to another item.

CHAIRPERSON: I know that you are rushing because you are trying to finalise ...[intervenes]

ADV MAUNATLALA: That is what I am trying to do, Mr Commissioner.

CHAIRPERSON: You must allow him a chance to respond.\ ...[intervenes]

ADV MAUNATLALA: Yes.

CHAIRPERSON: ...to what you are putting to him.

20 **ADV MAUNATLALA**: Yes.

CHAIRPERSON: What do you say to the counsel saying you are misleading the Commission by ...[intervenes]

ADV MAUNATLALA: I disagree with him.

CHAIRPERSON: ...to do this would take 20-days?

MR LE ROUX: I disagree with him, Chair.

CHAIRPERSON: Okay.

ADV MAUNATLALA: Okay. Well, I also put it to you that this system was installed in 2017 and looking at the message, the Whatsapp that appears at Annexure RL-14, 114. The message clearly shows that you were programming that – or you were meant to programme that system in April 2017. I will take you back to the message.

MR LE ROUX: I disagree, Chair.

ADV MAUNATLALA: Yes. Let us go back to the message
10 and I will show you why I say that and why you are misleading this Commission. The first – right at the top, it says, Mbulelo(?):

“...like to programme it for you besides today.

Thanks...”

So, you are still talking about programming. You cannot be talking about programming in 2017 for something that was installed in 2016.

MR LE ROUX: If there is a power failure on a gate motor and the gate motor runs flat, the battery runs flat it leads
20 to the settings, it needs to be programmed.

ADV MAUNATLALA: Okay. Now, let me then take you to another aspect of your affidavit that shows that you are clearly misleading this Commission. And that is paragraph T-19, page 13. Now, you were given an opportunity to deal with the allegations made by Mr Mbulelo.

So, let us look at both his affidavit and your response or your reply to his affidavit. So, you have got annexure – Exhibit 16 which is Mr Mbulelo's affidavit where he says... attempt that the system was installed in 2017 at paragraph 23. It reads as follows. He says:

"The upgraded system is as proposed above
was installed and fitted around April 2017..."

MR LE ROUX: I disagree, Chair. It was installed in 2016.

ADV MAUNATLALA: No, no I am not done. I am not
10 taking you to your response to his paragraph at the time
when you deposed to this affidavit, you have read this
affidavit and you are dealing with it here. You say at
paragraphs 17 to 23:

"I note the contents of these paragraphs..."

So, you are noting what is said at paragraph 23. You are not disputing it and you are not putting any different version.

MR LE ROUX: Chair, I went off the invoices and the
invoices stated that it was done in 2016. I am not going to
20 hold stock in my storeroom for a whole year before I go
and install the stock.

CHAIRPERSON: Well, what counsel is saying to you is
this. If it is true that the equipment was installed in 2016,
why did you not dispute Mr Gingcana's statement in his
affidavit that the equipment was installed in 2017, because

you did not dispute it. He says what you said was, you noted, and he is saying, if you knew that it was installed in 2016, you would not have said you are noting it. You would have said: No, no, no that is not true. It was installed in 2016, not 2017. So, he is asking you the question.

MR LE ROUX: Obviously, a fault on my side.

ADV MAUNATLALA: Well, it is a serious fault because the fact of the matter is, you have someone giving you a
10 date of when the system was installed which is consistent with the messages that are being exchanged between yourself and him during the same period. And now, you want to come and tell this Commission that this is not the date when it was installed. Instead ...[intervenes]

MR LE ROUX: It was definitely installed in 2016.

ADV MAUNATLALA: Instead, you actually deal with other aspects of the – the other paragraphs in much detail, especially when it deals with the amount. And you as follows:

20 “Save for the above, and in particular 31, it is not correct that the alarm system, CCTV camera system, intercom system and a new gate motor does not cost more than forty thousand to fifty thousand...”

You go into more detail, dealing with that. In any event,

we have already told you that it is highly improbably that, even the money you that are talking about, is the money that would have been cost there.

MR LE ROUX: I disagree.

ADV MAUNATLALA: And I put it to you that throughout your testimony, you have been playing this innocent employee who suggests that you are doing your job as usual, but the kind of things that you are mentioning in your affidavit, implicating people in criminal activities, do
10 not suggest that you are innocent.

MR LE ROUX: I was. And Mr Chair, with all due respect, did Mr Mbulelo even paid for the installation?

ADV MAUNATLALA: Well ...[intervenes]

MR LE ROUX: That is the agreement with him and Mr Dlamini. Did he – he never requested an invoice from me or required – he never asked me to stop the installation. Clearly, he must have dealt with ...[indistinct] So, I have no idea if he even paid for it. So, I was just doing my job.

20 **ADV MAUNATLALA**: Well, you say you have no idea if he paid for it. Now, you say you never actually requested an invoice from him. Do you request invoices from all the other clients?

MR LE ROUX: No, I do not.

ADV MAUNATLALA: So, why did you expected him to

request for an invoice?

MR LE ROUX: He did not request an invoice from me.

ADV MAUNATLALA: Well, he says he has been dealing with Mr Dlamini and not you. As far as he is concerned, you are simply a technician coming to his install.

MR LE ROUX: That is correct.

ADV MAUNATLALA: Okay. So, now at the time when you made your statement, implicating Mr Mbulelo, did you even take any reasonable steps to enquire whether he indeed
10 worked at PRASA?

MR LE ROUX: I was told by Mr Dlamini, he was in procurement, and he was the Head of PRASA.

ADV MAUNATLALA: Did you confirm that for yourself or did you just take what he says and make this affidavit?

MR LE ROUX: I took what he said and that is how I...

ADV MAUNATLALA: Well, you do this ...[intervenes]

MR LE ROUX: I did not Google any or ask Google if he is the head of procurement or anything like that. I was told that he was the Procurement Manager at PRASA.

20 **ADV MAUNATLALA**: Yes. We have been given you a supplementary affidavit and in that affidavit it is very clear that now Mr Mbulelo has been dismissed from his job because of your testimony. Was that – what do you have to say about that?

MR LE ROUX: Nothing, Chair.

ADV MAUNATLALA: Do you feel any remorse from the fact that you have created a situation where he could have been dismissed by virtue of your testimony?

MR LE ROUX: I never created a situation, Chair. I just went and done the installation.

ADV MAUNATLALA: Now, Mr Mbulelo's employers had an impression from your testimony – whether it is true or not is a separate issue – that he is a corrupt person, and he has been found not to be corrupt by the CCMA in their
10 ruling. The fact that that impression was created, do you feel any remorse on that, or do you see anything wrong with that?

MR LE ROUX: I did not know him personally, Chair. So, I cannot say.

ADV MAUNATLALA: Okay. Mr Chair ...[intervenes]

CHAIRPERSON: Ja, I have given you more than ...[intervenes]

ADV MAUNATLALA: You have given me more than enough time, Mr Chair.

20 **CHAIRPERSON:** Ja.

ADV MAUNATLALA: I just want to check with my attorney.

CHAIRPERSON: Ja, okay.

ADV MAUNATLALA: Ja, I am done with my questions.

CHAIRPERSON: Okay.

ADV MAUNATLALA: But if my attorney has something else.

CHAIRPERSON: Okay, okay.

ADV MAUNATLALA: Well, Commissioner, I think this is about it.

CHAIRPERSON: Okay.

ADV MAUNATLALA: The issue of the amounts and so forth ...[intervenes]

CHAIRPERSON: That has been ...[intervenes]

10 **ADV MAUNATLALA:** You correctly mentioned that ...[intervenes]

CHAIRPERSON: Ja.

ADV MAUNATLALA: ...and expert can lead the type of witness ...[intervenes]

CHAIRPERSON: Ja, ja.

ADV MAUNATLALA: ...in the future.

CHAIRPERSON: Ja.

ADV MAUNATLALA: But I am happy with the...

CHAIRPERSON: Ja.

20 **ADV MAUNATLALA:** Mr Commissioner, that is my cross-examination.

CHAIRPERSON: No, thank you. Thank you very much.

ADV MAUNATLALA: Thank you. Thank you, sir.

CHAIRPERSON: Thank you. Ms Molefe, are you still there?

ADV MOLEFE: [No audible reply]

CHAIRPERSON: Did you intend asking any questions?

ADV MOLEFE: Yes, Chair.

CHAIRPERSON: Or are you done?

ADV MOLEFE: There is just one clarity question that I would like to put to Mr Le Roux.

CHAIRPERSON: Okay.

ADV MOLEFE: With your permission, should I do it here or...?

10 **CHAIRPERSON:** Okay, you can do it here if it is just one, ja.

RE-EXAMINATION BY ADV MOLEFE: Thank you, Chair. Mr Le Roux, you were taken to task about your involvement insofar as... Yes, you were taken to task about your involvement insofar as the special project was concerned. Is that correct?

MR LE ROUX: That is correct.

ADV MOLEFE: And one of the questions that my learned friend put to you was whether you had received or
20 requested an invoice from Mr Gingcana. Is that correct?

MR LE ROUX: That is correct.

ADV MOLEFE: If I refer you to page – to Bundle T-3, that is your first statement to the Commission. In particular, I refer you to paragraph 19. Are you at paragraph 19 at page 4 of T-3?

MR LE ROUX: Yes.

ADV MOLEFE: Now, there in your statement, you set out the procedure for the special project, you speak about how a site survey would be conducted, you then talk about how a code would be done for the project name, and you then speak about how you were then given instructions about this V-VIP or these VIP's to BOSASA/African Global Group. Is that correct?

MR LE ROUX: That is correct.

10 **ADV MOLEFE:** Now, insofar as your involvement with V-VIP's or VIP's. My understanding of your statement and your evidence has been that your work began and ended with surveys and installation of security equipment. Is that correct?

MR LE ROUX: That is correct, Chair.

ADV MOLEFE: No further questions, Chair.

CHAIRPERSON: Thank you, Ms Molefe. Thank you very much, Mr Le Roux for having avail yourself. You are now excused.

20 **MR LE ROUX:** [No audible reply]

CHAIRPERSON: Okay. I am going to take about a five minutes' adjournment to allow the next evidence leader to set up. We adjourn.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Yes, Mr Pretorius?

ADV PRETORIUS SC: Afternoon, Chair.

CHAIRPERSON: Good afternoon, Mr Pretorius, good afternoon everybody.

ADV PRETORIUS SC: Chair, the next matter to be dealt with today is the cross-examination of Mr Agrizzi.

CHAIRPERSON: Yes.

ADV PRETORIUS SC: By Mr Wakeford's legal representatives.

10 **CHAIRPERSON:** Yes.

ADV PRETORIUS SC: There was preceding the cross-examination a pending application dealing with the matter related to 417 of the Companies Act. That matter – submissions have been placed before you, Chair. It has been discussed with you outside the hearing by the legal team and perhaps, Chair, the way to deal with it is to – unless you want to hand down a ruling now, is to pend that ruling subject to dealing with it in writing depending on which finding you make.

20 **CHAIRPERSON:** Yes, I am not going to hand down a ruling on it because I understand that you would have quickly prepared some written submissions [indistinct – dropping voice] sent to you because you were not involved in the matter. The agreement that had been reached between Mr Wakeford's legal team and Mr Notshe, who was

the evidence leader previously, was that certain timeframes were agreed for the delivery of written submissions by all concerned. I became aware at some stage I think that the written submissions from Mr Wakeford's legal team had been delivered and I think also those of the liquidator's legal team but there were no written submissions from Mr Notshe. I understand that, at least as far as I know, had never been furnished and that would have been why when you were asked to get involved

10 in the matter you would have tried to quickly prepare written submissions.

Unfortunately, I just have not had time after – actually, I have not even seen your written submissions but I am sure they reached me in the past day or two on my desk so – but I need time to look at the issue and consider it properly. I think that the way forward will have to be that the cross-examination must continue and I am going to deal with the matter expeditiously. That is the matter of the 417 inquiry.

20 **ADV PRETORIUS SC:** For the record, Chair, we have prepared submissions.

CHAIRPERSON: Yes.

ADV PRETORIUS SC: But they have not been delivered to you.

CHAIRPERSON: Oh, okay, okay. Okay, so – but I

understand your situation. So if to the extent that this may have caused any inconvenience to Mr Wakeford's legal team and the liquidator's legal team, I hope they will understand. I think the idea when there was the discussion previously, the idea was that the ruling would be made prior to the cross-examination but that just has not happened and we will just have to try and do the best we can under the circumstances.

ADV PRETORIUS SC: Thank you, Chair.

10 **CHAIRPERSON:** Okay, alright.

ADV WILLIES SC: Good afternoon, Chair.

CHAIRPERSON: Good afternoon. I hope you understand and you do not feel too aggrieved about the situation.

ADV WILLIES SC: Mr Chairman, there is always a solution.

CHAIRPERSON: Ja, ja.

ADV WILLIES SC: Might I say that we were hoping although upon realising what the facts were, we appreciate that you have been presented with an untenable situation.

20 **CHAIRPERSON:** Yes.

ADV WILLIES SC: Approximately 250 pages in submissions. We think it is a very crisp, simple issue. Mr Pretorius believes these are complex issues so we will defer his view for your benefit.

CHAIRPERSON: Ja.

ADV WILLIES SC: So we understand it could not have been completed overnight and as you said, you had not even gotten to it.

CHAIRPERSON: Yes, yes.

ADV WILLIES SC: Before listening to you, I would have suggested or asked, not suggested, I would have prevailed upon you whether it would be possible for you to, in expediting a decision, to give us one tomorrow morning and maybe an hour to then – if your decision was
10 favourable to us and you allowed – you declared those documents admissible we could then complete the cross-examination of Mr Agrizzi in that time but I do not want to be so presumptuous as to think that you have even that time.

CHAIRPERSON: Yes.

ADV WILLIES SC: But could I suggest this as a solution? In the event that you find that the documents – the extracts of the 417 inquiry are admissible in the near future, that you allow us back for an hour, if not less, in the interests
20 of both Mr Agrizzi and Mr Wakeford, that those few extracts be put to him for his answer.

Of course the aspersion has been cast, I think in all fairness to Mr Agrizzi he deserves the opportunity to deal with it and Mr Wakeford deserves the benefit of the answers.

If you decide that it is not admissible, well then *cadit quaestio*. But that would be a workable solution. That then just leaves the issue which you are to determine as to what we are going to do this afternoon. Thank you, Mr Chair.

CHAIRPERSON: No, that is fine. Let me raise this issue so that I know what you have to say about it. As I understand from you, if that – if the evidence led in that inquiry is admitted it will clearly show a certain situation.

10 **ADV WILLIES SC:** Indeed so.

CHAIRPERSON: If that is so I wonder whether it would be critical to have oral cross-examination – I do not know if one can talk of different cross-examination but let me tell you what I have in mind. Whether maybe due to time constraints one could say put to Mr Agrizzi certain questions in writing arising out of that and let him respond by way of affidavit and then one takes it from there in the light of time challenges that we have. What do you think of that?

20 **ADV WILLIES SC:** Mr Chair, I think the – my response is that the right way would be an oral evidence.

CHAIRPERSON: Yes, yes.

ADV WILLIES SC: I think it is going to be making a rod for your back.

CHAIRPERSON: Ja.

ADV WILLIES SC: Going down that road when we can dispose of it in probably – with preparation on my part, which there would be, maybe as little as half an hour. Once – we say it is dispositive and so it would be much easier for the Commission.

CHAIRPERSON: Ja, I think I understand you to be saying it would be preferable to do it orally.

ADV WILLIES SC: Yes.

CHAIRPERSON: But I guess you are not completely
10 leaving out the other possibility and you are not agreed to anything but maybe let us leave it at that for now because we do not know – there is no decision yet.

ADV WILLIES SC: Yes.

CHAIRPERSON: But I just wanted to flag that particularly if we were to be faced with a situation where certainly in your submission what the position is, is quite clear. So – but that is fine. If we get to that point we might look at the issue again.

ADV WILLIES SC: Yes, thank you, Mr Chairman.

20 **CHAIRPERSON:** Okay, alright.

ADV WILLIES SC: Mr Chairman, we are ready to proceed.

CHAIRPERSON: Yes.

ADV WILLIES SC: Maybe I should just jump into the time allocation.

CHAIRPERSON: Yes.

ADV WILLIES SC: Because you would want to have your say on that.

CHAIRPERSON: Yes, let us talk about that. Let me start off by saying – but I think most of the time practitioners have been able to stay within the time that I have determined and of course I hear what they have to say, there may have been one or two occasions when it did not happen. What do you have in mind?

ADV WILLIES SC: Mr Chairman, the initial – given the
10 length of the record in this matter, the documentation, the initial estimate was in the region of eight hours, that is in the correspondence, I indicated to Mr Pretorius that I would cut that down to four and so we are here. It is not impossible that that is vastly reduced, it all depends on the answers. I am obviously prepared and it depends on how quickly Mr Agrizzi deals with and can deal with what I have to ask him.

CHAIRPERSON: Yes.

ADV WILLIES SC: There has been a lot of information by
20 way of affidavit and therefore, strictly speaking, I expect that there should be a lot of agreement as to what is on affidavit without having to go there.

CHAIRPERSON: Ja.

ADV WILLIES SC: That would reduce it and we could finish up, of course.

CHAIRPERSON: Ja.

ADV WILLIES SC: But on the off chance that is four hours, as I estimate, that is where – we are now sitting at nearly four o'clock, it will take us to eight o'clock this evening. I do not know whether – I do not know how late the Commission has been sitting.

CHAIRPERSON: Ja, well, we – of late we have sat to seven, half past seven, to eight and before the new curfew we sat to up to ten and nine, but after the next curfew,
10 tended to – I think the latest we have gone, of late under the new curfew, was quarter to nine.

ADV WILLIES SC: Yes.

CHAIRPERSON: The intention had been to finish at half past eight but it could to that. But in terms of important allegations of facts that are in issue, are you able to just quickly run through them to say it is this, it is that and that? Obviously there might be subsidiary allegations but the important ones.

ADV WILLIES SC: Are you talking about me making –
20 placing that before you right now?

CHAIRPERSON: Ja, are you able to just say these are the important ones that you seek to cover?

ADV WILLIES SC: Yes.

CHAIRPERSON: That might help me.

ADV WILLIES SC: Indeed so. Maybe I could do that by

way of ...[intervenes]

CHAIRPERSON: I will not hold you ...[intervenes]

ADV WILLIES SC: No, no, I appreciate.

CHAIRPERSON: ...to everything, so if you miss out one or two I will understand.

ADV WILLIES SC: Mr Chairman, there is a very helpful breakdown for your benefit in the evidence affidavit of Mr Wakeford.

CHAIRPERSON: Yes.

10 **ADV WILLIES SC:** When he testified together with – on the 6 May before you.

CHAIRPERSON: Yes.

ADV WILLIES SC: If you find that – so we are working today from EXHIBIT T33, which is a total of ...[intervenes]

CHAIRPERSON: That would be BOSASA bundle 4.

ADV WILLIES SC: 04. I am going to take you to bundle 4(a).

CHAIRPERSON: Yes.

ADV WILLIES SC: And I am going to go to BOSASA

20 ...[intervenes]

CHAIRPERSON: Well, if you tell me the page number?

ADV WILLIES SC: It is BOSASA the black numbers.

CHAIRPERSON: Ja.

ADV WILLIES SC: BOSASA 04902.

CHAIRPERSON: 4902.

ADV WILLIES SC: Then if I take you to ...[intervenes]

CHAIRPERSON: Oh, I am sorry, it is 902.

ADV WILLIES SC: 902, black numbers, yes.

CHAIRPERSON: Ja, we will just leave out BOSASA 04.

ADV WILLIES SC: Correct, I will either say (b) or 902.

CHAIRPERSON: Ja, 902 would be fine, we will understand that.

ADV WILLIES SC: Very well.

CHAIRPERSON: Let me get to the page. Yes, I have got
10 the page, ja.

ADV WILLIES SC: This is for your benefit now, Mr Chairman, we start – I am just going to read from paragraph 200.

CHAIRPERSON: Ja, that is fine.

ADV WILLIES SC: And this was the submission made to you by Mr Wakeford.

CHAIRPERSON: Yes.

ADV WILLIES SC:

20 “On a correct assessment of the allegations, the main issues in dispute in respect of the allegations made against me and within the mandate of the Commission are correctly identified as...”

So, Mr Chairman, I am ready it in – it is written in first person, it is his affidavit.

CHAIRPERSON: That is fine, ja, that is fine.

ADV WILLIES SC: The first, Mr Chairman, is:

“Whether Mr George Papadakos resolved a major tax investigation at SARS between 10 March 2008 when Papadakos was first employed at SARS and 26 February 2009 when the first of order of cement is alleged to have been placed with WG Wern for delivery to Meyersdal [redacted].”

CHAIRPERSON: Ja.

ADV WILLIES SC: :

10 “Second major issue is whether I influenced the Department of Home Affairs to extend the initial Lindela contract between BOSASA and the Department of Home Affairs beyond the 10 year period ending 31 October 2015 or extent other financial benefits embodied in the addendums relative to the initial contract. The secondary issues in dispute can be summarised as whether payments of R100 000 per month were paid to me as a fee for providing services in relation to the

20 particular SARS investigation that Papadakos is alleged to have resolved at SARS between 10 March 2008 and February 2009 or as catch up payments of my monthly consultancy fee of R57 000 including VAT per month, as I say they were.”

The next secondary issue:

“Whether cement to the value of R600 000 was provided by BOSASA to Papadakis in exchange for him influencing the alleged major SARS investigation in between March 2008 and 26 February 2009.”

And then thirdly:

“Whether payments were made by BOSASA to Aneel Radhakrishna in exchange for him awarding BOSASA with a five year extension to the initial
10 Lindela contract.”

And then 2002, for your benefit, Mr Chairman, proceeds to the deal with the basis on which it was submitted to you by Mr Wakeford that the evidence in the Commission’s possession on the main issues in dispute can be immediately be dispensed with, and then it is listed.

And then in 2003 the evidence in the possession of the Commission on the basis of which the secondary issues can be disposed of. So that was...

CHAIRPERSON: Ja.

20 **ADV WILLIES SC:** That was that, that is a good question, I have had the opportunity just to refresh your mind.

CHAIRPERSON: Yes, yes, yes.

ADV WILLIES SC: And those – if you consider everything that you might now start recollecting about the matter, it is fairly concise.

CHAIRPERSON: Yes. Ja, no, I think it is.

ADV WILLIES SC: And we try to keep the preparation concise – for cross-examination, concise.

CHAIRPERSON: Yes. No, no, that is fine.

ADV WILLIES SC: Mr Chairman, most ...[intervenes]

CHAIRPERSON: It is always helpful when counsel is concise.

ADV WILLIES SC: Mr Chairman, most of the documents I am going to refer to today are out of bundle 4(a).

10 **CHAIRPERSON:** Yes.

ADV WILLIES SC: There is a supplementary bundle which was prepared for today's examination. It is nothing new to Mr Agrizzi, its content not being entirely new to you – sorry, that is going to be in bundle 4(b). So 4(a), it is 04, 04(a) and then you should have been provided with a 04(b) bundle although when Mr Notshe was before you, you were quite certain about where you wanted it slotted in at the back.

CHAIRPERSON: Yes.

20 **ADV WILLIES SC:** In other words, less files than more.

CHAIRPERSON: Yes.

ADV WILLIES SC: So may just have it at the back of your file.

CHAIRPERSON: Is it here? Okay, she tells me it is here. Okay, alright.

ADV WILLIES SC: And what this is, Mr Chairman, and it is nothing that is not known to Mr Agrizzi, are a compilation of a package of affidavits of persons all of whom have appeared before you and testified before you not least of Mr Richard le Roux a few minutes ago.

CHAIRPERSON: Yes, okay.

ADV WILLIES SC: So that is the third item that I will be – third file document bundle I will be referring to but it is there just in case we need to refer to it.

10 **CHAIRPERSON:** Ja. Well, the first – the big file, it is BOSASA bundle 4. You talked about 4(a). Is it because you would like this to be referred to as 4(a) or is there another one that is 4(a)?

ADV WILLIES SC: No, this one is referred to 4(a).

CHAIRPERSON: The one you were talking about just now.

ADV WILLIES SC: Yes, the one – sorry, no, that is the one that I read from a few moments ago. The new one has been titled, to my knowledge, it is not actually- it might be so on your file, I do not know.

20 **CHAIRPERSON:** And then it is 4(b).

ADV WILLIES SC: That is 4(b). So there is ...[intervenes]

CHAIRPERSON: On mine it is 4(b) and it is important we should stick to it.

ADV WILLIES SC: And that is what I will refer to it, as I

have...

CHAIRPERSON: As (b). But I want to make sure – you talked about 4(a). I do not think I have got 4(a). Is there 4(a)? Okay, I am told that there might be some misalignment between what I have in terms of the numbering of bundles and what you have. The big file that I have from which you were reading in terms of the allegations, important allegations, it is marked – it is bundle 4.

10 **ADV WILLIES SC:** Yes.

CHAIRPERSON: Without (a), without (b).

ADV WILLIES SC: That is correct, I have one of those too.

CHAIRPERSON: But there is a 4(a) and a 4(b). So you should have a 4 and a 4(a) and a 4(b).

ADV WILLIES SC: That is correct.

CHAIRPERSON: We must just make sure that what is marked as 4 on my side and 4(a) and 4(b) is marked the same on your side.

20 **ADV WILLIES SC:** I believe it is.

CHAIRPERSON: Okay, alright.

ADV WILLIES SC: I will tell you why.

CHAIRPERSON: Yes.

ADV WILLIES SC: Because these files I obtained from the Commission on the last occasion.

CHAIRPERSON: Yes.

ADV WILLIES SC: So I did not compile these myself.

CHAIRPERSON: Okay. Okay, you will just have to look on the spine of each file.

ADV WILLIES SC: Yes.

CHAIRPERSON: That is where they are marked, whether it is 4(a) or 4(b).

ADV WILLIES SC: That is precisely what I have.

CHAIRPERSON: Okay, that is fine then, that is fine.

10 **CHAIRPERSON:** Okay, alright. I think that I will say try and complete – try and see whether you can complete within two hours.

ADV WILLIES SC: We will see where we are from there.

CHAIRPERSON: Let us see, I am satisfied that you will do your best.

ADV WILLIES SC: Thank you.

CHAIRPERSON: To complete within two hours. Obviously if I think you have dealt with issues, you know, the way one expects them to be dealt with but you just have not finished, there is still important issues, I will look at that.

20 **CHAIRPERSON:** So that is fine. Good afternoon, Mr Agrizzi.

MR AGRIZZI: Good afternoon, Chair, nice to see you again, DCJ.

CHAIRPERSON: No, it is good to see you again. Thank you very much.

MR AGRIZZI: Are you good?

CHAIRPERSON: No, we are fine, we are still here. Yes...

MR AGRIZZI: You are doing a good job.

CHAIRPERSON: Thank you, but I must thank you for availing yourself.

MR AGRIZZI: Thank you.

CHAIRPERSON: I understand that your health has not been very good but I – thank you for availing yourself and for cross-examination and being here to try and assist.

MR AGRIZZI: We have to tell the truth as we did 2019.

10 **CHAIRPERSON:** Thank you. Okay, thank you. Counsel for Mr Wakeford will be – or I think Mr Agrizzi's counsel wants to address me.

ADV WITZ SC: Thank you, afternoon, Chair.

CHAIRPERSON: Good afternoon.

ADV WITZ SC: Advocate Witz, instructed by Witz Incorporated as before, representing Mr Agrizzi and I am also representing Mr Vorster. There was an application as well granted to cross-examine Mr Vorster.

CHAIRPERSON: Yes.

20 **ADV WITZ SC:** I did bring it to the attention of the team leader and the evidence leader, Adv Pretorius SC, but unfortunately Mr Vorster, as going around in the world and in the Republic of South Africa, has been severely affected with the Covid 19, in the ICU unit. I did also tell my learned friend Adv Willis SC.

CHAIRPERSON: Yes.

ADV WITZ SC: That this is the position. I have got a medical certificate from the specialist physician.

CHAIRPERSON: Yes.

ADV WITZ SC: So unfortunately, the position that he is in ICU at the moment on a ventilator, he is not in any position to attend.

CHAIRPERSON: Yes.

ADV WITZ SC: He would have wanted to attend.

10 **CHAIRPERSON:** Yes.

ADV WITZ SC: And I have also got a full medical certificate from the specialist physician pulmonologist who has been dealing with Mr Agrizzi the 59 days that he was in critical and in high care in hospital.

CHAIRPERSON: Yes.

ADV WITZ SC: Together with the daily medication that he takes.

CHAIRPERSON: Yes.

20 **ADV WITZ SC:** And I have just been requested and I have informed as well my learned friends just to give him a little of opportunity because of the fact that he is surviving on oxygen which he has got connected to him.

CHAIRPERSON: Yes.

ADV WITZ SC: So he does get a bit tired at times.

CHAIRPERSON: Yes.

ADV WITZ SC: To give him that opportunity.

CHAIRPERSON: Yes.

ADV WITZ SC: So I have got the medical certificate which I would like to hand up.

CHAIRPERSON: Yes, no, that is fine. I was told about Mr Vorster's situation.

ADV WITZ SC: Yes.

CHAIRPERSON: And I did see a copy of the medical certificate but let us have those up.

10 **ADV WITZ SC:** If I can just hand them to you?

CHAIRPERSON: And I was told about Mr Agrizzi's health situation as well.

ADV WITZ SC: Yes.

CHAIRPERSON: Yes.

ADV WITZ SC: But it is all set out there.

CHAIRPERSON: Yes.

20 **ADV WITZ SC:** And then the other important aspect is we did make our submissions when Adv Notshe SC was dealing with the evidence, Adv Pretorius and his legal team, Adv September, they were not present and you gave us certain time limits, correctly so because the liquidators had then intervened and they then approached and everybody made their submissions and by agreement between Adv Notshe, Adv Willis, myself, as well as Adv Luderitz from the liquidators, what we then did was, in

terms of the time limits that you gave us, we made all our submissions. So we did make submissions as well on behalf of Mr Agrizzi. I was the one who actually objected to the Section 417 evidence.

CHAIRPERSON: Yes.

ADV WITZ SC: Which somehow or another, we do not need to deal with it at this stage, found its way into the affidavits of Mr Wakeford who was not a party to the 417 inquiry. There is an obvious reason for that but we do not
10 need to deal with it at this stage.

CHAIRPERSON: Okay.

ADV WITZ SC: But the importance is, there have already been two rulings by retired Judge Joffe in relation to this, two court rulings in the 417 specifically stating that he is giving it to Mr Jared Watson and he is not to use it via any other party or do anything untoward with it and somehow or another, it managed to slip its way in surreptitiously or in some other way, into this replying affidavit and into the evidence of Mr Wakeford. He immediately put a stop to it
20 and that is why, with respect, Chair, you then too, the point and said look, let me hear argument, let me see submissions and I will make the ruling. So just to place it on record, if my learned friend on behalf of Mr Wakeford intends to try in any way bring anything in through the 417 up and until a ruling is made – there has already been two

rulings which Mr Watson, who is present here, at the inquiry where his fully entitled to be present, I have got no problem or issue with that at all.

CHAIRPERSON: No, I do not think counsel for Mr Wakeford will try and do anything that should not be done until I have made a ruling.

ADV WITZ SC: No, I am sure, I know Reg, we go back many, many years, we are colleagues and friends.

CHAIRPERSON: Yes, ja.

10 **ADV WITZ SC:** But just in case so that – I do not want to unnecessarily delay the proceedings and object but just to know that if anything does come, there will be an objection on behalf of Mr Agrizzi.

CHAIRPERSON: Yes, ja.

ADV WITZ SC: So that really deals with that and I am more than happy that - - if we can proceed.

CHAIRPERSON: Ja.

ADV WITZ SC: Then if Mr Agrizzi needs that short breathing space, maybe a comfort break just to get more
20 comfortable, then I will leave it entirely up to you and I think Reg will see him on the screen.

CHAIRPERSON: Yes, ja.

ADV WITZ SC: We will deal with it as well and Adv Pretorius.

CHAIRPERSON: Yes, no, no, that is fine.

ADV WITZ SC: Thank you very much, Chair.

CHAIRPERSON: Thank you, thank you, thank you. Mr Agrizzi? Mr Agrizzi, if at any stage you wish us to take a break please just indicate or let me know and we will allow you a break.

MR AGRIZZI: I will do, Chair. I will do.

CHAIRPERSON: Okay, alright.

MR AGRIZZI: But Adv Witz has not told you that I can still outthink him. He might outrun me, but I can outthink him.

10 **CHAIRPERSON:** Thank you. Yes, the cross-examination may start.

ADV WILLIES SC: Mr Agrizzi, hope you cannot out talk him, Mr Witz, that is.

MR AGRIZZI: Sure. I am sure there is no one that can.

CHAIRPERSON: Mr – one second? Well, the registrar has just reminded me that the oath has not been administered yet.. Yes, please administer the oath or affirmation. Thank you, Registrar.

REGISTRAR: Please state your full names.

20 **MR AGRIZZI:** My name is Angelo Agrizzi.

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

MR AGRIZZI: None.

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

MR AGRIZZI: I do.

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

MR AGRIZZI: So help me God.

ANGELO AGRIZZI: [duly sworn, states]

CHAIRPERSON: Thank you Mr Agrizzi.

MR AGRIZZI: Thank you, Chair.

10 **CHAIRPERSON:** You may proceed.

ADV WILLIS: Thank you Mr Chair, Mr Agrizzi you will forgive me, I will not always be looking directly at you because we do not have the benefit of being in person but I will try and find the camera every now and then. Mr Agrizzi I am going to try not have to turn to documents, you have been - you are privy to the all the documentation that I am going to refer you to but if there is something you do want me to go to please let me know, and I can take you straight there.

20 **MR AGRIZZI:** Advocate Willis let us refer to the documents, you turn me to the documents so I can see and refresh my memory, I have in – I have not been here for quite some time.

ADV WILLIS Let us go to Bundle 4A, page 954, and I am only going to be referring to the numbers in black, the red

numbers there, you can ignore those.

MR AGRIZZI: I presume those are the BOSASA numbers.

ADV WILLIS That is quite correct, quite correct.

CHAIRPERSON: I missed the page number.

ADV WILLIS 95.

CHAIRPERSON: 954.

ADV WILLIS Now, there was some history to your coming and giving evidence, I am...[intervene]

CHAIRPERSON: I am sorry, my last page here is 945
10 rather than 954 and there must be something I have got wrong.

ADV WILLIS It must be in the next file.

CHAIRPERSON: I am at the - I am still using the one which is Bundle 4, so is there a 4a or B?

ADV WILLIS So this is 4A.

CHAIRPERSON: Oh, okay.

ADV WILLIS Although I do realise that the numbers are still out of sync.

CHAIRPERSON: Oh, is that so.

20 **ADV WILLIS** Because in mine – this bundle starts Mr Chairman at 852 not 945.

CHAIRPERSON: Okay, that is fine.

ADV WILLIS But we will just take it one step at a time.

CHAIRPERSON: So you are what, one page behind me or one page ahead of me?

ADV WILLIS I am on 954.

CHAIRPERSON: My 954 starts with where it works with the provision of caterings[?].

ADV WILLIS Yes, that is correct.

CHAIRPERSON: Okay, that is 954 with me as well, so that means the pages are the same at least that, up to that part.

ADV WILLIS Mr Agrizzi in the left hand column, you will see the number 10, which is the 10th line on the page and
10 the next paragraph...[intervene]

MR AGRIZZI: Where?

ADV WILLIS 10, can you see that?

MR AGRIZZI: Yes.

ADV WILLIS Right, the next paragraph starts with the words, now before dealing.

MR AGRIZZI: Yes.

ADV WILLIS I am going to read that to you, it is the words of Mr Pretorius. Now, before dealing specifically with two issues Chair, which I must deal with before the witness
20 testifies, we must emphasise that we approach the evidence with caution. The evidence could in theory, at least be entirely fabricated, it could be exaggerated or distorted, it could be motivated by improper motives or it could be reliable and true and correct in part, material part or as a whole.

I want to ask you, Mr Agrizzi you have given evidence, over a lengthy period of time in respect of numerous peoples, I am only interested, really, in what you said concerning Mr Wakeford and this is possible that in respect of Mr Wakeford and then there are the others who implicate Mr Papadakis, Mr Radhakrishnan that given the passage of time you have made mistakes, or you have remembered things incorrectly, is that possible? Yes, or no is a good enough answer.

10 **MR AGRIZZI:** Yes, Advocate Willis explain to me what you were asking me again, please.

ADV WILLIS Is it possible in all the evidence you have given whether on affidavit or orally before this Commission concerning Mr Wakeford and then there are two other persons Mr Papadakis and Mr Radhakrishnan that you have made mistakes, or you have remembered things incorrectly?

MR AGRIZZI: What kind of mistakes?

ADV WILLIS I do not know you will have to discover
20 what they are, but is it possible that your evidence is fallible in some respects, yes or no?

CHAIRPERSON: So the question the question, if I can put it...[intervene]

MR AGRIZZI: You cannot answer yes or no.

CHAIRPERSON: Let me put it to you, Mr Agrizzi what

counsel is asking is whether it is possible that maybe some of the things you have said about Mr Wakeford and maybe about Mr Papadakis in saying those things, maybe you made a mistake that you did not remember correctly, you were mistaken. He is asking whether that might be the case in respect of at least some of the things you have said.

MR AGRIZZI: Chairperson, I understand the question fully. **CHAIRPERSON:** Yes.

10 On that I cannot just answer yes, or no to Advocate Willis.

CHAIRPERSON: Yes, you...[intervene]

MR AGRIZZI: You cannot just say yes or no.

CHAIRPERSON: You would like to be referred to specific allegations?

MR AGRIZZI: Yes.

CHAIRPERSON: Okay.

ADV WILLIS So you are not like you are not prepared to make a concession that you are only human, and you might be fallible?

20 **MR AGRIZZI:** You cannot answer the question, yes or no, I am fallible but in terms of the documentation and the testimony I gave, I cannot say yes, or no, I was not asked a question like that, you got to be specific you cannot generalise and say, well you could have made a lot of mistakes or I could have, you cannot just ask - it is

impossible to ask the person a yes or a no question in this type of environment, do you understand what I am saying?

ADV WILLIS I do not understand what you are saying but let us leave that there. So in other words, you stand by...[intervene]

MR AGRIZZI: It cannot be a yes or no...[intervene]

CHAIRPERSON: Hang on.

ADV WILLIS No, you do not get to ask me questions Mr Agrizzi, please do not.

10 **CHAIRPERSON**: Hang on Mr Agrizzi, we have to make sure that when Mr Willis ask questions, you listen, and when you give an answer, he will listen and we will listen and he will then continue, okay, alright.

ADV WILLIS So Mr Agrizzi, the point is you stand by all your evidence that you have given, do you?

MR AGRIZZI: You would not want me to explain to you what I am standing by.

ADV WILLIS All the evidence that you have given in affidavits and orally before the Commissioner, in relation to
20 Mr Wakeford, and then the two other persons Mr Papadakis and Mr Radhakrishnan, you stand by all that evidence yes or no?

MR AGRIZZI: I cannot answer a yes or no question.

ADV WILLIS Well, is there a reason you do not stand by it?

MR AGRIZZI: No, there is a reason why I cannot answer a yes or no question.

ADV WILLIS What is that reason?

MR AGRIZZI: Well, I cannot give you context, well you cannot ask people yes, no questions.

ADV WILLIS I am going to be asking you many questions to which the answer is yes or no. Are you telling me now you are not going to be answering the question?

MR AGRIZZI: Can I give you a simple example why I say
10 so, through you Chairperson.

CHAIRPERSON: Let me – I am sorry Mr Agrizzi let me...[intervene]

MR AGRIZZI: Yes, sir.

CHAIRPERSON: Let me put the question this way.

MR AGRIZZI: Yes.

CHAIRPERSON: Out of all the evidence you have given with reference to Mr Wakeford whether in your affidavit or affidavits, or orally, are there any aspects of that evidence that you are now aware of may have been based on
20 mistakes may not be true. Maybe when you gave them you thought they were true but since then, you have come to realise that they may not be true or were not true you had made a mistake, are there any such aspects?

MR AGRIZZI: In terms of the aspects I think you are asking the right question, in terms of the aspects there

might have been a date and time wrong, but in terms of the context, was the corrupt relationships, I never faltered once. I did not lie once I told the truth but yes, in terms of dates and that I could veers well have made a mistake.

ADV WILLIS Okay, dates are going to be very important in this cross examination. So would you consider that possibly dates could change the context?

MR AGRIZZI: No, I do not consider the dates to change the context in any way. At the end of the day, a date has
10 got nothing to do with whether a person received anything in gratification from BOSASA.

ADV WILLIS Now, you know precisely what Mr Wakeford's version is for the following reasons. Firstly, he sets his version out in an application - there are numerous affidavits, you deposed to some of them his version was set out in his of course in the application where he sought from the learned Chairman leave to cross examine you and to give evidence.

So that was the first, the first series of affidavits.
20 He then gave evidence before this Commission on the 6th of May, on which occasion he placed before the Chairman and evidence affidavit, that was some six weeks ago. So you did not and of course, he gave evidence before the Chairman and I suspect that you would have been watching him giving that evidence. So you know precisely what his

evidence is, and what his version is.

MR AGRIZZI: Advocate Willis I tuned off the broadcast, the television, when he started denigrating me and making assumptions wild accusations about the fourth and fifth column, I decided that we are not in the Star Wars thing and I was not prepared to listen to him any further.

So you are going to have to go to the actual file to at, given an example recently, you cannot go and say I was saying certain things at the Silver Spar Casino when I
 10 actually was not at the Silver Spar Casino, I was actually off sick. So that is why I switched off the TV, so I cannot refer to the evidence that he gave on the TV, I am sorry, you will have to refer me to the paper.

ADV WILLIS I take it from that and I put it to you that his evidence left you feeling very uncomfortable and that is why you switched it off.

MR AGRIZZI: I switched it off because he was carrying on like talking about fourth and fifth columns and all these funny things, economic sabotage all this. In the one
 20 breath he said what a great company BOSASA was and in the next breath he said that I was the de facto CEO, which I was not. So I could not understand what he was saying and I switched off the TV, not because I was upset with it, I have got nothing against Kevin Wakeford he is a nice guy but the problem I had was the fact that he did not the truth

while he was – that is why I switched off the TV.

ADV WILLIS Yes, the evidence you are referring to is where he referred to you and certain others, which he also called a cabal, has been the fifth column which sought to destroy BOSASA, if they could not hijack it first. That is the evidence you are referring to, is that correct?

MR AGRIZZI: You, see that is totally incorrect, the evidence that he was referring to he obviously gets to purchase some part of the company from BOSASA as a
10 transaction that was transparent and totally innocent.

ADV WILLIS We will get to that.

MR AGRIZZI: That is it, let him explain to you that he turned it around to make it into a cabal, it was not a cabal. The fact of the matter remains very simply, Mr Willis, if you can prove to me I was lying about Anil Radhakrishnan getting money buying the stupid wine, or Mr George Papadakis getting something from BOSASA, if you can show me that they did not get the cement, they even admitted they got the cement.

20 **ADV WILLIS** So you have also had regard to the affidavits by Mr Papadakis and Mr Radhakrishnan, have you not?

MR AGRIZZI: Yes, I have, I have had a look at it.

ADV WILLIS Thank you, then I take it you fully prepared for today's cross examination, will that - can you give me a

yes or no to that?

MR AGRIZZI: Sorry, let me just explain to you, that's ...[indistinct – distortion] go to the documents because Chair with all due respect I got the documents late yesterday, I started reviewing, then I can only do so much in a day, I only got through some of it, I do know about it, but as I said you know I spent 52 days, I am still recuperating, it is taking time for me to get into things. My abilities aren't what they used to be ...[intervenes]

10 **ADV WILLIS:** But you said to a while ago – I don't mean to be facetious but you said to us a while ago you can outthink your counsel.

MR AGRIZZI: Now I can outthink Danny Witz, alright, it doesn't mean to say that I am any sharper now, I was much sharper ten months, twelve months ago before this was done to me Advocate Willis, much sharper, which is why I said to you I cannot answer ...[indistinct] questions.

ADV WILLIS: You claim to be a whistleblower, is that correct, yes or no?

20 **MR AGRIZZI:** Correct.

ADV WILLIS: So that is a yes is it?

MR AGRIZZI: I prefer not to be called a whistleblower.

ADV WILLIS: Well is it a yes or a no? Is it a yes or a no Mr Agrizzi?

MR AGRIZZI: I prefer to be – not to be called a

whistleblower.

ADV WILLIS: And is that because you don't fit within the true description of a whistleblower?

MR AGRIZZI: No it is not because I do not fit into the picture of a whistleblower, it is because simply put I realised after reading a book by a lady who ...[indistinct] Mathepu that the stories that go around telling people that you're a whistleblower is actually incorrect.

ADV WILLIS: You came before this Commission and
10 gave your evidence under circumstances where you put yourself forward as a whistleblower whose life was in danger, it stood to be taken from you by someone else, in other words murder, and on that basis the rights of many people, the rights before this Commission to be given a notice in terms of Rule 33 were denied then.

So you came before this Commission under the guise of a whistleblower, now you are not a whistleblower or you don't want to be known as a whistleblower.

MR AGRIZZI: Advocate Willis you are misconstruing what
20 I am telling you. I said to you after reading a book ...[indistinct] she makes a comment very clearly she says ...[indistinct] you don't want to expose the rotten corruption and the scandal that takes place and yes we are left with an aftermath, not you, you ...[indistinct] we don't ...[indistinct] that's why we don't call ourselves

whistleblowers anymore. Does that answer your question?

ADV WILLIS: It doesn't but we will leave it there, let the record speak for itself.

MR AGRIZZI: That's fine.

ADV WILLIS: You ...[intervenes]

CHAIRPERSON: Just one second. I just want to check for purposes of the transcript whether the transcribers can hear Mr Agrizzi well. I see that when he speaks sometimes I don't hear certain words, I just want to check.

10 **MR AGRIZZI:** Chair I think it might be the equipment here in my office.

CHAIRPERSON: Yes, no, no that is fine, I am not blaming you or anything I just want to make sure that we will end up with a transcript that is legible, that one can read to see what you said, so I think they will come down to us on the message whether you are audible.

MR AGRIZZI: ...[Indistinct] louder.

CHAIRPERSON: Just one second, let me find out first. I just want to check whether – I don't want to end up with a
20 transcript that has got too many inaudible. Mr Pretorius I thought there was somebody coming down to tell you what the position is? You checked? While they are checking Mr Agrizzi do you think if you speak up a bit that might sort out the problem?

MR AGRIZZI: I will Chair.

CHAIRPERSON: Yes, Mr Pretorius?

ADV PRETORIUS SC: Chair apparently there is a technical issue with sound variation or the strength of the signal, that cannot be dealt with either from this side or from the manner in which or by the manner in which Mr Agrizzi speaks, but for the moment I am told ...[intervenes]

CHAIRPERSON: They can hear him?

ADV PRETORIUS SC: They can.

CHAIRPERSON: Okay, no that is fine, let us continue. I
10 think try as much as you are able to Mr Agrizzi to speak up.

MR AGRIZZI: I will.

CHAIRPERSON: Yes, okay, alright. Mr Willis continue.

ADV WILLIS: Thank you Mr Chairman. Mr Agrizzi I am intrigued by your referencing a book written by someone on – which influenced not to want to call yourself a whistleblower, which book is that?

MR AGRIZZI: Advocate Willis it is a book by a lady called Motshilo Maseku, unfortunately I don't have it with me at
20 the moment, it is in my bedroom.

ADV WILLIS: And when did you read that book, when did you come to this conclusion that you don't want to known as a whistleblower?

MR AGRIZZI: I was very fortunate to share a platform with her which she couldn't unfortunately attend, it was

about a month ago, two months ago.

ADV WILLIS: Now go to – or let me ask you, maybe you remember this and we don't have to go to the page. You have confessed that you are a racist, is that correct? Yes or no?

MR AGRIZZI: Is this ...[indistinct].

ADV WILLIS: Well have you forgotten that confession?

MR AGRIZZI: ...[Indistinct]

ADV WILLIS: Did you or did you not confess before the
10 Commissioner or the learned Chairman to be a racist, yes or no?

MR AGRIZZI: I was honest and I spoke and I explained to the Chairperson exactly what I have done wrong and I went and I sought help for that Advocate Willis.

ADV WILLIS: Why don't you just give a yes answer and save us the time Mr Agrizzi?

MR AGRIZZI: Mr Willis I cannot answer any questions yes or no. Can I give an example why?

ADV WILLIS: Please, you don't need to, we don't need
20 to drag this out Mr Agrizzi, you are not prepared yes and no answers.

MR AGRIZZI: I cannot give you a yes or no answer, let me tell you why I can't do it.

ADV WILLIS: Can we turn to page ...[intervenes]

CHAIRPERSON: Maybe Mr Willis let's take – let me take

out the word confession, is it not true Mr Agrizzi that at some stage when you gave evidence before the Commission you did say you admit that either you were a racist or you had been a racist at some stage. I cannot remember whether you spoke in terms of the present tense at that time or you spoke of the past tense as at that time. Did you not admit that?

MR AGRIZZI: Chair I did and I explained to you exactly how it worked, I said to yes, at the time I was a racist.

10 **CHAIRPERSON:** Yes.

MR AGRIZZI: When I said and I was deeply sorry for it.

CHAIRPERSON: Yes.

ADV WILLIS: Go to page 960 ...[intervenes]

CHAIRPERSON: Okay, I am sorry, I think there was a technical glitch he was still speaking but I couldn't hear him anymore, I could see his mouth that he was speaking. Mr Agrizzi you – I didn't hear the last part of your answer, you said yes you admitted and you explained and then I didn't hear what you were saying.

20 **MR AGRIZZI:** Chair you are 100% correct, honest at the Commission with everything, I came and I said I was a racist for saying what I said and I was deeply sorry and I have made my amends, and I am still today working on it and with people that help me every day.

CHAIRPERSON: Okay, thank you. Mr Willis?

ADV WILLIS: If you go to page 960, Chair that should be in Bundle 4A, well that's where I – it is in mine in 4A.

CHAIRPERSON: Ja, it is at 960.

MR AGRIZZI: 960, we are going to go to line 14.

CHAIRPERSON: Ja, that is 960 of Bundle 4A, I have got here it starts with Mr Angelo Agrizzi, that is correct Chair, is that right? Is that how it starts with you at the top Mr Willis?

ADV WILLIS: Yes, so Mr Agrizzi at line 14, and you are
10 giving an explanation at this point in time, and this is on the 29th of January 2019, day 42 of these proceedings, and in line 14 you say I have not made an excuse about this but once again, once again you say, Chair, I am a racist, I agree, judge me on that, that is fine, you may play on it. That was said in the present tense Mr Agrizzi, are you saying that you are no longer or you strive no longer to be a racist, from what you told the Chairman a moment ago.

MR AGRIZZI: No, I am no longer a racist.

CHAIRPERSON: I am sorry, just repeat your answer Mr
20 Agrizzi?

MR AGRIZZI: Mr Chair I have learnt my lesson. I work very closely with Mr Barney Mhlatla and Mr ...[indistinct] from the Human Right Commission, they have assisted me, and they have helped not to even think of race as a colour, I am aware, and I've worked with ...[indistinct] in

Alexandria and all over and I have enjoyed it Chair. S my answer to Advocate Willis is no I am no longer, there is no longer even a racist in my mind.

CHAIRPERSON: But what he is asking you is not whether you are a racist now, he is asking you whether you accept that in terms of the evidence you gave at that time before the Commission you used the present tense that you were a racist then. Do you accept that?

MR AGRIZZI: I was a racist when I made that comment
10 Chair.

CHAIRPERSON: Yes, but when you were giving evidence before the Commission you accept that you used the present tense then?

MR AGRIZZI: Correct Chair, I accept that..

CHAIRPERSON: You accept it okay.

ADV WILLIS: So whether you have made any change or not is not the issue and I am not going to debate that with you Mr Agrizzi, but as at the 29th of January and before you were a racist, yes or no?

20 **MR AGRIZZI:** Chair ...[intervenes]

CHAIRPERSON: Which year?

MR AGRIZZI: ...can I ask a question for clarity? What has that got to do whether the people were receiving gratuities from Bosasa, he is just trying to ...[indistinct]

CHAIRPERSON: Well I think in your question if you can

refer to which year January, which year I think that is the one thing. Mr Agrizzi it is an acceptable question for counsel for Mr Wakeford to ask so he will just repeat the question if you could then respond to it.

MR AGRIZZI: Okay.

ADV WILLIS: I am going to repeat the entire question. Whether you are a racist today or not is not the issue, and I am not interested in debating that with you, but as at the 29th of January 2019 when in the present tense you
10 admitted I am a racist, from there going backwards historically you were a racist, yes or no?

MR AGRIZZI: No.

ADV WILLIS: You were not? So why did you say on the 29th of January I am a racist and you said it for the second time at that stage?

MR AGRIZZI: Because of what I said, what I said was despicable. But you see, and I have read the affidavits, the affidavit is very clear that the ...[indistinct – distortion] this person that is a racist when I was at Bosasa I was
20 there for 20 years.

ADV WILLIS: So let me get to the point Mr Agrizzi.

MR AGRIZZI: Yes, please.

ADV WILLIS: You didn't enjoy the evidence of Mr Wakeford and you switched off, and Mr Wakeford dealing historically talking historically, all the way back to 2006 in

his experience of you he described – yes he described you as saying despicable things, he described you as a racist in his evidence on the 6th of May and I want to put it to you he was quite correct, on your own evidence he was correct.

MR AGRIZZI: ...[Indistinct – distorted] and I will tell you why, Advocate ...[indistinct] why would he send emails to intervene and even look going through his ...[indistinct – distorted] if I was such a bad racist and a person. Why would he entertain, have a meeting with me, and
10 discussions with me if I was such a racist. I put it to you Advocate Willis ...[indistinct] your client maybe not honest with you.

ADV WILLIS: Mr Chairman this is going to take a long time, I must ask you to warn Mr Agrizzi not to take things personally such as I put them to him and not put things to me Mr Chairman please.

CHAIRPERSON: Well whatever he said other than saying he was putting to you maybe we would understand it in a certain way but I think what all he was saying was look at
20 A, B, C, D about your client and based on that he has a certain view, so – but Mr Agrizzi I think counsel understood what you said when you said you put – you wanted to put something to him in the way lawyers use that term but I think you were saying nothing more than look at the following things that happened and you those – you are

saying those things support what you are saying about Mr Wakeford.

Okay, alright.

ADV WILLIS: Mr Agrizzi ...[intervenes]

MR AGRIZZI: With respect to you I just need to adjust one of my machines, sorry.

CHAIRPERSON: Okay do you want us to ...[intervenes]

MR AGRIZZI: It will take a minute, sorry.

CHAIRPERSON: Oh, we don't need to adjourn, he wants
10 to adjust something, ja okay.

MR AGRIZZI: Sorry about that Chair thank you.

CHAIRPERSON: Okay all right. But what I can say Mr Agrizzi is that do try to answer questions directly and the shorter the answers the more progress we will make but I do not mean by that that you must not deal with issues properly. Okay all right.

MR AGRIZZI: Chair I have always given you my full.

CHAIRPERSON: Yes.

MR AGRIZZI: (Inaudible)

20 **CHAIRPERSON:** Yes thank you. Mr Willis.

ADV WILLIS: Mr Agrizzi the evidence of Mr Wakeford was that you despise him and that was the tenor of his evidence and I want to put it you you despise Mr Wakeford do you not?

MR AGRIZZI: That is not true.

ADV WILLIS: You also despised the late Mr Gavin Watson evidently.

MR AGRIZZI: Never and I do not despise Mr Gavin Watson I despise what he did. I despise the environment that he created that – that put us into the situation that we are in today. I despise that. I do not despise Mr Wakeford. I had tea with Mr Wakeford. I used to have regular meetings with Mr Wakeford even had tea and his mom – I remember still made us – he had a house in Pretoria – we had tea and his
10 mom was there. Gave us tea and toast and marmite and grated cheese. I still remember it. So that was in 20 – 2013 there was no such thing as despising Mr Wakeford. I do not know where this has come from. It has never been like this.

ADV WILLIS: Who is...

MR AGRIZZI: I never ever said a bad thing about Mr Wakeford.

ADV WILLIS: Do you despise him now?

MR AGRIZZI: No not at all. I do not despise what happens
20 and what people do but you cannot love – you cannot not love people.

ADV WILLIS: Do you respect the fact that he has a right to defend himself against what you have said?

MR AGRIZZI: Yes he has a right to defend himself. But there were truths.

ADV WILLIS: Well are you the sole decider on what the truth is Mr Agrizzi or is the Chair?

MR AGRIZZI: No the Chair is the decider of what the truth is. All I can do is put facts to the table.

ADV WILLIS: Do you – would you have the Chairman believe that you mean Mr Wakeford no harm you just speaking the truth, is that your evidence?

MR AGRIZZI: What do you want – I am telling you as it is. I am – I am so confused by the fact that Mr Wakeford is
10 annoyed with me or upset with me and I hated him. I never hated him. Not at all.

CHAIRPERSON: One second Mr Willis. I wonder Mr Agrizzi whether if you pulled your mic a little closer to you that might not help. It looks like whenever you come closer we hear you much more clearly but obviously you must remain comfortable. If that...

MR AGRIZZI: No, no I am fine.

CHAIRPERSON: If that means you are not comfortable you must tell me.

20 **MR AGRIZZI:** Chair if I get uncomfortable I will (inaudible).

CHAIRPERSON: You will tell okay all right. Mr Willis.

ADV WILLIS: Mr Agrizzi you have not answered my question. Is it your evidence that you mean Mr Wakeford no harm in the allegations you have made you have just sought to tell the truth.

MR AGRIZZI: Ja the allegations I made are true.

ADV WILLIS: And would have...

MR AGRIZZI: (Inaudible) then he needs to rectify. Like I had to fix the issues I had he needs to fix the issues he has.

ADV WILLIS: So you made your allegations against him some two years ago nearly and he had to wait nearly two years to give his evidence – his side of the story. You accept that he has suffered somewhat in this time, would
10 that be correct without having his day in court so to speak?

MR AGRIZZI: I do not think – you talking – I do not know about suffering or anything like that. I have no contact with the Watsons or with Wakeford. I have no contact with them so I do not know what you talking about suffering. I do not worry about you know looking around and I have been – I have had my hands full.

ADV WILLIS: So over and above the consequences of the truth as you put it you would not intend to harm him in any other way would you?

20 **MR AGRIZZI**: Just tell the truth.

ADV WILLIS: No, no answer the question. Would you or would you not intend to harm him in any other way than simply telling the commission what you have told the commission.

MR AGRIZZI: I will put it to you again I do not want any

harm to come to Mr Wakeford. All I want him to do is to look in the truth. Do not come to the commission and blabber off absolute nonsense because you believe that that will cover you. No, I told the truth, deal with the facts of the truth. Now you want to deal with waste issues and all that let us deal with the truth. The truth is, was there cement, was there payments for Lindela, was there special favours done, was there deals free, was there 00:05:20, was there 00:05:23, was there Royalston Estate, was those
 10 things all done? Yes be honest about it. That is what I am saying.

ADV WILLIS: Mr Wakeford I am going to – you have forced me to do this now.

CHAIRPERSON: Mr Agrizzi you mean.

ADV WILLIS: Sorry Mr Agrizzi. Sorry Mr Wakeford was always – he was called Mr Agrizzi too by Mr Notshe I will recall Mr Chairman. It is a mistake easily made. Mr Agrizzi you forced me to do this. You have rambled off not answering my question, said a whole lot of things and I
 20 have to – please – please do not interrupt me and I will make every effort not to interrupt you.

MR AGRIZZI: Sure.

ADV WILLIS: Everything you have just said as well as everything you say in your affidavits I am going to demonstrate to the Chairman in the time that I have is

nothing but a twisting the truth, the fabric of lies. So there is nothing you say that Mr Wakeford accepts and there is nothing – there is nothing that we are going to traverse today which is going to demonstrate you to be telling the truth. I am just putting that to you right up front. Maybe it will caution you from rambling on. I must give you an opportunity just to say a little something to that if you wish.

CHAIRPERSON: Do you want to react to that?

MR AGRIZZI: Yes.

10 **CHAIRPERSON**: Yes.

MR AGRIZZI: Chair I put it to Mr Willis as I sit before you I have not lied so please put everything that you want to at me. I would appreciate it.

ADV WILLIS: Mr Agrizzi who is Lord Peter Heyn?

MR AGRIZZI: Lord Peter Heyn was in my apartheid activist.

ADV WILLIS: Yes. And what else is he?

CHAIRPERSON: I am sorry. Mr Agrizzi you said apartheid activist. Do you know what that means?

MR AGRIZZI: Well anti-apartheid activist sorry.

20 **CHAIRPERSON**: Anti-apartheid activist you mean. You said apartheid activist.

MR AGRIZZI: Yes.

CHAIRPERSON: You mean anti-apartheid activist.

MR AGRIZZI: Sorry I (inaudible). I am not as fast as I used to be.

MR AGRIZZI: Yes. Okay all right. Mr Willis.

ADV WILLIS: And he is known as a whistle-blower in his own right is he?

MR AGRIZZI: I do not know him that well no.

ADV WILLIS: And he is a man who campaigns against corruption, is that correct?

MR AGRIZZI: I do not know. I do not know the man at all.

ADV WILLIS: Would you have any reason to make contact with him?

10 **MR AGRIZZI**: No.

ADV WILLIS: I have before me here an email when on the 23rd of March this year 8:20 pm

MR AGRIZZI: Yes.

ADV WILLIS: The email is angelo@angeloagrizzi.com, is that your email address yes or no?

MR AGRIZZI: That is my email address yes.

ADV WILLIS: To Lord Heyn. Corruption Zondo Commission and submissions. Private and Confidential.

MR AGRIZZI: Yes.

20 **ADV WILLIS**: And then there is an attachment – available until 22 April 2021. Now I opened that attachment. My attorney downloaded that attachment. When Lord Heyn sent this to our client and our client sent it on to us.

MR AGRIZZI: Yes.

ADV WILLIS: And that attachment was what Mr Agrizzi –

can you tell me?

MR AGRIZZI: I would not be able to because I was asked the same question by my counsel and I said I did not send it.

ADV WILLIS: It says: It is described – it was the preliminary report dispute Wakeford versus Agrizzi 29 February 2020 pdf.

MR AGRIZZI: Yes.

ADV WILLIS: It is the preliminary investigative report by
10 this commission circulated only to the parties involved
namely yourself, your legal representatives, Mr Wakeford
and his and Mr Papadakis and Rhadikrishna and their legal
representatives. You never sent that to Lord Heyn?

CHAIRPERSON: Hang on, hang on. Hang on Mr Willis.
Did you say it is an – it is a report from this commission?

ADV WILLIS: Yes there is a complaint before you Mr
Chairman in this regard.

CHAIRPERSON: Ja.

ADV WILLIS: Obviously it has come to your attention –
20 well you – it was drawn to your attention on 6th May but I
know you have many a thing on your desk.

CHAIRPERSON: Ja. Well is it a report? It certainly is not
a report that I have issued.

ADV WILLIS: It is a preliminary investigative report. It is
confidential between the parties.

CHAIRPERSON: It is an investigative – it is by the investigation team.

ADV WILLIS: By the investigation team. I do not know whether that is something which ever comes to your eyes.

CHAIRPERSON: No, no I ...

ADV WILLIS: Before your eyes.

CHAIRPERSON: I – I have not – I have not – I am not aware of that and obviously it is also – it would not be a report of the commission.

10 **ADV WILLIS:** Yes.

CHAIRPERSON: It might be a document put together by the investigation team for a certain purpose as part of their investigation but to the extent that it certainly should not be referred to as a report of the commission.

ADV WILLIS: I understand what you put to me Mr Chair.

CHAIRPERSON: Ja. Ja.

ADV WILLIS: The...

CHAIRPERSON: I think Mr Pretorius wants to say something about it.

20 **ADV PRETORIUS SC:** DCJ I will not comment on the relevance off the cross-examination to date but to say if this is an investigation report your leave must be sought before it can be disclosed.

CHAIRPERSON: Yes.

ADV PRETORIUS SC: In terms of the regulations. It

cannot willy nilly be placed before the public without your consent.

CHAIRPERSON: Yes.

ADV PRETORIUS SC: The application should properly be made for that to do so.

CHAIRPERSON: Yes. Yes.

ADV WILLIS: I will just continue and put it in context.

CHAIRPERSON: Yes but I think Mr Pretorius what the point he is making is anything that has – that has not come
10 before the hearing should not be published in terms of the regulations without my permission. Now I have no idea what that report says and ordinarily any documents that will be referred to during the hearing would be made part of the bundle first. Now I do not know whether it is part of any of the bundles that we are using.

ADV WILLIS: No it is – it is not.

CHAIRPERSON: Ja.

ADV WILLIS: Of course anything that was part of the bundles and came before you becomes part of the public
20 record of this commission. But let me – let me explain further and I will ask Mr Agrizzi to listen carefully.

CHAIRPERSON: Or maybe not – do not do that.

ADV WILLIS: I just want to explain it to you because...

CHAIRPERSON: No, no, no I suggest that we adjourn. You come and explain to me in chambers so that I understand

what it is before anything further is said in public about it.

ADV WILLIS: I will put this one side for now and then I – if I could do that when we take the adjournment.

CHAIRPERSON: Ja okay.

ADV WILLIS: So we save time.

CHAIRPERSON: That is fine.

ADV WILLIS: Thank you Mr Chair.

CHAIRPERSON: Okay that is fine. Let them sanitise Mr –
10 sitting.

UNKNOWN COUNSEL: I will speak from a distance.

CHAIRPERSON: Okay.

UNKNOWN COUNSEL: Chair I think it is a very, very simple issue. It was already made clear and that the heading of this whole preliminary report was made clear to the parties concerned that Mr Wakeford's counsel, his attorney, myself, the legal team – this report has been prepared for the purpose of facilitating decisions concerning the issues (talking over one another).

20 **CHAIRPERSON:** Yes but why are you even saying that? I said we must adjourn and that I will be told in chambers.

UNKNOWN COUNSEL: Because it says no findings have been made.

CHAIRPERSON: No, no you do not – you should not even say that. I will discuss with counsel in chambers.

UNKNOWN COUNSEL: Then we will discuss it in chambers.

CHAIRPERSON: Ja. Ja.

UNKNOWN COUNSEL: Thank you.

CHAIRPERSON: Okay.

ADV WILLIS: Thank you Mr Chairman.

CHAIRPERSON: Yes.

ADV WILLIS: Now Mr Agrizzi who – I want to just put to you as a reminder and so that we can agree on your
10 narrative in its simple terms it is as follows:

That during a major SARS investigation Mr Wakeford you say approached Mr Watson regarding Mr Papadakis to get his assistance in relation to the SARS investigation and an agreement was then reached in a meeting – you were not in this meeting and that was between Mr Wakeford you say, Papadakis and Watson although you were not part of that meeting and the agreement you say was that Mr Wakeford would get R100 000.00 per month for managing the major SARS investigation with Mr Papadakis and in return Mr
20 Papadakis would receive cement and the relevance of Mr Papadakis is that at the time of this meeting Mr Papadakis was employed by the South African Revenue Services. Is this a fair summary of your narrative?

MR AGRIZZI: Now can you refer me to the document please?

ADV WILLIS: No I am not going to refer you to any documents Mr Pap – Mr Agrizzi I just want you to tell me is that or is that not your narrative?

MR AGRIZZI: (Inaudible).

CHAIRPERSON: I am sorry. I am sorry. One second. I did not hear that this you say he testified was discussed at a meeting in which he was not present. Is that correct?

ADV WILLIS: Yes.

CHAIRPERSON: Okay. Could you just repeat it because I
10 was ..

ADV WILLIS: So I am going to repeat it.

CHAIRPERSON: Ja.

ADV WILLIS: And I will try and be a little bit quicker this time Mr Chairman.

CHAIRPERSON: Yes.

ADV WILLIS: This is his narrative. This is the evidence that this man Mr Chairman has repeated in affidavits more than once, more than twice. He has placed it before you. He has read it, set out in our client's affidavit and he knows
20 what this narrative is.

This narrative is set out in over a thousand pages of documentations speaking to the issues and that is why I am not taking him to any one document. I want to understand from him whether this is a fair summary – summation of his narrative.

It is as follows: That during a major SARS investigation Mr Kevin Wakeford approached Mr Gavin Watson regarding Mr Papadakis who worked for SARS – South African Revenue Services at the time and an agreement was reached in a meeting – the meeting was between Mr Papadakis, Mr Watson and Mr Wakeford not Mr Agrizzi. He says he was not there. And the agreement he says was that Mr Wakeford would get R100 000.00 per month for managing the major SARS investigation with Mr
10 Papadakis and Mr Papadakis would receive cement.

That is the issue in relation to cement.

CHAIRPERSON: Ja.

ADV WILLIS: And I just want to know.

CHAIRPERSON: Okay.

ADV WILLIS: Is that a fair summation of his narrative?

MR AGRIZZI: Chair I agree that the agreement was that 00:17:20 Papadakis would receive cement free of charge by BOSASA and that Kevin Wakeford would be financially rewarded to that extent.

20 **ADV WILLIS:** So is that – are you saying that you agree to everything that I have set out? There is nothing I have set out there that is incorrect?

MR AGRIZZI: No, no 00:17:38 things that is why I asked to refer to it.

ADV WILLIS: No, no you have just ...

MR AGRIZZI: Because I have 00:17:44 major SARS investigation what my actual words were. I cannot 00:127:48 at this stage.

ADV WILLIS: Look I am going to take you to all of this in due course. But this is your version Mr Agrizzi.

MR AGRIZZI: Take me there that is what I am saying.

ADV WILLIS: During – no, no I want you to answer the question – are you refusing to answer the question?

MR AGRIZZI: I am not refusing to answer any questions. I
10 just want you to show 00:18:05.

ADV WILLIS: Let us take this – let us start with the first one. Is it correct that your version is that during a major SARS investigation Mr Wakeford approached Mr Watson regarding Mr Papadakis. Is that your version or not?

MR AGRIZZI: My version is that during the SARS investigation – yes not a major one. I do not know where the word major comes from. That is why I am asking you to show me.

ADV WILLIS: Okay you do not like the word major.

20 **MR AGRIZZI:** I do not know where it is coming from.

ADV WILLIS: We will get to it. You agree that your version is Mr Wakeford approached Mr Watson regarding Mr Papadakis.

MR AGRIZZI: Correct.

ADV WILLIS: And it is that there was a meeting held

between Papadakis, Watson and Wakeford that you were not part of. Is that also part of your version?

MR AGRIZZI: That is.

ADV WILLIS: You were not in that meeting.

MR AGRIZZI: That is as what he told me. That is what Watson told me yes.

ADV WILLIS: Right so that was hearsay. You have – you do not have any first-hand information about that meeting.

MR AGRIZZI: I was not at the meeting no.

10 **ADV WILLIS**: Yes. And that Mr Wakeford – so you understand would be paid R100 000.00 per month for managing the SARS investigation.

MR AGRIZZI: That is correct.

ADV WILLIS: With Mr Papadakis.

MR AGRIZZI: Mr Papadakis would get cement.

ADV WILLIS: Right. So apart from the word major you happy with everything else.

MR AGRIZZI: Sure.

ADV WILLIS: Now obviously we have to agree on a couple
20 of things here. Firstly this had to be before Mr Papadakis left the South African Revenue Services, is that correct for this version of yours to hold water?

MR AGRIZZI: I think so – I presume so but he still had his contacts in there ja I presume. No, no.

ADV WILLIS: You do not know?

MR AGRIZZI: (Inaudible).

ADV WILLIS: So was Mr – was Mr Papadakis to your knowledge still employed at SARS at the time or not?

MR AGRIZZI: As far as I recall yes.

ADV WILLIS: And obviously it had to also be before the cement was ordered because he had to first do the – render the service and then he would be paid. Would that be correct?

MR AGRIZZI: Probably yes.

10 **ADV WILLIS:** Now Mr Agrizzi turn with me to page 906. Mr Chairman this might...

CHAIRPERSON: Mention the bundle.

ADV WILLIS: This is – this is now – it might be in 4 it might be. I am just trying to work out.

CHAIRPERSON: Did you say 906?

ADV WILLIS: 906 Mr Agrizzi I do believe that this should be in 4(a) for your purposes.

CHAIRPERSON: No on mine it is in 4 – Bundle 4.

ADV WILLIS: Is yours in 4?

20 **CHAIRPERSON:** Ja.

ADV WILLIS: Yes we back in 4. Mine is in 4(a) Mr Agrizzi yours may be in 4(a) too.

MR AGRIZZI: I have got it.

ADV WILLIS: Thank you. Now at paragraph 207 the heading is there “Affidavit of Agrizzi” and this is a quotation

– an extract of your paragraph 43 from the affidavit that you placed before the learned Chairman.

MR AGRIZZI: Yes.

ADV WILLIS: Now let us read it. It does not help that I tell you what is there because you want to be taken to it. But it reads:

MR AGRIZZI: Yes.

ADV WILLIS: In relevant part 43.2

10 “At one stage BOSASA was encountering
 constant audits by the South African
 Revenue Services.”

MR AGRIZZI: That is true.

ADV WILLIS:

 “Kevin Wakeford would often be consulted
 by Gavin Watson on issues that BOSASA
 was facing.”

 Correct.

MR AGRIZZI: Correct.

ADV WILLIS:

20 “Kevin Wakeford would be paid a monthly
 fee for services rendered.”

MR AGRIZZI: Correct.

ADV WILLIS: We do down to paragraph 43.4.

 “Kevin Wakeford approached Gavin Watson
 whilst we were undergoing a major – there is

the word major – Kevin Watson – Kevin Wakeford approach Gavin Watson whilst – during we were undergoing a major SARS investigation.”

That is where those words came from. Now you know.

MR AGRIZZI: Sorry – sorry just repeat to me again. Major SARS investigation.

ADV WILLIS: Yes.

10 **MR AGRIZZI**: Okay.

ADV WILLIS: Right. So ..

MR AGRIZZI: Sorry can you just take one reading that. BOSASA entered into an agreement with Kevin Wakeford to pay him the amount of R100 000.00 per month as a fee for providing services in relation to the SARS investigation.

ADV WILLIS: Yes. Now

MR AGRIZZI: Okay.

ADV WILLIS: Right now if you just look ahead – look to the rest page – paragraph 43 finishes over the page. You will
20 note there are no dates.

MR AGRIZZI: Yes.

ADV WILLIS: There are no dates between 43.1 and over the page the end of 43.5, correct. Yes or no?

MR AGRIZZI: 43.5.

ADV WILLIS: Yes. There are no dates (talking over one

another) 45.

MR AGRIZZI: Paragraph 43.5.

ADV WILLIS: Yes.

MR AGRIZZI: No, no I do not see any dates at all.

ADV WILLIS: Do you recall that you testified to the Chairman that Frans Vorster would deal more thoroughly with the cement issue or do I need to take you to that as well?

MR AGRIZZI: I am – Frans Vorster would be the right
10 person. He is the one who made arrangements of getting calls from Kevin.

ADV WILLIS: Right so – I do not need to take you to where you told the Chairperson – in fact you told Mr Pretorius and the Chairperson that. You said Frans Vorster will deal more thoroughly with the cement issue.

MR AGRIZZI: No I – yes.

ADV WILLIS: You do I need to take you there?

MR AGRIZZI: Yes.

ADV WILLIS: Okay let us go there. Let us go to page 599.

20 Mr Chairman then that is definitely – that is in

CHAIRPERSON: That bundle 4.

ADV WILLIS: That would be Bundle 4.

MR AGRIZZI: Yes.

ADV WILLIS: Mr Chairman that – that you will – I do not know if yours has been labelled like mine. It was kindly

labelled by the secretariat. But that is number 2 in Bundle 4. There is a tab it is the evidence of Mr ...

CHAIRPERSON: Yes I have got it. I found it.

ADV WILLIS: If we go to 599 Mr Agrizzi about six lines down. You see that?

MR AGRIZZI: Yes.

ADV WILLIS: 00:24:59 Agrizzi cement to a certain property in Meyersdal, but I think that Frans Vorster or the next witness will deal more thoroughly with that incident. That is
10 where you said it.

MR AGRIZZI: All right. Then that is correct.

ADV WILLIS: Now you recall Mr Vorster's evidence or do you want me to take the – you – or must I take you there too? Let us go there. Page 909.

MR AGRIZZI: Chair may I ask a question?

CHAIRPERSON: Just...

MR AGRIZZI: I cannot...

CHAIRPERSON: Just before ...

MR AGRIZZI: I cannot understand why ...

20 **CHAIRPERSON:** Just before that Mr Agrizzi Mr Willis if you could always just mention.

ADV WILLIS: Yes.

CHAIRPERSON: Which bundle and then the page number. This is still Bundle 4.

ADV WILLIS: In mine it is in 4(a) Mr Chairman. I think Mr

Chairman in that adjournment that is coming up.

CHAIRPERSON: Ja.

ADV WILLIS: I will – I think I should just.

CHAIRPERSON: Ja.

ADV WILLIS: Tally our – your bundle with mine and that system will work.

CHAIRPERSON: Ja. Ja I think that should be done. Yes okay all right Mr Agrizzi you wanted to ask something?

MR AGRIZZI: Oh no I needed to find out which bundle it
10 was in.

CHAIRPERSON: Oh which bundle was in ja. Have you found it now?

ADV WILLIS: Page 109.

CHAIRPERSON: It is Bundle 4 on mine. You have found it Mr Agrizzi – page 909.

MR AGRIZZI: I have.

CHAIRPERSON: Okay all right.

ADV WILLIS: Go down to the bottom of that page – page – paragraph 209 says:

20 “The affidavit of Vorster”

Paragraphs 29 and 30 under the heading Lindela – at Lindela’s – irrelevant there. Paragraph 29. You there with me Mr Agrizzi?

MR AGRIZZI: I am.

ADV WILLIS:

“During 2008 I was introduced – introduced to Mr Kevin Wakeford who was always visiting Gavin Watson and he visited the head office often. During late 2009 Gavin Watson called me in and said that Kevin will speak to me and instruct me to – I think the word would be help with the buying and delivering of wet and dry cement.”

Correct. So his version – his version was that late – during
 10 late 2009 Watson called me in and said Watson would speak – Kevin would speak to him. You see that? So that is his version. Late 2009. Go to paragraph 30 over the page now. I will read from the top.

“Kevin Wakeford came to me in my office at procurement. He provided me with an address, a delivery at the [redacted] in Meyerton. Kevin would also phone me with the amounts of cement that he would need.”

Now the operative portion that I want to refer you to.

20 “During the year we ordered wet cement from WG Wurn and Randfontein that is a reference to RTC. I think you know who that is. This was to be paid before delivery took place. Dry cement was ordered from Randfontein Trading Centre that is the RTC

where we had an account.”

So from a timing perspective he – his version is on dates is that this occurred in late 2009 and it occurred for a year. So that is from late 2009 to late 2010. Does that make sense to you?

MR AGRIZZI: Yes.

ADV WILLIS: Thank you. And if we go back to the other bundle now to 4 and we go to ...

CHAIRPERSON: Okay on mine we were at 4.

10 **ADV WILLIS**: Oh sorry you continue in 4 Mr Chair.

CHAIRPERSON: Yours on 4(a). Ja.

ADV WILLIS: And we now go to page 614 that is the evidence of Mr – it is tab number 3 Chairman. So if we got to page 614.

CHAIRPERSON: Right I have got it. Have you got it Mr Agrizzi?

MR AGRIZZI: I have Chair.

CHAIRPERSON: Okay.

20 **ADV WILLIS**: So now Mr – Mr Vorster is now giving his evidence orally before the Chairperson and it is approximately two days later after he signed his written affidavit. Line 11 Advocate Buthelezi SC is saying:

“Is that what happened in 2008?

Mr Voster says:

“During the middle of 2008. Gavin came to my

office with a gentleman, and he introduced the gentleman to me as Kevin Wakeford. I did not really know Kevin...”

Then, across the page at 615, page – line 12, Advocate Buthelezi SC says:

“Okay. Then what, what happens in late 2009?”

Mr Voster says two lines – three lines down:

“In 2009, Gavin Watson called me and said that Gavin will speak to me and instruct me to buy.
10 Now, Chair, I referred to wet cement. That is cement that you order – that comes in these big trucks and has been mixed...”

Give me a second.

CHAIRPERSON: [Indistinct]

ADV WILLIS: If you go to page 617. We go down to, approximately line 16. You count it either from 10 in the margin or 20 in the margin. Are you there, Mr Agrizzi?

MR AGRIZZI: Yes.

ADV WILLIS: Chairperson:

20 “And did you – and did – did you buy cement for him over a certain period of time, or is it once or twice that he asked for?”

Mr Voster:

“Chair, it was over a period of time. It was nearly a year, over a period of a year...”

So, that confirms that Mr Chairman in the affidavit. Do you agree with me?

MR AGRIZZI: [No audible reply]

ADV WILLIS: So ...[intervenes]

MR AGRIZZI: Yes?

ADV WILLIS: So, this event , given(?) that it happened before late 2009, not so?

MR AGRIZZI: Yes?

ADV WILLIS: The outside(?) period was late 2009. And
10 as you said, mister – probably all your words –
Mr Papadakis would have to deliver on his service and
Mr Wakeford, of course, and then, they would be rewarded.
Mr Papadakis, free cement. Mr Watson – sorry –
Mr Wakeford would receive his payment, financially.
Correct?

MR AGRIZZI: [No audible reply]

ADV WILLIS: I see you are nodding.

MR AGRIZZI: Yes(?) ...[intervenes] [Speaker unclear –
distortion in video link]

20 **CHAIRPERSON**: Did you hear that, Mr Agrizzi?

MR AGRIZZI: [No audible reply]

CHAIRPERSON: Okay. We cannot hear you.

MR AGRIZZI: Yes, you are right. He received payment to
buy cement.

CHAIRPERSON: Okay.

ADV WILLIS: And that all happened ...[intervenes]

MR AGRIZZI: Can you hear me now, Chair?

CHAIRPERSON: Yes. Yes, Mr Agrizzi?

MR AGRIZZI: [No audible reply]

CHAIRPERSON: Mr Agrizzi, can you hear me?

MR AGRIZZI: That is correct, Chair. That... [Speaker unclear – distortion in video link] ...correct. But that... [Speaker unclear – distortion in video link]

CHAIRPERSON: I think ...[intervenes]

10 **MR AGRIZZI:** Chair, I can hear you.

CHAIRPERSON: ...there is a problem. We are not hearing everything you are – you were saying.

MR AGRIZZI: Can you hear me, Chair?

CHAIRPERSON: I can hear you. The closer you come to the mic it will be better. I can hear you.

MR AGRIZZI: Chair, I think it is a problem with the line. Can I try and reconnect?

CHAIRPERSON: Okay. Ja, are you able to do that while we... Do we need to adjourn?

20 **MR AGRIZZI:** [Speaker unclear – distortion in video link]

CHAIRPERSON: Are we going to need to adjourn for that purpose?

TECHNICIANS: [No audible reply]

CHAIRPERSON: Okay, the technicians say yes.

MR AGRIZZI: [Speaker unclear – distortion in video link]

CHAIRPERSON: H'm?

MR AGRIZZI: [No audible reply]

CHAIRPERSON: Okay, I think let us adjourn for five minutes. Let them try and sort out the technical problem. When he speaks sometimes, I can see his mouth is talking but we cannot hear anything. Okay, we will just adjourn for five minutes.

ADV WILLIS: Do we see you in ...[intervenes]

CHAIRPERSON: I think we can use this opportunity.

10 **ADV WILLIS:** Thank you, Mr Chairman.

CHAIRPERSON: Ja, we adjourn.

**INQUIRY ADJOURNS FOR A SHORT BREAK DUE TO
TECHNICAL ISSUES WITH VIDEO LINK**

INQUIRY RESUMES

CHAIRPERSON: I hope I did not disorganise your preparation to ...[intervenes]

ADV WILLIS: Not all.

CHAIRPERSON: Yes.

ADV WILLIS: In fact, it worked out perfectly.

20 **CHAIRPERSON:** Yes-no, that is fine. I just thought that, probably, if there is any problem, people would look at the chairman's record or correct pagination. So, it is easier to read that way.

CHAIRPERSON: Okay, alright. Continue.

ADV WILLIS: No, but we(?) will have to do that,

Mr Chairman.

CHAIRPERSON: Okay, alright.

ADV WILLIS: Thank you, Mr Chairman. Mr Agrizzi. We ended off before the signal troubled us a little bit. We are dealing with those – those series of pages which demonstrated with Frans Vorster's evidence, and on all accounts, it had to been tied with late 2009. And you were agreeing with that. You still agree with that?

MR AGRIZZI: Yes.

10 **ADV WILLIS**: Now... So, we know that on Mr Vorster's version, the – he said and told the Commissioner that in the period late 2009 to late 2010 was when the – in that period he ordered cement, cements was supplied. And you have agreed with me that Mr Papadakis could never have expected cement until he completed his service. So, that must have been sometime before what Mr Voster describes as late 2009. So, you and I are on the same page, are we?

MR AGRIZZI: I cannot comment on Mr Vorster's statement but let us carry on.

20 **CHAIRPERSON**: Maybe you can just ask me – ask him expressly about whether he agrees with you that he could not – Mr Papadakis, could not expect anything until he has performed, as it were.

ADV WILLIS: Yes, that ...[intervenes]

CHAIRPERSON: Ja, maybe you can just ...[indistinct]

ADV WILLIS: So, let me ...[intervenes]

CHAIRPERSON: Ja.

ADV WILLIS: Let me just revisit that. The Chairman is saying because it has already been visited.

CHAIRPERSON: H'm.

ADV WILLIS: But that is the fact that Mr Papadakis could not expect cement until he had delivered his service.

MR AGRIZZI: Well, can I explain how it worked? It worked on a different ...[intervenes]

10 **ADV WILLIS:** Well, I ...[intervenes]

MR AGRIZZI: [Speaker unclear – distortion in video link]
...Mr Chair. You would have to do the duty first and in owing... you would pay before the time or even during the time... Watson... [Speaker unclear – distortion in video link]

ADV WILLIS: Well, we are talking here about the SARS investigation.

MR AGRIZZI: Yes.

20 **ADV WILLIS:** The SARS investigation is resolved. Well, then you can have your cement. That would be the principle, would it not? That is what you agreed to earlier.

MR AGRIZZI: What happened is, when he(?) started investigations and we are running all over the place, we did investigate every single year.

ADV WILLIS: When was that ...[intervenes]

MR AGRIZZI: [Indistinct]

ADV WILLIS: When was the first one?

MR AGRIZZI: In fact, right down to 2006.

ADV WILLIS: H'm. I mean, how many are amongst the evidence in this matter?

MR AGRIZZI: I am not sure how many it would have been... every single year. [Speaker unclear – distortion in video link]

ADV WILLIS: I can tell you that you have never given
10 evidence like that before.

MR AGRIZZI: It is a fact.

ADV WILLIS: But you have never given evidence like that before.

MR AGRIZZI: No, no I gave evidence of when Mr Papadakis helped... SARS(?) investigations. That is what I did.

ADV WILLIS: So, let us stick to that evidence, okay?

MR AGRIZZI: Yes.

ADV WILLIS: Is that fair?

20 **MR AGRIZZI:** [No audible reply]

ADV WILLIS: Let us not ...[indistinct] evidence and adapt it, not in this hearing anyway.

MR AGRIZZI: No, no I disagree with you but carry on.

ADV WILLIS: What do you disagree with?

MR AGRIZZI: We do not grow(?) evidence and adapt. We

do not need(?) that type of thing ...[indistinct]

ADV WILLIS: Good. Then let us not do that.

CHAIRPERSON: Well ...[intervenes]

ADV WILLIS: ...agree with me that we should not do it.

CHAIRPERSON: Well, Mr Willis. He said there were many investigations. You asked him how many and he – that is how – why he talked about the others.

ADV WILLIS: H'm.

CHAIRPERSON: Okay, continue.

10 **ADV WILLIS:** So, which major SARS investigation was it that came up that Mr Wakeford, on your version, said let us use Mr Papadakis?

MR AGRIZZI: If I recall correctly, there are a few. There was – I remember ...[indistinct] one. Then there was one with the supply chain management one. Then there was the Bio-organics(?) and CR(?) farm(?). The ...[indistinct] – there were a few.

ADV WILLIS: The bio-organics and CR(?) are the same thing. Same company. The one is a company member...
20 project...

MR AGRIZZI: No, they are not. They are not. No, they are not. I correct(?) two. They are not the same thing.

ADV WILLIS: So, what is it? Bio-organics or CR? Correct? You said...

MR AGRIZZI: CR was done in Port Elizabeth at the

...[indistinct] and Bio-organics was up in Johannesburg at Krugersdorp.

ADV WILLIS: Yes, but ...[intervenes]

MR AGRIZZI: ...separate projects(?).

ADV WILLIS: And where did the company start? It was taken over down in Port Elizabeth first, was it not?

MR AGRIZZI: It started in Port Elizabeth, and it was stopped. And then a new ...[indistinct] was opened up for Bio-organics which was in Krugersdorp opposite – at the
10 old ...[indistinct]

ADV WILLIS: And was there a SARS investigation into Bio-organics?

MR AGRIZZI: Yes, there was.

ADV WILLIS: Okay. And come back to my question.

MR AGRIZZI: Yes, okay.

ADV WILLIS: Let me help you. Turn to page 917. Mr Chairman, that is in Bundle 4.

CHAIRPERSON: Yes.

ADV WILLIS: Mr Chairman, I am not going to – I just want
20 to help the witness.

CHAIRPERSON: Yes.

ADV WILLIS: I want to talk to this issue here.

CHAIRPERSON: Ja, okay.

ADV WILLIS: But Mr Agrizzi, just see what you said there. I need to try and – Mr Agrizzi, you must understand.

I need to try and streamline this so that we can all go home tonight.

MR AGRIZZI: Right.

ADV WILLIS: So, I am sending you to page 917. Please just take a minute to read what is there.

CHAIRPERSON: You want ...[intervenes]

ADV WILLIS: Just to paragraph 235 ...[intervenes]

CHAIRPERSON: Oh, okay.

ADV WILLIS: ...30(?).

10 **MR AGRIZZI**: Yes?

ADV WILLIS: Mr Chairman, you can have a look at it but ...[intervenes]

CHAIRPERSON: Ja, it is fine.

ADV WILLIS: ...I am not going ...[intervenes]

CHAIRPERSON: Have you got it, Mr Agrizzi?

MR AGRIZZI: You want me to read it ...[intervenes]

ADV WILLIS: No, do not read that out.

CHAIRPERSON: He wants you to read it to yourself.

20 **ADV WILLIS**: Ja, just read that in your mind ...[intervenes]

CHAIRPERSON: From paragraph – from 92 ...[intervenes]

ADV WILLIS: Just paragraph 335.

CHAIRPERSON: Ja.

ADV WILLIS: And the quotations there.

MR AGRIZZI: Sorry, I cannot go(?) there, Chair [Speaker]

unclear – distortion in video link]

CHAIRPERSON: Well ...[intervenes]

ADV WILLIS: Mr Chairman, I am interrupting the witness because he is not listening. We have told him, do not read it out. Do not quote it. And he says there is no way he cannot quote it. He must just read it.

CHAIRPERSON: Yes, but ...[intervenes]

MR AGRIZZI: [Speaker unclear – distortion in video link]

CHAIRPERSON: Hang on one second. Is this something
10 that is related to what I must make a ruling on?

ADV WILLIS: It is, indeed, Mr Chairman, but I am just referring him to it for his own benefit.

CHAIRPERSON: Yes, but why should we use until I have made a ruling on it, anyway?

ADV WILLIS: No, just for his benefit. He does it. I am not putting it anywhere else other than before him. So, you see what it says there, Mr Agrizzi? You read that to yourself?

MR AGRIZZI: H'm.

20 **ADV WILLIS**: Now, is – what that the major SARS investigation? Yes or no?

MR AGRIZZI: Chairperson, I am not going to answer that question because that question, first, to have ...[indistinct] ...you cannot – I know [Speaker unclear – distortion in video link] ...read it. I am not going to even entertain the

question ...[intervenes]

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

MR AGRIZZI: ...I... [Speaker unclear – distortion in video link]

CHAIRPERSON: You will have to find, maybe another way, Mr Willis.

ADV WILLIS: Well, let me – allow me to make it clear to the witness and of your benefit, Mr Chairman.

CHAIRPERSON: H'm?

10 **ADV WILLIS:** Mr Agrizzi, you are the only one who has told anybody what we are referring to, firstly. Secondly. I am referring to that because that is evidence you gave under oath. I would expect that that is the truth and I just want to remind you. You said you were not so sharp in your ...[intervenes]

CHAIRPERSON: No, no, no Mr Willis. No, no, no. If he has got to talk about this evidence. If this has got to ...[intervenes]

ADV WILLIS: Well, let me take another angle.

20 **CHAIRPERSON:** Ja.

ADV WILLIS: Mr Agrizzi, turn to page 920. That is also in Bundle 4. Mr Chairman, it is a few pages on.

CHAIRPERSON: Yes, ja.

MR AGRIZZI: Yes, I am here.

ADV WILLIS: Okay. So, let me deal with something

slightly different. The paragraph 244 on page 920. Allow me to read it. This is now Mr Wakeford speaking under oath. He says:

“The Commission’s Investigation Team had confirmed that Mr Agrizzi and Mr Voster stated that Mr Papadakis was reimbursed for his services via the provision of cement to a property in Meyersdal which was owned by Mr Papadakis.

10 Eventually, as this is dealt with in more detail, and it appears below...”

Now – sorry, I must read there. Allow me to reread that for the benefit of the investigators. So:

“...the Commission’s Investigation Team have confirmed that...:

Now this is all what they say under Mr Allen Nickson.

20 “...Mr Agrizzi and Mr Voster stated that Mr Papadakis was reimbursed for his services via the provision of cement to a property in Meyersdal, which was owned by Mr Papadakis. This is dealt with in detail below and it appears to have occurred in 2009...”

So, that is what they have said after they have looked at all the evidence and ...[intervenes]

CHAIRPERSON: But hang on, hang on Mr Willis. Where

did they say this? Is it not in the document we talked about in tenders?

ADV WILLIS: Oh, it is in the – it certainly – it is an investigation report, yes, but it is not in the 417.

CHAIRPERSON: Yes. No, no, no. But even in the investigation report – remember, we talked about that in tenders.

ADV WILLIS: Yes.

CHAIRPERSON: But what the investigators say
10 ...[intervenes]

ADV WILLIS: But that is not off limits to me. That is a document that Mr Agrizzi knows, I know, our client, all the respective lawyers know, and it is before us. So ...[intervenes]

CHAIRPERSON: No, I am not sure that that – I should allow that but if you wish to present argument, I can hear it and hear what Mr Pretorius has to say. As I say, my inclination is that whatever they may have put as a report or say they had made findings there. They have no legal
20 power to make any findings. Their findings – whatever they call findings has got no legal status.

ADV WILLIS: Mr Chairman ...[intervenes]

CHAIRPERSON: Ja.

ADV WILLIS: ...it is a waste – it is not worth the time.

CHAIRPERSON: Ja, okay.

ADV WILLIS: [Indistinct]

CHAIRPERSON: Okay, alright.

[Parties intervening each other – unclear]

CHAIRPERSON: Okay.

ADV WILLIS: Thank you, Mr Chairman. Your affidavit to the Commission. I am going to take you to that. If you go to – just bear with me. I must just find it.

MR AGRIZZI: [No audible reply]

ADV WILLIS: Go back to page 906. We are still in
10 Bundle 4, 906, paragraph 43.2.

MR AGRIZZI: Yes, it is a bit slow(?) here. 906?

ADV WILLIS: That is right. 43.2. Tell me when you are there.

MR AGRIZZI: [Indistinct] [Speaker unclear – distortion in video link]

ADV WILLIS: Sorry?

MR AGRIZZI: Yes, I am here.

ADV WILLIS: Yes.

20 “At one stage, BOSASA was encountering
constant audits...”

At one stage. What stage was that?

MR AGRIZZI: A period of time.

ADV WILLIS: But one stage. What is the stage? What must I understand the period of time to be?

MR AGRIZZI: The period of time would be the ten years –

in the ten years that we ...[indistinct] audit ... time.

ADV WILLIS: Is that your answer, Mr Agrizzi, a ten-year period?

MR AGRIZZI: Yes, it is.

ADV WILLIS: Very well. We will come back to that.

MR AGRIZZI: [Indistinct] ...[intervenes]

ADV WILLIS: Was encountering constant audits by the South African Revenue Services.

MR AGRIZZI: Correct.

10 **ADV WILLIS:** I want you to go down to 43.4.

MR AGRIZZI: Okay.

ADV WILLIS: Right.

“Kevin Wakeford approached Gavin Watson whilst we were undergoing a major SARS investigation...”

Which one was that?

MR AGRIZZI: Well, I do not know which one it was specifically ...[intervenes]

20 **ADV WILLIS:** Well, you made the allegation. You must know what you are talking about.

MR AGRIZZI: They were all ...[intervenes]

CHAIRPERSON: Do not speak while he is speaking, Mr Willis.

ADV WILLIS: My apologies, Mr Chair.

CHAIRPERSON: Yes. Which ...[intervenes]

MR AGRIZZI: [Speaker unclear – distortion in video link]

CHAIRPERSON: Hang on, Mr Agrizzi. Which investigation were you referring to in that paragraph when you said whilst you were undergoing a major SARS investigation?

MR AGRIZZI: Chair... [Speaker unclear – distortion in video link] So not the small companies, like, security or like ...[indistinct]. It would have been a bigger(?) company, like, operations, source(?) operation, source
10 ...[indistinct] It would not be like a ...[indistinct] of properties. It was one of the major factories(?).

CHAIRPERSON: Do you recall when that investigation might have been in terms of years?

MR AGRIZZI: Chair, it was probably in 2009, 2012. Around there. [Indistinct]... Chair... every single year, every single company was audited, but the big audits were always on the bigger(?) companies, like, operations, you know. Those are the ones that really go into. Operations. A lot ...[indistinct]. Those type of things.

20 **CHAIRPERSON:** Okay, alright. Mr Willis.

ADV WILLIS: I will read it again.

“Kevin Wakeford approached Gavin Watson
whilst we were undergoing a major SARS
investigation...”

Not just any audit. A major SARS investigation. Your

words under oath, Mr Agrizzi. Which major SARS investigation was it during which Wakeford approached Mr Watson?

MR AGRIZZI: It was one of the big companies. That is all I can say to you.

ADV WILLIS: You cannot answer that question, can you?

MR AGRIZZI: I have answered it. One of the big companies ...[indistinct]

ADV WILLIS: Well ...[intervenes]

10 **CHAIRPERSON**: Well(?) ...[intervenes]
[Parties intervening each other – unclear]

ADV WILLIS: You made the allegation. Please give me the specifics now.

MR AGRIZZI: It is – sorry, Chair, I do not ...[intervenes]

CHAIRPERSON: Maybe let me ask this way and see whether you – we can – you can answer. Which are the – which companies within the BOSASA group did you regard as major companies?

MR AGRIZZI: Of Operations.

20 **CHAIRPERSON**: Sorry? BOSASA Operations?

MR AGRIZZI: BOSASA Operations.

CHAIRPERSON: Yes?

MR AGRIZZI: ...Supply Chain Management.

CHAIRPERSON: H'm?

MR AGRIZZI: [Indistinct] ...Fleet Management Services.

ADV WILLIS: Sorry, what did you say? The last one?
Parana(?)?

MR AGRIZZI: Parana(?) Fleet Management Services.

ADV WILLIS: Could you spell it, please?

MR AGRIZZI: K(?)-t(?)-w-e-r-a-n-o. [Speaker unclear –
distortion in video link]

CHAIRPERSON: Okay.

MR AGRIZZI: K-g-w-e... Can I just ...[indistinct] I am
...[indistinct]

10 **CHAIRPERSON:** Ja, okay.

MR AGRIZZI: K-g-w-e-r-a-n-o Fleet Management.

CHAIRPERSON: Yes.

MR AGRIZZI: [Indistinct] fifteen thousand ...[indistinct]
vehicles(?).

CHAIRPERSON: So, let just make sure we understand
them. One was BOSASA Operations.

MR AGRIZZI: Correct.

CHAIRPERSON: Two was Kgwerano Fleet Management.

MR AGRIZZI: Kgwerano. And then BOSASA Security was
20 another one they used to check up on. Those were the
major companies and then you add ...[indistinct]

CHAIRPERSON: Ja, ja.

MR AGRIZZI: [Indistinct]

CHAIRPERSON: Yes. Hang on. I just want us to be clear
about which one you regarded as major.

MR AGRIZZI: Yes.

CHAIRPERSON: BOSASA Operations.

MR AGRIZZI: Yes.

CHAIRPERSON: Kgwerano Fleet Management.

MR AGRIZZI: Correct.

CHAIRPERSON: BOSASA Security as well or not?

MR AGRIZZI: Correct.

CHAIRPERSON: Correct, yes.

MR AGRIZZI: Okay.

10 **CHAIRPERSON:** Is there another one or others?

MR AGRIZZI: [Indistinct]

CHAIRPERSON: Sindololo(?).

MR AGRIZZI: [Indistinct]

CHAIRPERSON: IT?

MR AGRIZZI: Ja.

CHAIRPERSON: Ja?

MR AGRIZZI: And Bezulu(?) Fencing.

CHAIRPERSON: And Bezulu Fencing?

MR AGRIZZI: Ja.

20 **CHAIRPERSON:** Okay, those were big companies under BOSASA that you regarded as major companies?

MR AGRIZZI: [Speaker unclear – distortion in video link]
...major companies.

CHAIRPERSON: Yes.

MR AGRIZZI: The smaller, like, properties, BOSASA

properties, even the ...[indistinct] IT's, those companies, they did not really bother about.

CHAIRPERSON: Okay.

MR AGRIZZI: They were worried about the main companies, ja.

CHAIRPERSON: Okay. So, are you saying?

MR AGRIZZI: ...audit.

CHAIRPERSON: Okay. When you, therefore, said in this paragraph, namely 43.4, that Mr Kevin Wakeford
10 approached Mr Gavin Watson whilst we – you were undergoing a major SARS investigation. Are you saying that it was an investigation that related to one or more of those major companies that you have mentioned?

MR AGRIZZI: I am trying to fix(?) my memory, Chair. I think it might very well have been Bezulu at the stage, because Bezulu had – because ...[indistinct] Bezulu ...[indistinct] It was a whole mess. It might have been that, but I cannot say for sure. That was one of them.

CHAIRPERSON: Okay. Mr Willis.

20 **ADV WILLIS:** You... Mr Chairman – Mr Agrizzi – Mr Chairman missed out the BOSASA Supply Chain.

CHAIRPERSON: Oh, yes, ja. You mentioned that. Ja.

ADV WILLIS: Supply Chain... What is the full name? Supply Chain Services?

MR AGRIZZI: Management.

ADV WILLIS: Management. And would Bio-organics also be one of these?

MR AGRIZZI: It depend what year it was. You know, Bio-organics was... Bio-organics was a checks(?) refund or something like that. Andries(?) ...[indistinct] would cover it in his affidavit, not me.

ADV WILLIS: So, you say Bio-organics was not a major one.

MR AGRIZZI: Not a major, major one.

10 **ADV WILLIS:** Now, Mr Agrizzi, it has been some 29-months since you first made these allegations under oath and orally and Mr Wakeford has challenged you vociferously. He has within the rules of this Commission, he has challenged you at every corner, at every turn. He says that everything you say is false. A lie. A fabrication. He calls you a racist. He names circumstances. He came and gave evidence to the Chairperson. You have known at all times that you had nothing but a serious foe in Mr Wakeford. Would that be correct?

20 **MR AGRIZZI:** I do not think he said so. I think he is troubled(?)... but I do not think...

ADV WILLIS: You see ...[intervenes]

MR AGRIZZI: [Speaker unclear – distortion in video link] ...very nice to me. I do not see why he is a foe.

ADV WILLIS: I must tell you and I must ...[intervenes]

MR AGRIZZI: [Speaker unclear – distortion in video link]
...Mr Willis. Can I ...[indistinct] all this? Can I just say something? You know, sometimes people are put up to do things, alright, by certain other individuals. And sometimes people make the wrong decisions, and they do certain things, alright?

And ...[indistinct] what happened with Mr Wakeford. I do not have any ...[indistinct] dealings with him. I never hated him. I actually think he is a nice guy.
10 We used to share the same pastor(?) even. You know, he is a nice guy, Mr Wakeford. I did not see him as a bad person. Not at all. Not at all. What I do not like is that when somebody lies to cover up something else, it is not right.

ADV WILLIS: Now ...[intervenes]

MR AGRIZZI: Rather tell the truth ...[intervenes]

ADV WILLIS: You ...[intervenes]

MR AGRIZZI: ...finish. You see, the things is about cement. Was cement delivered? And who paid for it?
20 That is it.

ADV WILLIS: We are going to get to all of that, Mr Agrizzi.

MR AGRIZZI: Correct.

ADV WILLIS: And if Mr Wakeford had anything to hide, he would not be here. Now, I must say this to you in all

fairness to you.

MR AGRIZZI: Yes?

ADV WILLIS: All the evidence you give, you give under oath.

MR AGRIZZI: Yes.

ADV WILLIS: If you are lying, you at risk of perjury.

MR AGRIZZI: Correct.

ADV WILLIS: Perjury on a grand enough scale can put you in jail.

10 **MR AGRIZZI**: Most definitely.

ADV WILLIS: And Mr Wakeford intends that justice will be seen to before this Commission and any other Court and by applying the rule of law when it comes to what he calls your fabrications and your lies. It is very important that you are aware that the preparation of this cross-examination is for no other purpose than to demonstrate to this Commissioner that you are lying.

20 That is what I am – my job is because that is what Mr Wakeford has said to this Commissioner under oath and in affidavits. Now, there might be things that were just simple errors, and you would be given the benefit of the doubt of that. That is why I ask you very specific questions to tell us what the answers are to these questions, the detail by way of which you defamed, because that is what he calls it, Mr Wakeford.

So, all I want you to do is to take a breath, a deep breath, and just cast your mind back and tell me in answer to the questions asked about your own words, what is the major SARS investigation you are talking about in paragraph 43.4? I mean, sit back, take some time.

I have already referred you to something that I thought might be of assistance to you. You are not interested in that. But you tell us, please. It is important.

MR AGRIZZI: I have given you my answer. You either
10 accept it or you do not. I cannot force you.

ADV WILLIS: So you are not going to answer my question?

MR AGRIZZI: I have given you my answer.

ADV WILLIS: Go to the second sentence of paragraph 43.4 on page 906:

“BOSASA entered into an agreement with Kevin Wakeford to pay him the amount of R 100 000,00 per month as a fee for providing services ...[intervenes]

20 **MR AGRIZZI**: Sorry. Can you just give me a second, please Advocate Willis? I just want to get to it. Nine, o...?

ADV WILLIS: We are on that page, Mr Agrizzi. 906.

CHAIRPERSON: The same page, 906 and the same ...[intervenes]

MR AGRIZZI: I am there.

CHAIRPERSON: ...same paragraph 43.4.

MR AGRIZZI: Yes.

CHAIRPERSON: But he is now on the second sentence of – third sentence – last sentence of that paragraph.

MR AGRIZZI: Thank you, Chair.

ADV WILLIS: The second last sentence:

10 “BOSASA entered into an agreement with
Kevin Wakeford to pay him the amount of
R 100 000,00 per month as a fee for providing
services in relation to the SARS
investigation...”

There you were specific again. So, I put it to you, Mr Wakeford(sic). You are speaking to a specific SARS investigation.

MR AGRIZZI: Sorry, I am not Mr Wakeford. Sorry.

ADV WILLIS: I am sorry. I do apologise, Mr Agrizzi. You were speaking to a specific SARS investigation, and you do not want to tell me what that was.

20 **MR AGRIZZI:** Simply, I have explained it to you, Chair, and I have explained it very clearly to you. I said it was a major investigation. It would be one of the major companies. It is as simple as that. I have explained it.

ADV WILLIS: Let us go to your oral evidence. So, Chair, if we can go to the same file, 597?

CHAIRPERSON: that is Bundle 4.

ADV WILLIS: It is still Bundle 4. Same bundle. You can go to 597.

CHAIRPERSON: Have you found it, Mr Agrizzi?

MR AGRIZZI: I am there, Chair.

CHAIRPERSON: Okay.

ADV WILLIS: Now, just to go back. You started it. According to the evidence on record, you started consulting with Mr Allen Nickson, I think it was, back in September 2018. Would that be correct?

10 **MR AGRIZZI:** I do not think I consulted with Allen Nickson. I consulted predominantly with Mr Frank Dodson(?) and ...[indistinct]

ADV WILLIS: No, I could be wrong. That could be so. So, the investigators of the Commission, from roundabout September 2018. Is that correct?

MR AGRIZZI: Yes.

ADV WILLIS: Okay. I know more or less how it would have worked after spending time with him. You would have also spent time with the Commission's Legal Team
20 responsible for this, which most of the time, and certainly back then, was Mr Pretorius and Advocate September. Is that correct? You have consulted with them.

MR AGRIZZI: Correct.

ADV WILLIS: Correct. And that is how the preparation would have gone, not so?

MR AGRIZZI: Correct, yes.

ADV WILLIS: Yes. Astute people, all of them?

MR AGRIZZI: Sorry?

ADV WILLIS: Astute people all of them, the Commission's – I am sorry, the investigators and the advocates?

CHAIRPERSON: [laughs]

MR AGRIZZI: Yes, all of them.

ADV WILLIS: Thank you. If you go down to line 16.

CHAIRPERSON: That is at 597?

10 **ADV WILLIS**: 597. Advocate Pretorius said to you:

“Did Mr Wakeford approach Mr Watson on one occasion whilst BOSASA was undergoing a major SARS investigation?”

You answered:

“That is correct, Chair.”

Do you see that?

MR AGRIZZI: Just repeat it again?

ADV WILLIS: Advocate Pretorius SC put it to you in a question:

20 “Did Mr Wakeford approach Mr Watson on one occasion whilst BOSASA was undergoing a major SARS investigation?”

You answer in the next line:

“That is correct, Chair.”

MR AGRIZZI: See, I am lost here. You are on page 597?

CHAIRPERSON: Okay. Page 597. You see the marginal letters 10 and 20? Can you see those numbers?

MR AGRIZZI: Chair, I can – oh, sorry. 59 ...[intervenes]

CHAIRPERSON: 597 is in Bundle 4 with ...[intervenes]

MR AGRIZZI: Yes, I have got that.

CHAIRPERSON: Have you got that?

MR AGRIZZI: Yes.

CHAIRPERSON: Okay.

MR AGRIZZI: Yes?

10 **CHAIRPERSON**: If you go ...[intervenes]

MR AGRIZZI: Line number?

CHAIRPERSON: You see marginal letter – marginal number 10?

MR AGRIZZI: Yes.

CHAIRPERSON: Okay. Count about six lines down the line, then you will see where it says ...[intervenes]

ADV WILLIS: Line 17.

CHAIRPERSON: Okay, alright. Can you see where it says: “Did Mr Wakeford approach Mr Watson?”?

20 **MR AGRIZZI**: Yes.

CHAIRPERSON: Okay.

MR AGRIZZI: Sorry, my ...[indistinct]

CHAIRPERSON: Okay, that is where Mr Willis is reading from.

MR AGRIZZI: Okay.

CHAIRPERSON: Mr Willis.

ADV WILLIS: Advocate Paul Pretorius SC:

“Did Mr Wakeford approach Mr Watson on one occasion whilst BOSASA was undergoing a major SARS investigation?”

Mr Angelo Agrizzi:

“That is correct, Chair.”

ADV WILLIS: What was that major SARS investigation, Mr Agrizzi?

10 **MR AGRIZZI:** Chair, I want to read what I have got in front of me, please.

CHAIRPERSON: Okay.

MR AGRIZZI: It is the black numbers, it is the black numbering 599.

ADV WILLIS: Mr Chairman, Mr Chairman, with respect.

CHAIRPERSON: Ja.

ADV WILLIS: I am asking the question.

CHAIRPERSON: Yes.

20 **ADV WILLIS:** It is no – the witness has not right to go where he want to go. We are going to be here...

CHAIRPERSON: Mr Agrizzi...

ADV WILLIS: Thank you, Mr Chairman.

MR AGRIZZI: Chair?

CHAIRPERSON: Did you – was what you wanted to read going to be your answer to the question or what?

MR AGRIZZI: I want (indistinct – recording distorted) because what Mr Willis has read me and what I have got in my documents are two different things. So I have got on page 599, alright, on line 17:

“Adv Paul Pretorius SC: You say you went to meetings where Mr Watson, Mr Wakeford would have discuss matters regarding investigation of SARS’ witness Papadakis .”

Mr Angelo Agrizzi responds:

10 “I was not in the – cannot recall being in the meeting with Mr Papadakis , Mr Wakeford and [inaudible – speaking simultaneously]

CHAIRPERSON: Yes, but hang on. Hang on, Mr Willis has not gone that far.

MR AGRIZZI: Oh, in that case, sorry, sorry.

CHAIRPERSON: He had not gone that far. He was asking the question which major SARS investigation that was which Mr Pretorius asked you about and you said that is correct. His question was, which major SARS investigation
20 was that?

MR AGRIZZI: I do not know. I do not know which investigation it was specifically.

CHAIRPERSON: Yes. Is it the one that earlier on you said it would have related to one of the major companies of – under BOSASA?

MR AGRIZZI: That is correct, Chair, that is exactly what I have said.

CHAIRPERSON: Okay.

ADV WILLIS: Let us go to page 598, Mr Agrizzi.

MR AGRIZZI: Yes.

ADV WILLIS: Second line Adv Pretorius asks you:

“Alright, was Mr Wakeford paid a fee for his services in relation to this particular investigation and SARS’ investigations in general.”

10 Yes, he was paid a large sum of money every month, it was in the region of 100 000 per month.”

I take you back to the words in relation to this particular investigation. Which particular was he referring to?

MR AGRIZZI: I cannot remember right now, I do not know which one he was referring to. Was one of the investigations that we had.

ADV WILLIS: Mr Agrizzi...

MR AGRIZZI: Yes?

ADV WILLIS: You have made very serious allegations
20 against someone, against a number of people but in this case Mr Wakeford.

MR AGRIZZI: Yes?

ADV WILLIS: It does not help to say I cannot remember. You must remember, surely. I mean, you know that this man is not going to let up until he has proven his

innocence.

MR AGRIZZI: And, Mr Willies, I am not about to sit here and lie to anybody. I cannot remember right now and I cannot remember but the facts are the facts and one simple question I have asked you, has your client been instrumental in receiving cement on behalf of Papadakis , end of story.

CHAIRPERSON: I think, Mr Willis, he has said he cannot remember quite a few times which one of the major
10 companies.

ADV WILLIS: I am putting it to you, Mr – thank you, Mr Chairman, I am putting it to you, Mr Agrizzi, you are hedging, you do not want to commit yourself. You are too scared to commit yourself. You know the answer. I have already shown you a page on where you gave the answer but you do not want to commit to that answer.

MR AGRIZZI: I disagree with what you are saying.

ADV WILLIS: Now, you see, here is the problem with your refusal to commit. Mr Papadakis was called in for a
20 specific period of time, specific investigation and that is crucial to know what that investigation is. We know that it is in this period late 2009 to 2010. Does that help your memory? Can you not remember what specific investigation it was to which you attach Mr Wakeford and Mr Papadakis when you implicated them before this

Commission.

MR AGRIZZI: Advocate – Chairperson, I gave the answer, I said it was one of the major companies in BOSASA.

CHAIRPERSON: I am under the impression, Mr Willis, that earlier on in answer to one of my questions he said he thought it would have been between 2009 and 2012. Is my recollection correct, Mr Agrizzi?

CHAIRPERSON: Yes, Chairperson, more or less. You know, it is a while back now, it is nearly 10 years ago.

10 **ADV WILLIS**: You know, of course, that this issue of which investigation it was, was raised by Mr Wakeford in his very first affidavit that he brought before the Commission and served on you to which you have answered. You know that. Do you remember that?

MR AGRIZZI: Well, I am trying to.

ADV WILLIS: So you do not remember it?

MR AGRIZZI: I cannot remember exactly. You know, you must also understand I have been through quite a tough time, I have been in hospital for 52 days and ICU and I
20 came out and I am still not one hundred percent but what I do know is that I did not lie then and I never lied now. What I told the Commission then and what I say now is exactly what is truthful.

ADV WILLIS: Mr Chairman, those dates that you record, do you recall Mr Agrizzi saying it was – the dates are

right?

CHAIRPERSON: Sorry?

ADV WILLIS: You mentioned two dates going up to 2012.

CHAIRPERSON: Yes, my impression is that he said earlier on this evening that it was between 2009 and 2012 or thereabouts.

ADV WILLIS: So would that be late 2009 or just 2009, Mr Agrizzi?

MR AGRIZZI: Probably 2009, I would not know, I cannot
10 remember right now. We are talking now 12 years ago.

ADV WILLIS: Alright, let us - Mr Papadakis , do you know when he was employed with SARS or not?

MR AGRIZZI: I have seen some documentation here from SARS, in the documents he submitted.

ADV WILLIS: Yes, they come from Mr Nixon, the investigator, he informed all of us that his investigation revealed that Mr Papadakis was employed in whatever station, whether as a consultant or as an employee, does not matter, from the 10 March 2008 ...[intervenes]

20 **MR AGRIZZI:** [inaudible – speaking simultaneously]

ADV WILLIS: Could you please listen to the question?

MR AGRIZZI: Sorry, I must correct you. It was not from Mr Nixon. Sorry, Chair, it is on page 684 of your bundle and it states there from March 2008 to September 2013.

CHAIRPERSON: What is the page where you say you get

that from?

ADV WILLIS: 684.

MR AGRIZZI: Sorry, 684.

CHAIRPERSON: Okay, alright. Okay, Mr Willis.

ADV WILLIS: Yes, these are document supplied by Mr Nixon, Mr Agrizzi. I am glad to see your memory is coming back to you and your knowledge of the bundle is being restored too. That bodes well and is encouraging but the dates are the 10 March 2008 to the 14 September 2013.

10 So those are the dates we know when Mr Papadakis was with SARS.

MR AGRIZZI: Yes.

ADV WILLIS: Of course you know Mr Papadakis ' version, that his own visit to BOSASA was in late 2014. You read that in his affidavit, did you not?

MR AGRIZZI: I was not aware, I did not actually even – I did not have time to go through his whole affidavit.

ADV WILLIS: So I think I need to take you to Mr – just give me a moment. In Mr Wakeford's affidavit right at the
20 outset and bear with me, I am going to find the – if we go to – and this is in bundle 4 page 035.

CHAIRPERSON: I am sorry, what page?

ADV WILLIS: 035, Mr Chairman.

CHAIRPERSON: In bundle 4?

ADV WILLIS: Yes.

CHAIRPERSON: Okay.

ADV WILLIS: Are you there, Mr Agrizzi?

MR AGRIZZI:

CHAIRPERSON: Yes.

MR AGRIZZI: On 035.

CHAIRPERSON: Ja.

ADV WILLIS: Paragraph 96.

“Regarding the allegations...”

Is that the paragraph you are at, Mr Agrizzi?

10 **MR AGRIZZI:** 96, yes.

ADV WILLIS:

“Regarding the allegations relating to SARS by Agrizzi and the period referred to by Vorster late 2009 to late 2010 I have confirmed with BOSASA that no engagement (investigation or audit) from SARS with BOSASA was initiated during that period. Apparently the only engagement letter BOSASA received from SARS during this period was on 18 August 2010 and the consequential
20 information request sent by SARS is dated 23 March 2011 as per KW9.”

For KW9 you turn to page 064. At 064, tell me when you are there, please.

MR AGRIZZI: 064. I am at 063, 064. Yes, I am here.

ADV WILLIS: 064 in the left hand column, that is a – you

see it is a SARS letter, it dated the 23 March 2011.

MR AGRIZZI: Yes.

ADV WILLIS: According to the engagement letter sent to you on 18 August 2010. So that was what Mr – let me read it finished.

“SARS will be conducting an audit on the tax affairs of Phezulu Fencing.”

MR AGRIZZI: Yes.

ADV WILLIS: One of the companies you mention. So this
10 is the evidence Mr Wakeford put up right at the outset.

MR AGRIZZI: Yes.

ADV WILLIS: Do you remember what you said to this, you said about it?

MR AGRIZZI: I cannot recall.

ADV WILLIS: Because let us have a look at it. You and I have agreed that the period when the cement on Mr – this is now Mr Vorster's version, taking you to his evidence, both in affidavit and orally before the Chairman.

MR AGRIZZI: Yes?

20 **ADV WILLIS**: He said late 2009 to late 2010, correct?

MR AGRIZZI: That is the evidence, yes.

ADV WILLIS: And we know that neither in your evidence in affidavit nor orally could you put any dates to anything, you referred or deferred to Mr Vorster, correct?

MR AGRIZZI: Yes.

ADV WILLIS: And then Mr Wakeford pointed out but there is no SARS investigation in the period that he speaks to because it was on the 23 March 2011 that a letter was sent regarding the investigation. Now the engagement letter was ...[intervenes]

MR AGRIZZI: Sorry, who makes that statement?

ADV WILLIS: Who makes – Mr Wakeford makes that, he explains this in his affidavit.

MR AGRIZZI: Thank you. Thank you very much.

10 **ADV WILLIS:** So let us get back to what I am telling you.

MR AGRIZZI: Yes.

ADV WILLIS: Mr Wakeford tells the Chairman, the reader, that according to the engagement letter sent on 18 August 2010 there was going to be an investigation but the investigation letters comes on – in March 2011. Now do you remember what you said to this? What was your response to this?

MR AGRIZZI: Remind me please.

ADV WILLIS: Sorry? Remind you?

20 **MR AGRIZZI:** Remind me please.

ADV WILLIS: You are too scared to commit because you do not have any memory of it, you make it up as it goes along in your affidavit, Mr Agrizzi.

MR AGRIZZI: [indistinct] I take exception to what you are saying.

ADV WILLIS: I will put it to you again then, Sir.

CHAIRPERSON: Hang on one second? Do you want to put to him what you put that he has an exception to?

ADV WILLIS: Mr Agrizzi, I am going to put it to you...

MR AGRIZZI: Yes.

ADV WILLIS: You do not remember what you say simply because you have made it up as you go along and whatever you have said is not the truth and that is why you do not remember it, you make it up as you go along.

10 **CHAIRPERSON:** Do you want to respond, Mr Agrizzi?

MR AGRIZZI: Chairperson, I am going to respond and say to you that whatever evidence I have given, my affidavits I have given have been truthful, it has been proven. It has been proven that Mr Papadakis receives cement from party

[indistinct] and that Mr Kevin Wakeford was the liaison person for Mr Watson. That is the facts. That is all I can say, the truth.

The evidence is that there was deliveries of cement
20 to Mr Papadakis' premises. Mrs - his ex-wife, Mrs Christine(?) Engelbrecht confirms it and everybody – and Fran Vorster unfortunately, he is [indistinct] but he can also confirm it. Maybe one or two dates are incorrect but the fact of the matter, the fact of the matter is, Mr Wakeford arranges for the cement to be delivered. Now

because I do not say what Mr Willis wants me to say, I am sorry. He gets upset, I am sorry. But I am answering to the best of my ability.

ADV WILLIS: Now by the way, Mr Agrizzi, I know you say you only received this bundle yesterday afternoon and your counsel informed me that you did receive them in this form. We have known for two weeks odd that we were going to be cross-examining you here today and outlined and have been preparing. Have you been preparing for today?

10 **MR AGRIZZI:** No.

ADV WILLIS: Why ever not?

MR AGRIZZI: I have been preoccupied with other issues to do with my health and my family. I do not need to prepare for something that I told the truth about.

ADV WILLIS: You do not need to ...[intervenes]

MR AGRIZZI: I can answer you without having to prepare anything, I just tell the truth.

ADV WILLIS: So you do not need to prepare when you tell the truth. Is that because somebody who tells the truth
20 remembers what the truth is?

MR AGRIZZI: Correct.

ADV WILLIS: And somebody who does not remember the truth and has to be taken to what he said every time, is that not somebody who did not tell the truth and was making it up as he went along?

MR AGRIZZI: Except the detail.

ADV WILLIS: Well, does the devil not lie in the detail as the saying goes, Mr Agrizzi?

MR AGRIZZI: You would know, Mr Willis, would you not?

ADV WILLIS: Well, it seems I am demonstrating it to you, with respect. You raise your eyebrows. Do you want to answer that?

MR AGRIZZI: No, it is nice topic [indistinct], thank you.

CHAIRPERSON: Mr Willis. I just need to mention that we
10 are about almost – about 27 minutes before we come to
three hours of cross-examination. I just mention that so
that you pace yourself. I would – obviously I want to make
sure that there is fairness to all sides but I just want you to
be aware of the time.

ADV WILLIS: Thank you, Mr Chairman. Turn to page
176, Mr Agrizzi, bundle 4. 176.

MR AGRIZZI: I am there.

ADV WILLIS: Very well. You will see there at paragraph
55 it says:

20 “Add paragraph 96.”

By this stage you did not know before that means that you
are dealing with 96 of Mr Wakeford’s founding affidavit,
the one that I just read – we read through and reference to
the SARS letter. Let us read what you said. You said this:

“The engagement letter from SARS was on the 18

August 2010.”

Well, we know that from the letter.

“And the information requested was on the 23
March 2011.”

We know that from the letter.

10 “I did not deal with the accounting side of the
business but I am aware of the information and
documents that were requested in relation to
Phezulu Fencing (Proprietary) Limited. I am aware
that it was in respect of SARS matters that Gavin
Watson requested the assistance of Kevin
Wakeford. I was also aware of his association and
friendship with George Papadakis .”

Now that is your answer, nothing about well, there were
major companies and we were being audited absolutely all
the time.

MR AGRIZZI: Then why did you ask me the question if you
needed [indistinct – dropping voice]

20 **ADV WILLIS**: Well, I am asking you why you did not deal
in that paragraph...

MR AGRIZZI: Yes?

ADV WILLIS: With what you have told us at least today.

MR AGRIZZI: Because I sticking exactly to what I said, I
am not changing anything.

ADV WILLIS: But you also did not point to any major

SARS investigation back then.

MR AGRIZZI: Let me explain to you again that when I consider a major investigation over a ten year period, we had lots of major investigations.

ADV WILLIS: Mr Agrizzi, you and I have agreed that it has to fall within a certain period and it was Mr Frans Vorster's period, late 2009 to late 2010 and in that period, according to your evidence, there was a major SARS investigation. I have taken you to all the wording both in
10 your affidavit as well as in your oral evidence which clearly indicates you were speaking to one specific investigation and in fact the understanding of Mr Pretorius from having consulted with you, having read all your documents was a particular matter.

MR AGRIZZI: Are you speaking on behalf of Adv Pretorius?

ADV WILLIS: Are you going to answer my question or not?

MR AGRIZZI: I disagree with what you have to say on
20 that, sorry.

ADV WILLIS: You ...[intervenes]

MR AGRIZZI: I am sorry, I am not trying to be argumentative, I am just telling you I disagree with what you have to say. You are now trying to cover up corruption in this country by alluding to the fact that dates are wrong.

It is wrong.

ADV WILLIS: So would it be then correct that you cannot tell this Commission about any major tax – SARS investigation in the period late 2009 to late 2010? You cannot, can you?

MR AGRIZZI: (indistinct – recording distorted)

CHAIRPERSON: Well, Mr Willis, I thought that he said and that was my recollection earlier on that the major investigation he was talking about happened between 2009
10 and 2012 and you asked him whether late 2009 or just 2009 and he said 2009.

ADV WILLIS: Well, I put it to him, Mr Chairman, with respect...

CHAIRPERSON: Yes.

ADV WILLIS: That he cannot tell us of any major SARS investigation between 2009, late 2009 and late 2010.

CHAIRPERSON: Well, my understanding is that the reference to late 2009 and late 2010 came from Mr Vorster's evidence or affidavit who said that the delivery of
20 cement took over about – happened over a year or so from late 2009. I did not understand Mr Agrizzi to say the major investigation was from late 2009 to late 2010. I did not understand him to say that?

ADV WILLIS: Well, with respect, Mr Chairman, that is what he agreed to right at the outset with me.

CHAIRPERSON: Okay, I am just saying I do not
[inaudible – speaking simultaneously]

ADV WILLIS: He committed himself right at the outset.

CHAIRPERSON: Yes.

ADV WILLIS: When he started out with his narrative.

CHAIRPERSON: Yes.

ADV WILLIS: As to what his version was against Mr Wakeford and he agreed – and he agreed on two things. Firstly, that he relied on the evidence of Mr Frans Vorster.

10 **CHAIRPERSON:** Ja.

ADV WILLIS: And agreed that in all probability the services of Mr Wakeford – oh sorry, Mr Papadakis, would have to be completed before the end of the period in order to have CD Cement and we know that the cement delivery took place in late 2009 to late 2010. So on that premise, Mr Chairman, it must have taken place even before late 2009 logically.

CHAIRPERSON: Well, we can always check the transcript in terms of what he may have agreed. I may have I
20 misunderstood but that is how I understood. I do not know if Mr Pretorius has any understanding, he is not indicating one way or another but the transcript – Mr Agrizzi?

MR AGRIZZI: Sorry, Chairperson, I think if I may mention, what you said is hundred percent right, okay? Any other simulation or understanding is incorrect and I just want to

point out to Willis that I agreed what he had to say, I did not agree to what he had to say. We need to go back into the transcripts and check. You see, Chairperson, that is why I am very detailed in my explanation and I know sometimes it takes a bit longer but that is why I said right at the onset, rather let me explain myself properly. Thank you, Chair.

CHAIRPERSON: Okay. No, that is fine, the transcript can be checked. Mr Willis?

10 **ADV WILLIS:** Thank you, Mr Chairman. I must put it to you, Mr Agrizzi, after you saying that, that if there is one thing that characterises your evidence on affidavit or this Commission when you were led and in your cross-examination is a complete paucity of detail. That is what characterises your evidence. In other words, the contrary to what you have just stated.

MR AGRIZZI: It is your view.

ADV WILLIS: And we will be arguing that, of course. Now, Mr Agrizzi, let us turn in your affidavit, if you will go
20 with me to – just bear with me to find it – go with me to page 154. That is bundle 4. Are you there?

CHAIRPERSON: Are you there, Mr Agrizzi?

MR AGRIZZI: I am there.

CHAIRPERSON: Okay.

ADV WILLIS: So this is a series of paragraphs – I am

going to take you to a specific paragraph on page 154 but just for the record, you are dealing with paragraph 5 of Mr Wakeford's affidavit. I am just going to read that into the record, that is on page 010, Mr Chairman, and it reads as follows. It is a short paragraph.

CHAIRPERSON: I am sorry, you said 010?

ADV WILLIS: 010, so page 10.

CHAIRPERSON: Page 10, okay. Yes, you can read.

ADV WILLIS: Says:

10 "In their statements made to the Commission and to
a far lesser degree in their oral evidence presented
to the Commission these witnesses have purported
to implicate me in the business of the Commission
in its investigation into the affairs of BOSASA, now
known as African Global Operations, Gavin Watson
and others."

That is Mr Wakeford who says that. Now we turn to where
Mr Agrizzi deals – it is just a simple general introductory
paragraph but be that as it may. Mr Agrizzi spends a
20 number of paragraphs just fleshing out all sorts of things
and at 4.11, I am going to go to, Mr Chairman, Mr Agrizzi
you say ...[intervenes]

CHAIRPERSON: I am sorry, that is page what?

ADV WILLIS: Oh sorry, 154, my apologies, Mr Chairman.

CHAIRPERSON: Okay, let me get there.

ADV WILLIS: I should have just said keep a finger there, my apologies.

CHAIRPERSON: Ja. Okay, I am there. Yes?

ADV WILLIS: And:

“I am attaching further hereto copies of invoices for the services provided by Kevin Wakeford to BOSASA in respect of his fees that he charged.”

And it says this:

10 “Initially, Kevin Wakeford sent an enquiry for a price of 25 bags of cement as guise.”

Then the next paragraph:

“I have attached as annexure KW37.1 the initial request of 25 bags of cement.”

Now let us turn to 37.1. You will find that, Mr Chairman, at 225.

CHAIRPERSON: Yes.

ADV WILLIS: And here this is now an email dated the 20 July 2011. Now we are a year further ahead and you say – Mr Wakeford is asking you:

20 “Could you give me a quote on 30 cubic metres of 20 NPA cement including VAT?”

Now he was asked about that before the Commission on the 6 May and he said that was just an enquiry he had made for cement at the time and he testified it had nothing to do with Mr Papadakis but your handwriting is there, is

that correct?

“Circa when cement started.”

Is that your handwriting?

MR AGRIZZI: Yes.

ADV WILLIS: Now the cement started in July 2011.

MR AGRIZZI: Sorry – sorry, Mr Willis, you are totally increase here.

ADV WILLIS: If I am incorrect please point that out.

CHAIRPERSON: Okay, what is incorrect, Mr Agrizzi?

10 **MR AGRIZZI**: When he says circa when cement started, it is just a note I made, I do not know what that actually refers to. Does it refer to dry cement, wet cement, cubic 28 cement, what does it refer to?

ADV WILLIS: You tell us.

MR AGRIZZI: I do not know what I wrote, that was written quite some time ago.

ADV WILLIS: Yes it was. Mr Wakeford has had to dig back hard into his records, his memory banks, many, many hours spent with his legal representatives. I presume you
20 would have done the same both with your legal representative and the Commission legal team, circa – in other words approximately, that is what circa means.

MR AGRIZZI: Right.

ADV WILLIS: When cement started.

MR AGRIZZI: Yes.

ADV WILLIS: Right, so now you were trying to convey that now the date is 20 July 2011. You were now trying to, you were adapting your version. Prepared to adapt your version from late 2009, which was Mr Frans Vorster's version, late 2009 to 2010 and we are now moving to mid-2011. We are now moving on because you did not like the fact that Mr Wakeford had put it up in his affidavit.

MR AGRIZZI: That is your opinion.

ADV WILLIS: Is that your answer?

10 **CHAIRPERSON:** Sorry. Mr Agrizzi?

MR AGRIZZI: Yes.

CHAIRPERSON: Is that your handwriting?

MR AGRIZZI: That is my handwriting Chair.

CHAIRPERSON: When did you write [indistinct] one cement added? When did you write it?

MR AGRIZZI: Chair, I do not know when I wrote it. I probably wrote it closer to the time when the affidavit was being prepped.

CHAIRPERSON: Okay. Alright.

20 **ADV WILLIS:** So but of course you could not depose to that under oath, because there were no dates initially in your affidavit. So we do not find in your affidavit that you speak to any major SARS investigation, either in late 2009 to late 2010.

You do not put a version down. You rely on

[indistinct] started, you even now do not recall why you say that. You were leaving that to hedge, but we know that the dates it is associated with is almost a year further in the version.

Any comment?

MR AGRIZZI: That is your opinion.

ADV WILLIS: Is that your answer?

MR AGRIZZI: That is my answer.

ADV WILLIS: Now what was interesting however, was that
10 the man who did know the dates, that his version was also adapted. Turn with me to B276 please.

MR AGRIZZI: Is that still in the same bundle Mr ...[intervenes]

CHAIRPERSON: Is that 276?

ADV WILLIS: 276.

CHAIRPERSON: Same bundle Mr Agrizzi.

MR AGRIZZI: Yes.

ADV WILLIS: Are you there, sorry Mr Agrizzi? Are you there?

20 **MR AGRIZZI**: Yes.

ADV WILLIS: Now this is the affidavit, you can see across the page of Mr Vorster. He is answering like you did and I just ... he is answering Mr Wakeford's founding affidavit, and he says the fourth paragraph down:

"To the best of my recollection these orders for

cement took place between 2009 and 2011.”

MR AGRIZZI: Sorry Mr Willis, you are being a bit opportunistic by asking me on this statement. I am sorry. He needs to answer for this.

ADV WILLIS: Sorry?

MR AGRIZZI: [indistinct]

ADV WILLIS: I did not hear what you said there. I give you an opportunity to repeat it.

MR AGRIZZI: I said you are being opportunistic at best.

10 The best is to ask who is Frans Vorster, hopefully he will recover soon and be out of ICU to answer on his affidavit.

ADV WILLIS: No, that is an opportunistic answer Mr Agrizzi, because you rely on Mr Frans Vorster for the detail relating to the orders for cement. You said that under oath, I took you to that earlier. What is your answer now?

MR AGRIZZI: My answer remains, as I said speak to Mr Vorster about these account of events.

ADV WILLIS: Okay. I put it to you that this adaption mirrors the adaption in your affidavit. As you said we
20 should not be adapting our evidence. So I put it to you that both you and Mr Vorster adapted your evidence after you received the founding affidavit of Mr Agrizzi. What is your answer to that?

CHAIRPERSON: You said Mr Agrizzi.

ADV WILLIS: Sorry?

CHAIRPERSON: You said founding affidavit ...[intervenes]

ADV WILLIS: No, founding affidavit of Mr Wakeford.
Thank you Mr Chairman. My apologies Mr Agrizzi.

MR AGRIZZI: My response remains that as I put it if you
do not like that, I am sorry.

CHAIRPERSON: On a light note Mr Willis, you may
remember because I think you were here, when your client
gave evidence and Mr Notshe kept on calling him Mr
Agrizzi.

10 **ADV WILLIS:** Yes.

CHAIRPERSON: I told him that if he called him Mr Agrizzi
again he will be fined. I think I must say the same to you.

ADV WILLIS: Well, Mr Chairman I did not see Mr Notshe
around here. But shame, jokes aside I will concentrate a
little bit more on that. Now so as soon as Mr Wakeford
reveals that there is no investigation until 2011, you and
Mr Vorster quickly adapt your version, but it is interesting,
because you did not adapt the version to 2012.

Well, not yet anyway. I do not know if you are still
20 going to do that. But you told Mr Chairman that up to a
period of 2012. You still had not, you had not broadened it
to that yet. Well, in fact you have changed your version
today.

This is now the third version. You have broadened
it to 2012. You have adapted, I put it to you that in today's

proceedings you adapted your evidence again Mr Agrizzi.

Your answer to that?

MR AGRIZZI: Well, it is Agrizzi. My answer to that is quite simply that I have given you my answer, I have not changed my version. My version remains. Kevin Wakeford arranged the cement [indistinct].

ADV WILLIS: Mr Agrizzi, you see ...[intervenes]

MR AGRIZZI: Yes.

ADV WILLIS: What I am putting to you are facts, objective
10 facts.

MR AGRIZZI: Yes.

ADV WILLIS: In fact, most of them come out of either your mouth or Mr Vorster's mouth.

MR AGRIZZI: Yes.

ADV WILLIS: Or from under your pen under oath.

MR AGRIZZI: Yes.

ADV WILLIS: So you can stick to your version as much as you like. You need to grapple with the facts and the detail. If you do not, we will argue accordingly of course.

20 **MR AGRIZZI:** If I may ask a question?

ADV WILLIS: Yes.

MR AGRIZZI: [indistinct] yes or no.

ADV WILLIS: I am not here to answer your question Mr Agrizzi.

MR AGRIZZI: Thank you.

ADV WILLIS: Now Mr Chairman, Mr Witz's opportunistically in my view, is suggesting to me from the side that I have three minutes left or five minutes left and he wants to then have three minutes. I am nowhere near finishing.

I might be closing in on the halfway mark, but Mr Agrizzi is the type of witness that is stringing this out. He is uncooperative. He is not playing board as they say, and that has made my job impossible and so whatever is going
10 to be said or wants to be said by Mr Wits on behalf of Mr Agrizzi or anyone else to the effect that I must be stopped in my cross-examination is going to be tantamount to a violation of Mr Wakeford's right, especially under these circumstances.

So I am fitting that in quickly, because I do not if my learned friend wants to get up here, he should not sit down.

CHAIRPERSON: He should not have spoken to you while you are on your feet there.

20 **ADV WILLIS:** Thank you, I just felt I was obliged to tell you what it was that I spoke to ...[intervenes]

CHAIRPERSON: Ja, no that is fine, but what I do want to mention to you in fairness to you, is that I may have to need very strong persuasion that I should give you more than the four hours you originally indicated.

ADV WILLIS: Yes.

CHAIRPERSON: You remember my estimate was two hours.

ADV WILLIS: Yes, but we are already ...[intervenes]

CHAIRPERSON: So I am just indicating that you may well, you might wish to pace yourself based on that, or you might wish to handle it anyway, but I am just indicating that I am not going to stop you now.

ADV WILLIS: Very well.

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

ADV WILLIS: I am now going to adopt a different, hopefully a time saving exercise.

CHAIRPERSON: Yes.

ADV WILLIS: Because I am going to be referencing, I am not ... Mr Agrizzi does not want to grapple with the facts. We have seen it. I will argue that to you in written papers, I do not think I will have the opportunity ...[intervenes]

CHAIRPERSON: Ja, you certainly will get a chance to ...[intervenes]

20 **ADV WILLIS:** I just, when you come to those heads of arguments in due course ...[intervenes]

CHAIRPERSON: Ja.

ADV WILLIS: You will then understand why, I am not just going to put to him objective evidence. He chose not to prepare for today, that is his problem Mr Chairman.

CHAIRPERSON: Ja.

ADV WILLIS: And if he does not want to play ball and allow us to work sequentially through the papers, look at the facts, either make concessions where he can make concessions or not, then I have to now adopt an appropriate approach, given what you have said to me.

CHAIRPERSON: Ja.

ADV WILLIS: I am going to proceed to do that.

CHAIRPERSON: Okay.

10 **ADV WILLIS:** Mr Agrizzi, the Commission's investigators obviously pursued information and evidence which they grappled with, considered. You yourself referred to respondents, that SARS letter. We received that, like you would have, through the investigators and in fact you have worked hand in glove with the investigators for months at certain points in time.

I want to put certain things to you. It appears it matters not if I go through the detail, because you just keep harping on about what your version is, you do not
20 want to engage on the issues. So I am going to do it in this fashion.

The, in regard to RTC, perhaps if you could assist me there. Was that Randfontein Trading Centre, is that the name?

MR AGRIZZI: I know RTC, that is all.

ADV WILLIS: Of course, they were around for years.
There the Commission found ...[intervenes]

CHAIRPERSON: I am sorry.

ADV WILLIS: Sorry, the investigators, not the Commission.

CHAIRPERSON: No, but the investigators too, they do not make any findings.

ADV WILLIS: Very well.

CHAIRPERSON: Ja.

10 **ADV WILLIS:** So what we have established, and I will place this before the learned Chairman in the heads of argument in due course is that between 1 January 2009 to 30 December 2011 and remember the period was it starts late 2009, and we have gone all the way up to your redacted date of July 2011.

That RTC was only paid R91 121-89 by BOSASA.
That is all they were paid.

MR AGRIZZI: For what was that?

ADV WILLIS: Sorry?

20 **MR AGRIZZI:** For what was that?

ADV WILLIS: What do you mean what was that? Those were orders and invoices and ...[intervenes]

MR AGRIZZI: They delivered.

ADV WILLIS: Is that your answer? You do not want to hear the question?

CHAIRPERSON: Okay, sorry Mr Agrizzi. Just wait for Mr Willis to put his question. Wait for him to put his question to you and then you can respond. Mr Willis?

ADV WILLIS: So if monies were paid by BOSASA to RTC in that period 1 January 2009 to 30 December 2011 and it was only R91 121-00 then it would have been for product delivered, whatever it was. Can you dispute that? Can you take me to anything by way of which you can dispute that evidence that will be placed before the Commission in
10 the heads of argument?

MR AGRIZZI: I cannot dispute that that was delivered.

ADV WILLIS: What? You cannot dispute it was delivered? I did not ask if it was delivered. I asked you whether you can dispute that that is the amount of money that was paid by BOSASA to RTC.

MR AGRIZZI: Humanly yes.

ADV WILLIS: So you are agreeing with this now?

MR AGRIZZI: Yes, that has been paid by BOSASA, it has been paid.

20 **ADV WILLIS:** And that, you will recall in the founding affidavit Mr Wakeford put up a record he had received from BOSASA. My attorney had written to BOSASA, they had sent a record of details and in his affidavit he said only R63 000-00 of materials from those records, procured by the BOSASA group were from RTC. So it just shows that it

was very close.

Sixty three thousand and then the ninety one thousand that came up in later documents.

MR AGRIZZI: Sorry. Chairperson, can I ask a question? I need clarity. We are talking about deliveries of cement, but I mean BOSASA had lots of deliveries of cement. Well, are these specific to Mr Papadakis and the property Meyersdal or is this in BOSASA in totality?

That is the question I need to ask ...[intervenes]

10 **ADV WILLIS**: That is a, and that is a fair engagement question. Thank you for that. It was in respect of BOSASA group of companies as a whole.

MR AGRIZZI: Can I ask a question? I will be specific to you and say can you explain to me was it in terms of deliveries for BOSASA at Meyersdal?

ADV WILLIS: No, it is not in respect of deliveries at Meyersdal except for one specific invoice dated the 26th of February 2010 for the amount of R2 798-00 for a delivery which was never fulfilled because it was credited, and if
20 you would have regards to the record you would have seen that yourself.

MR AGRIZZI: Continue please.

ADV WILLIS: Thank you. So can you dispute that? Have you considered the records, looked at everything that are in these bundles, in these papers which have been

exchanged between yourself and Mr Wakeford? Can you dispute that?

MR AGRIZZI: I cannot dispute the fact that cement was delivered on BOSASA's account to Mr Papadakis. That is my answer.

ADV WILLIS: Of course you cannot dispute that because you alleged that Mr Agrizzi. Please think before you answer the question. I must, let me give you another opportunity. Can you dispute what I have put to you?

10 **MR AGRIZZI:** Advocate Willis ...[intervenes]

ADV WILLIS: Because if you can, please do.

MR AGRIZZI: Advocate Willis, I stand by what I said that cement was delivered, paid for by BOSASA to Meyersdal in gratification to Mr Papadakis. That is a fact.

ADV WILLIS: Mr Chairman, I just want to place on record that is an example of Mr Agrizzi just harping on his own version, not engaging with the facts. There is nothing I can do. I am going to move on Mr Chairman.

CHAIRPERSON: Ja.

20 **ADV WILLIS:** Did you read the affidavit of Ms Luanda Davids by any chance?

MR AGRIZZI: Yes, I did.

ADV WILLIS: Good. So she was asked to supply certain information on behalf of WG Wern and from her evidence ...[intervenes]

MR AGRIZZI: Chairperson, sorry Chairperson he is referring to a document that was supplied by Mr Nixon's. Is it fine if I comment on it?

CHAIRPERSON: I am sorry, what is the ... whose affidavit? Hang on Mr Agrizzi.

ADV WILLIS: I am not Mr Chairman, I am referring to a document supplied by Advocate Notshe, which is before you in your bundle.

CHAIRPERSON: But what is the name of the deponent, is
10 it an affidavit?

ADV WILLIS: Yes, it is an affidavit by a witness.

CHAIRPERSON: By a witness.

ADV WILLIS: From the company WG Wern.

CHAIRPERSON: Yes.

ADV WILLIS: He deposed to an affidavit.

CHAIRPERSON: And is it in the bundle?

ADV WILLIS: It is in the bundle, yes.

CHAIRPERSON: Okay, if it is in the bundle and it is an affidavit, you can respond to it Mr Agrizzi.

20 **MR AGRIZZI:** Can you refer me to the page number Mr Wills?

ADV WILLIS: It is Willis Mr Agrizzi, I want you to get it right.

CHAIRPERSON: He is Mr Willis Mr Agrizzi. I also made a mistake earlier on but I now know it is Willis, not Wills.

ADV WILLIS: The affidavit has the tab number 11 on it. You will find it at page 810 in Bundle 4.

CHAIRPERSON: 810?

ADV WILLIS: Yes. She sets out ...[intervenes]

CHAIRPERSON: Let us just find it first. 810. That is after divider 11 in the bundle. I have got 810. Have you got it Mr Agrizzi?

MR AGRIZZI: I have got it sir.

CHAIRPERSON: Okay, thank you Mr Willis.

10 **ADV WILLIS:** So this was a document that you tendered to me that you have read, correct Mr Agrizzi?

MR AGRIZZI: It is correct.

ADV WILLIS: Even though you sought to have the Chairman excluded because you say it comes from Mr Nixon? But you know the document, not so?

MR AGRIZZI: Sorry Chairperson. I asked if this was part of the investigation report from the Commission, which evidently it is because it was taken by Mr Nixon. So I do not know, I do not know and that is why I asked the
20 question Chairperson.

If I am allowed to read this document or go through this document. We will discuss it on the Commission if it was a document that emanated from the original investigation file of the Commission.

CHAIRPERSON: Now before you proceed Mr Willis, I see

that it is not signed on mine.

ADV WILLIS: Mr Chairman, if you go to page 813.

CHAIRPERSON: Ja.

ADV WILLIS: Then you will see there, it is in manuscript.

CHAIRPERSON: Ja.

ADV WILLIS: And on page 816 you will see where it is commissioned. Probably by the same person who scribed it for the witness, a police officer.

CHAIRPERSON: So is, are pages 8, 10 ... 8, 11 and page
10 12 ...[intervenes]

ADV WILLIS: Those are printed out.

CHAIRPERSON: The typed versions of the handwritten
...[intervenes]

ADV WILLIS: Sorry, typed yes. To make it easier for the reading.

CHAIRPERSON: Okay. Alright.

ADV WILLIS: So if we turn now to page 820 ...[intervenes]

CHAIRPERSON: Are you moving away from that document or ...[intervenes]

20 **ADV WILLIS:** No, no.

CHAIRPERSON: It is connected with it?

ADV WILLIS: It is.

CHAIRPERSON: Okay.

ADV WILLIS: So you are on page 820 Mr Agrizzi.

MR AGRIZZI: I am.

ADV WILLIS: Because you have studied the document or you had regard to it before, you will recall that what Ms Davids puts up are 12 annexures. However, if you read her affidavit and you studied them. Only nine of them are relevant to delivery of cement to Mr Papadakis's property.

The first ...[intervenes]

MR AGRIZZI: These orders ...[intervenes]

ADV WILLIS: You want me to ask a question?

MR AGRIZZI: I am trying to get clarity Advocate Willis.

10 Did you not just tell me there was only one invoice delivered?

ADV WILLIS: I beg your pardon?

MR AGRIZZI: Sorry, I just want to get clarity. You mentioned earlier that there was only one invoice delivered and now you are saying there are 12. I am confused.

ADV WILLIS: Well, I am surprised that you are confused, because that was in relation to RTC. Mr Agrizzi, this is Wern, WG Wern. You said you read this affidavit.

MR AGRIZZI: Thank you, that is why I asked for the
20 clarification.

ADV WILLIS: So as I said you will recall that there are 12 annexures, only nine of them apply to the delivery of cement to Mr Papadakis's property and at page 820 is the first order. You see that document, 820 and look at the date there.

MR AGRIZZI: Yes.

ADV WILLIS: The first order was placed on the 22nd of February 2009.

MR AGRIZZI: Yes.

ADV WILLIS: Yes, the beginning of ... the beginning of 2009 is the placement of the first order. Now on the premise that you and I agreed to, that first deliver your services and then take payment, Mr ... if you are to be believed, Mr Papadakis would have rendered his services
10 prior to or roundabout February 2009.

Does that make sense to you?

MR AGRIZZI: Chairperson, if I may just comment. Advocate Willis referred to being paid for deliveries. I made it very specifically clear that Mr Gavin Watson worked differently with each individual person. He did not necessarily pay people when they did the job, before they did the job or after they did the job.

I made that very clear. So I find it very disconcerting that Mr Willis would say that I had agreed to
20 something which I had not agreed to and the transcripts will speak for themselves.

ADV WILLIS: Very well. The record will speak for itself and we will argue that in our heads of argument. Go to page 846.

CHAIRPERSON: Mr Willis.

ADV WILLIS: Yes.

CHAIRPERSON: We had contemplated at some stage that we will take a break but we were forced to take a five minutes break I think maybe once or twice. I am wondering whether this might be the appropriate time ...[intervenes]

ADV WILLIS: I am almost, if I could just finish this line.

CHAIRPERSON: That is fine.

ADV WILLIS: Then that will be done.

CHAIRPERSON: Ja.

10 **ADV WILLIS:** So 846 Mr Agrizzi, if you have studied Luanda Davids's affidavit, demonstrates that the last delivery by WG Wern to Mr Papadakis's property was on the 9th of July 2009. Do you see that?

MR AGRIZZI: I see that yes.

CHAIRPERSON: Is that at page 847?

ADV WILLIS: 846.

CHAIRPERSON: 846, okay.

ADV WILLIS: So on the version, and Mr Papadakis explained, has explained in his affidavit. That evidence
20 was read out and dealt with on the 6th of May. He has explained what the delivery of cement was all about, but we see here that the last delivery by WG Wern is on the 9th of July 2009 and by the way it was for approximately the total on those invoices, R200 000-00.

Not six hundred thousand as you and Mr Vorster

would lead the Chairman to believe, but be that as it may. This is the last invoice. This is the last time any cement was delivered by BOSASA to Mr Papadakis. The records, the objective evidence demonstrates that.

Can you dispute that?

MR AGRIZZI: I cannot dispute that Mr Papadakis got cement from BOSASA.

ADV WILLIS: That is not the question ...[intervenes]

CHAIRPERSON: Well, the question Mr Agrizzi is about
10 when it was that the last delivery was made, and you say Mr Willis the, that was ...[intervenes]

ADV WILLIS: And my question is whether he can dispute it.

CHAIRPERSON: Yes.

ADV WILLIS: Whether he on objective evidence can dispute that this is the last delivery made by WG Wern of cement to Mr Papadakis's property.

CHAIRPERSON: Yes, and the date, is the date the 9th of July 2009?

20 **ADV WILLIS:** Yes.

CHAIRPERSON: Okay, what do you say to that Mr Agrizzi?

MR AGRIZZI: Chairperson, I cannot confirm that because the last delivery, because quite simply I have no access to the records of BOSASA or WG Wern. I do know that the investigators have been investigating it, but I cannot say

that was the last delivery.

I do not know. [indistinct] to testify on how many deliveries, I give the broad picture of how many, how much cement was delivered in broad terms. Mr Vorster will be the right person to answer exactly how much, because he wrote out the orders that Kevin Wakeford ordered from him.

ADV WILLIS: When did you give him this broad, you described something. You said you gave Mr Vorster the broad scope of what was delivered. When did you give
10 that to him?

MR AGRIZZI: No, no I did not give him the broad scope. I said to you Mr Willis ...[intervenes]

ADV WILLIS: Well, I am asking you to repeat it.

MR AGRIZZI: I will repeat it. Mr Willis, if you listen carefully what I said was I gave enough testimony, a broad overview. If you want the details of what Kevin Wakeford ordered via Frans Vorster, Frans Vorster will give testimony when he is better and when he is out of ICU. Simple as that.

20 He did the orders. Kevin Wakeford would phone him and he would place the order. That order would be delivered to Mr Papadakis's property.

ADV WILLIS: Just to remind you of what the version of Mr Wakeford and Mr Papadakis were, is that Mr Vorster dealt with Mr Papadakis's building contract.

MR AGRIZZI: Yes.

ADV WILLIS: Yes, that is the version.

MR AGRIZZI: Mr Papadakis has not come and argued that he did not or did receive the cement, not so?

ADV WILLIS: Well, did you read his affidavit? He makes out a compelling argument as to the corsetry of detail, there is just nothing to answer. Did you not read his affidavit? That is why he has not, he has not been advised to come here?

10 There is just no detail. Did you read his affidavit? You actually did because you answered it. You put together an answering affidavit just a few weeks ago. Do you remember his arguments?

CHAIRPERSON: Hang on, hang on. Mr Agrizzi, wait until Mr Willis has finished, then you can respond.

ADV WILLIS: I will just repeat. The question is did you take note of his arguments in which he explains why there is nothing for him to come and tell this Commission, but he tells the Commission what did happen.

20 Did you read it?

MR AGRIZZI: Mr Willis, I did read it in depth. I disagree with you completely.

ADV WILLIS: So you cannot dispute that the last delivery was the 9th of July 2009?

MR AGRIZZI: I cannot dispute that the last delivery to

Papadakis was in 2009.

ADV WILLIS: Thank you and we know that there was not, there is no evidence before the Commission of a SARS investigation prior to the 9th of July 2009.

MR AGRIZZI: No, you are incorrect.

ADV WILLIS: Sorry?

MR AGRIZZI: Sorry, you are incorrect. You are only saying that because that is based on the testimony by Mr Wakeford.

10 **ADV WILLIS:** No, no I am showing that on the basis of your complete failure to place evidence before the Commission to substantiate your allegations

MR AGRIZZI: That is your perception.

ADV WILLIS: Very well, my perception as long as the evidence exists for my client's benefit we will argue that to the learned Chairman. So – Mr Chairman that would be an opportune time for a short break, thank you.

CHAIRPERSON: Okay let's take a ten minutes break. We will take a ten minutes break Mr Agrizzi.

20 We adjourn.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Okay, let us continue.

ADV WILLIS: Thank you, Mr Chairman. Mr Agrizzi, I now want to turn to deal with the consultancy agreement

between Mr Wakeford and Bosasa. Now you concede, because that is what your evidence seems to demonstrate, that Mr Wakeford through his closed corporation, Wakeford Investment Enterprises, was contracted to Bosasa as a consultant. Is that correct?

MR AGRIZZI: Yes, as far as I know, yes.

ADV WILLIS: And that was from 2006 until April 2015. Can you dispute that?

MR AGRIZZI: I cannot dispute that. There was never an
10 agreement, so I cannot tell you. There is no agreement in place. He was just getting paid and paid and paid.

ADV WILLIS: Well, that was another meeting that you were not party to. That was an agreement between him and Mr Gavin Watson. So can you dispute that there was an agreement between them?

MR AGRIZZI: There is no written agreement between them.

ADV WILLIS: You may... [intervenes]

MR AGRIZZI: I cannot comment agreements that I have
20 not seen. I was just told to pay the invoices as they came in from Mr Watford.

ADV WILLIS: Well, I put it to you the evidence is quite clear that he was a consultant to Bosasa for the period 2006 to April 2015. Can you dispute it?

MR AGRIZZI: I cannot dispute what you are telling me.

ADV WILLIS: Thank you. And he was paid a fee throughout of R50 000 per month plus the 14% VAT, R57 000 in total, on the odd month where there were a couple of extra expenses. Can you dispute that?

MR AGRIZZI: I cannot dispute. I cannot dispute what he was paid.

ADV WILLIS: In fact the great... [intervenes]

MR AGRIZZI: We are talking about invoice payments, hey? We are not talking about cash or anything like that,
10 just invoices.

ADV WILLIS: Ja, there never was cash, Mr Agrizzi.

MR AGRIZZI: Okay.

ADV WILLIS: Are you going to adapt your version and add that today because there is – unless you can show that to me in an affidavit or in a document here, I am going to stop you before you jump to something like that. You want to grow your version today that now there was cash involved?

MR AGRIZZI: Mr Willis, I am not your client. I do not
20 (indistinct).

ADV WILLIS: Well, Mr Agrizzi, you are right you are not my client. It is in the public domain that demand has been made of you by the liquidators for R91 million of funds that you have funnelled out of Bosasa entities. That is in the public domain. Now what do you have to say about that

when you want to talk about my client?

MR AGRIZZI: It is also in the domain that SARS wants 500 million from me. It is also in the public domain.

ADV WILLIS: Yes, interesting. Now... [intervenes]

MR AGRIZZI: Carry on, Mr Willis.

ADV WILLIS: What am I to understand from that, Mr Agrizzi? Is that a threat or must I carry on with the questioning?

MR AGRIZZI: Yes, ja.

10 **ADV WILLIS**: Thank you.

CHAIRPERSON: I'm sorry, Mr Pretorius wants to say something.

ADV PRETORIUS: Just to say, Chair, that if the witness has an answer in cross-examination that is not included in a prior statement or affidavit, there is nothing to prevent him giving that answer and he should be allowed to do so.

CHAIRPERSON: Ja, well I do not know whether you are talking about any specific answer or question, Mr Pretorius.

20 **ADV WILLIS**: I think what Mr Pretorius is talking about is the fact that I asked him about the 91 million and the answer he gave, which is a collateral, assume Mr Pretorius is correct, save that I did not take the issue any further. It was just that I made certain that I understood what Mr Agrizzi followed up with.

CHAIRPERSON: Okay.

ADV WILLIS: You also cannot dispute that Bosasa... [intervenes]

CHAIRPERSON: Hang on, Mr Agrizzi.

MR AGRIZZI: Sorry, I do not understand what was meant by that comment from Mr Pretorius, Mr Willis.

CHAIRPERSON: Oh, I think maybe you can leave it to the lawyers. You have got your counsel here. He understands what Mr Pretorius was saying. Okay.

10 **ADV WILLIS:** You also cannot dispute that Bosasa fell into arrears paying Mr Wakeford for a period of time.

MR AGRIZZI: No, I cannot dispute that at all.

ADV WILLIS: Yes, thank you. And you cannot dispute that there were catch up emails, your catch up payments which are reflected in emails.

MR AGRIZZI: That would have been done by the Accounts Department.

ADV WILLIS: Yes and you were involved, in fact you stopped those payments and you were the one who
20 controlled his expectation of when he would get double payments back.

MR AGRIZZI: No.

ADV WILLIS: That is what the record say. Do you dispute that?

MR AGRIZZI: I dispute that. Mr Watson was the one who

said do not pay him for these months or whatever, do not pay him, we can wait. That was Mr Watson's instructions.

ADV WILLIS: Very well. Let me just – I want to take you to – please turn with me to page 991 in Bundle 4B, Mr Chairman.

CHAIRPERSON: 991. Are we going to come back to Bundle 4 or... [intervenes]

ADV WILLIS: Yes.

CHAIRPERSON: ...can I send it away?

10 **ADV WILLIS**: (Indistinct) you can just leave it for now, thank you.

CHAIRPERSON: Okay. Okay.

ADV WILLIS: So at the bottom of page 991 is an email from you, the 7th of March 2012. Can I ask you just to stop there? I just want to put something to you. Mr Wakeford's payments after the arrears, after Bosasa had fallen into arrears, can you dispute that they recommended I think on the 24th of August 2010? Can you dispute that, in other words the doubled up payments?

20 **MR AGRIZZI**: There was such a mess with his accounts always. He thought he was not paid, then he was paid and there was such a mess that eventually I mean I think it was his attorneys and accountant made such a mess of all the payments he did not know what was happening. So if you ask me now can I dispute, it is very difficult because it was

very confusing. I actually I remember this email because I asked (indistinct) who was the accountant at the time to sort it out and to make sure when have they been paid, when last – when has he not been paid because his accounting system was such a mess. Well, (indistinct) from that.

ADV WILLIS: I want to put it to you there is no evidence, objective evidence to verify what you have just said anywhere in these papers.

10 **MR AGRIZZI**: I can find it for you. it is not a problem.

ADV WILLIS: Well, where is the objective evidence that his – objective evidence that his accounts were in a mess.

MR AGRIZZI: I will show you. There is an email from him to his accountant to say this should not have been invoiced at Bosasa. It should have been invoiced (indistinct). You know, unfortunately it takes me a bit of time but I will get to it, do not worry.

ADV WILLIS: I know what you are referring to, Mr – and I will take you there, Mr Agrizzi. It is one email where his
20 accountants had ordered his accounts in relation to other clients to Bosasa and he was embarrassed by it and he corrected it. That is the one, is it not?

MR AGRIZZI: There were so many of them.

ADV WILLIS: Oh, really?

MR AGRIZZI: There was – these just reflected that, but

there were so many of them.

ADV WILLIS: I want to put it to you that you have put up only one such email, the one I referred to.

MR AGRIZZI: Just an example.

ADV WILLIS: Example. So let us read what... [intervenes]

MR AGRIZZI: Sorry, Chairperson, if I can address this.

CHAIRPERSON: Yes.

MR AGRIZZI: If remember that when I left Bosasa with
10 the other whistle blowing at that time, what happened, Chairperson, we were not allowed any information. We were cut off from all information. Laptops were stopped, they were erased and we had no information. So the information we provided was basically information that we had available with ourselves. So that is why (indistinct) one email from myself to say listen, there is a problem with your account here, please sort it out.

Mr Wakeford will also remember that. Dr Jurgen Smith had a major go at him because he was not registered
20 for tax and he was claiming tax and he was not registered. Dr Smith himself dealt with the issue.

ADV WILLIS: And where is that in the evidence? Have you put that up as evidence?

MR AGRIZZI: No because that is – I am not (indistinct) Bosasa, but we can gladly ask the liquidators to go into all

the Bosasa emails and pull them. We have asked for it but we have not got it... [intervenes]

ADV WILLIS: You have worked hand in hand – you have worked hand in hand with the investigators with the Commission for nearly three years and I put it to you, you have made practically no effort to secure any information, notwithstanding the challenges by Mr Wakeford.

MR AGRIZZI: No, you are totally incorrect.

ADV WILLIS: Very well. The record will speak for itself.

10 Let us read this email. It says – you have addressed it to Carlos Bonifacio.

MR AGRIZZI: Bonifacio.

ADV WILLIS: Very well.

“This was done as agreed when I reduced K Wakeford. So please, if you can make a payment of R50 000 for March and R50 000 for Feb. We are well behind it but I will manage expectations on his side. Consultant is using the attached vehicle to channel payment.”

20 That was a reference below to Mr Radhakrishna, but the first part is a reference to Mr Wakeford. So you, you said I reduced K Wakeford.

MR AGRIZZI: Yes.

ADV WILLIS: And then we read in the various emails about the catch-up and that is where he was paid R100 000

plus VAT.

MR AGRIZZI: Yes.

ADV WILLIS: And can you dispute from the records, and you have had his evidence affidavit now for approximately six weeks, can you dispute that what he demonstrates, including evidence off the Great Plains system of Bosasa, can you dispute that every sum of money or every amount received by him matches one for one for the invoicing to Bosasa for his consultancy fee? Can you dispute that?

10 **MR AGRIZZI**: Mr Willis – Adv. Willis, I would like to refer you to page 990 where it says at paragraph 91, see KW003, 004, 005, emails that depict the dire situation of Kevin Wakeford’s financial system. So I cannot dispute the figures that Mr Wakeford puts forward, but what I can dispute is that it shows that there was a dire situation of his financial system that caused a delay in the payments... [intervenes]

ADV WILLIS: Let us... [intervenes]

MR AGRIZZI: ...given you time to pay.

20 **ADV WILLIS**: Let us go to 003, 4 and 5. Turning to page – can you turn to page 190.

MR AGRIZZI: Yes, the other side.

ADV WILLIS: Yes, Mr Chairman, my apologies, it will be Bundle 4.

CHAIRPERSON: Okay and the page is 190.

ADV WILLIS: Yes. Now, let us read from the bottom of 190. Are you there?

MR AGRIZZI: Sorry, no, I am not there yet. 190.

ADV WILLIS: So are you there now?

MR AGRIZZI: I am here.

ADV WILLIS: Alright, let us read at the bottom. So the original message is Carlos Bonifacio. He is writing to Lindie Erasmus and he says to her, it is regarding July payment.

10 “Hi, Lindie. Do we have any more outstanding invoices for Wakeford Enterprises? I thought that we had brought the account up to date. I do not recall any new invoices. Please check and get back to me soonest.”

Then Carlos, there is an email above, he sends again:

“Hi Colleen. Do you have any recent invoices for Wakeford Investment Enterprises? Our records reflect that all outstanding invoices are paid to date.”

20 We go up. There is yourself writing to Mr Wakeford.

“Can you please before the July 2010 account – or could you please forward the July 2010 account. It seems it has now been received. Carlos will on receipt expedite the payment.”

And then at the top... [intervenes]

MR AGRIZZI: It seems it has not been received. It seems it has never been received.

ADV WILLIS: It seems it has never been received. It seems it has never been received. Very well. Go to the top. He writes back:

“Angelo, you did acknowledge receipt TED. Please resend.”

So we turn over the page. Let us read all of it together. Let us look at this on a conspectus. Page 191. That is
10 only one email that appears, only one message. Kevin is writing to you, he says:

“Hi, Angelo. Any conclusion on my July 2010 catch-up payment? If there are any matters that I am unaware of, please let me know. No offence. Kind regards.”

Nothing further to read up there. Let us go to 005. This is from Kevin to Ted and this is the one to his attorney.

“Ted, what is going on? The attachment is for Vushango(?), not for Bosasa? You sent everything
20 out yesterday to all concerned. This is embarrassing. Regards, Kevin.”

Now where – these are the three invoices that you just referred us – sorry, the three emails that you referred us to at page 990. You said see attached KW003, 4 and 5, I have just taken you to it, emails that depict the dire

situation of Kevin Wakeford's financial system that caused delayed payments, reflects Angelo Agrizzi's attempts to resolve matters. I put it to you that noting we read in those three annexures bears out what you referred the Chairman to a few moments ago, Mr Agrizzi. Your answer please.

MR AGRIZZI: Chairperson, I have to – sorry, I have to elaborate in this. If you would like to turn to page 196, Chairperson, so I can answer... [intervenes]

10 **CHAIRPERSON**: Okay.

MR AGRIZZI: ...in the context... [intervention]

CHAIRPERSON: Yes.

MR AGRIZZI: Sorry, Chairperson. Sorry, my mistake. If you can go right up, alright.

CHAIRPERSON: You said 196.

MR AGRIZZI: Sorry, Chairperson, my mistake. It is – sorry, there are 18 – see, Chairperson, I am sorry I have to do this, but it is quite evident that, you know, that only certain things are (indistinct). We can go to 131 as a
20 matter of fact – sorry, 209. Sorry, Chair.

CHAIRPERSON: 209?

MR AGRIZZI: Yes. So if you look at 209.

CHAIRPERSON: Hang on one second. Yes, I am there.

MR AGRIZZI: This is just one of the emails that I happened to have on the system from Melanie Herman, the

assistant bookkeeper, right. And you will see, Chairperson, it goes on to – go back up to page 206, alright. And he says there:

“Please find the March 2011 invoice done on behalf of Ted Craig.”

CHAIRPERSON: Hang on one second. Where were you reading from, 206, what you have just read?

MR AGRIZZI: Sorry, Chair, 208.

CHAIRPERSON: 208.

10 **MR AGRIZZI**: Yes and... [intervenes]

CHAIRPERSON: Okay, wait. Are you reading... [intervenes]

MR AGRIZZI: Straight from the top... [intervenes]

CHAIRPERSON: Hang on, Mr Agrizzi. Hang on, hang on, hang on. Let us start. I am at 208. Whereabouts on that page were you reading?

MR AGRIZZI: Chair, at the bottom.

CHAIRPERSON: Yes.

MR AGRIZZI: (**Indistinct**) it says:

20 “Please find the March 2011 invoice done on behalf of Ted Craig.”

CHAIRPERSON: Yes. That is an email from Melanie Herman to yourself and she is copying Mr Wakeford. Is that right?

MR AGRIZZI: That is correct, Chair.

CHAIRPERSON: Okay.

MR AGRIZZI: But then it says March invoice Leading Prospect Trading which was (indistinct). Kevin sends me the email. He says:

“This was sent to you yesterday from a new accounting email. Not sure whether you opened it.”

Right, okay. It is the invoice (indistinct) it says January Consulting R100 000.

CHAIRPERSON: Now on what page is that?

10 **MR AGRIZZI**: That is on page 207.

CHAIRPERSON: Okay, 207 is an invoice. Is that right?

MR AGRIZZI: That is correct, Sir.

CHAIRPERSON: And that is an invoice from Wakeford Investment Enterprises CC.

MR AGRIZZI: That is correct.

CHAIRPERSON: To... [intervenes]

MR AGRIZZI: (Indistinct)

CHAIRPERSON: To whom was it addressed?

20 **MR AGRIZZI**: To Leading Prospect Trading 111 which is Lindela.

CHAIRPERSON: Okay.

MR AGRIZZI: Okay, let us look at that, the R114 000 and it says January invoice.

CHAIRPERSON: Where does it say January invoice?

MR AGRIZZI: Chair, if you look at – let me have a look

here, sorry (indistinct). If you have a look at the description, not the first column, the second column, it says description.

CHAIRPERSON: Yes.

MR AGRIZZI: January invoice.

CHAIRPERSON: Oh, January. I see, January Consultancy.

MR AGRIZZI: That is right and there was a VAT amount added to it, VAT.

10 **CHAIRPERSON**: Yes.

MR AGRIZZI: Alright.

CHAIRPERSON: That is R100 000.

MR AGRIZZI: With VAT R114 000.

CHAIRPERSON: Ja.

MR AGRIZZI: Then you will see there is a further invoice called July invoice attached, that is on 206.

CHAIRPERSON: Okay, Mr Agrizzi.

MR AGRIZZI: Yes.

CHAIRPERSON: This response is meant to show what?

20 **MR AGRIZZI**: What I am trying to show you, Sir, is that Adv Willis is not being – he is not exposing absolutely everything. He is cherry picking certain aspects of the file and we are going to get to a section, if you remember my argument was that the accounts were in such a disarray that we did not know what was happening.

CHAIRPERSON: Yes, but... [intervenes]

MR AGRIZZI: Look... [intervenes]

CHAIRPERSON: Hang on.

MR AGRIZZI: Yes, Chair.

CHAIRPERSON: The last question that he asked you... [intervenes]

MR AGRIZZI: Yes.

CHAIRPERSON: Yes, do you remember what that question was?

10 **MR AGRIZZI**: Yes, he referred back. I referred him to 04, 05 and 06, the comments in terms of the problems with regards to the invoicing. That is what I referred him to.

CHAIRPERSON: Mr Willis, I am not sure. I just want to see whether referring to these invoices and emails answers your question.

ADV WILLIS: Mr Chairman, just to remind you Mr Agrizzi sought to make out an argument that Mr Wakeford's financial system, it is his system that caused the delayed payments, called it a dire situation, page 990. Then he
20 referred to this three emails, 003, 004, 005 which he relied on. Not me.

CHAIRPERSON: Okay, so it is about the... [intervenes]

ADV WILLIS: Yes, yes, so then he relied on – he relied on this. Then I said let us go there. We looked at them.

CHAIRPERSON: Okay, okay... [intervenes]

ADV WILLIS: And I then put it to him that they do not demonstrate what he says here.

CHAIRPERSON: Yes, okay.

ADV WILLIS: He then said to me and he has now repeated it, that I am – he has now summed it up, I am cherry picking and he then took us on some sort of I do not know what you would call, but a hop, skip and jump through some pages... [intervenes]

CHAIRPERSON: Yes, okay.

10 **ADV WILLIS:** ...and I do not understand what he said, but I would put this to him and that is that he still has not demonstrated any evidence to show that Mr Wakeford's financial system as he calls it was in a dire situation and caused the delay.

CHAIRPERSON: Okay, no that is fine. Mr Agrizzi, now I understand. What you are doing is going to certain emails and invoices to show as far as you are concerned that Mr Wakeford's financial system was problematic.

MR AGRIZZI: Was a mess.

20 **CHAIRPERSON:** Was in a mess. Right, okay.

MR AGRIZZI: Let us go right down to 194.

CHAIRPERSON: 194.

MR AGRIZZI: Correct. And it actually starts, it starts – sorry, Chair, it starts from 195.

CHAIRPERSON: Ja.

MR AGRIZZI: (Indistinct) it seems the auditors are now changing the certificates, alright. And then if you look at it, that then Kevin Wakeford writes, he says:

“Angelo, just for your information, my company does not fall into the independent contractor category... [intervenes]

CHAIRPERSON: I am sorry, where are you reading from now?

MR AGRIZZI: From 194.

10 **CHAIRPERSON:** 194.

MR AGRIZZI: That is right.

CHAIRPERSON: Just read what you just read again.

MR AGRIZZI: Just read it again. It says – he writes back to me and he says:

“Angelo, just for your information, my company does not fall into the independent contractor category...”

And it goes and explains it. What I am getting at, Chair, is if you look at the beginning of my email or let us say the end of my email, the chain of emails on 193, I was actually
20 trying to (indistinct) sort it out. And there it specifically says that doctor – I think doctor is getting old and it was because Dr Smith did not pay that there was delays.

CHAIRPERSON: Okay.

MR AGRIZZI: Because of his accounting records that were not satisfying Dr Smith.

CHAIRPERSON: Okay.

MR AGRIZZI: Now I am trying to resolve it. So for Mr Willis to say that I am not – I purposefully withheld and all that type of thing, it is all nonsense.

ADV WILLIS: You pointed me to on page 990 to paragraph 51, see attached KW003, 004, 005. Can you tell me where else, either in your affidavit or even in your oral evidence, that you explained this new concoction of the doctor and that he now was not happy with something and he was the
10 cause of – well, he held Mr Wakeford accountable to something and that was the cause of the holdup. Where is... [intervenes]

MR AGRIZZI: Where is my – is this my affidavit?

ADV WILLIS: I do not know. Yes, this is your affidavit. This is your affidavit.

MR AGRIZZI: (indistinct) I did it. I would not have had to explain it to you. You charge your client, you should have studied it, Mr Willis.

ADV WILLIS: Mr Chairman, I am not going to justify that
20 with an answer, but the facts will speak for themselves. Thank you, Mr Chairman. So you cannot dispute either that over 107 months of contract period Mr Wakeford or his closed corporation was paid an average of R51 000 a month excluding VAT. Can you?

MR AGRIZZI: I cannot dispute the actual amounts, no.

ADV WILLIS: And you cannot dispute that you cannot prove that he received R100 000 a month for managing Papadakis in relation to a major SARS investigation, can you, Mr Agrizzi?

CHAIRPERSON: Sorry, just repeat that proposition.

ADV WILLIS: He cannot prove that Mr Wakeford was paid R100 000 a month to manage Mr Papadakis and in resolving any major SARS investigations.

CHAIRPERSON: Okay, alright. Mr Agrizzi?

10 **MR AGRIZZI:** Chairperson, I am just going to refer back to my original statement and (indistinct) on page 203 there is an amount for R100 000 and there is one or two more. So that is my answer.

ADV WILLIS: I am just going to – yes, yes, you know what the version is. He was paid R100 000 in catch-up payments and what you did was in catching up as there was a period of I think approximately 12 months where he had not been paid and then you double paid. He invoiced it and you double paid him to make catch-up. That is what
20 all the emails speak to, Mr Agrizzi.

MR AGRIZZI: That is your version.

ADV WILLIS: That is the evidence. Thank you, Mr Agrizzi. That is your answer I gather. Now let us try and finish this. Turning to the Lindela issue.

CHAIRPERSON: Well, we are at 8 o'clock, Mr Willis.

ADV WILLIS: Are we?

CHAIRPERSON: Yes.

ADV WILLIS: I will be probably 20 minutes.

CHAIRPERSON: Okay.

ADV WILLIS: And give my learned friend – he says he only needs a few minutes.

CHAIRPERSON: Okay. So it is 20 minutes quickly.

ADV WILLIS: Thank you, Mr Chairman. Your version, your main version regarding Lindela is this as I understand
10 it. In 2005 you were involved in the conclusion of the first contract in relation to the Lindela facility with the Department of Home Affairs. Correct?

MR AGRIZZI: Carry on, yes.

ADV WILLIS: Just answer the question. Do not give me directions.

MR AGRIZZI: The answer is yes.

ADV WILLIS: Yes, thank you. And unfortunately, Mr Chairman, it is the disrespect the witness shows the process, not just me, but the process that makes it
20 difficult. And so in 2000... [intervenes]

MR AGRIZZI: Chairperson.

ADV WILLIS: Mr Agrizzi, I am not talking to you now, Sir... [intervenes]

MR AGRIZZI: Sorry, Chairperson.

CHAIRPERSON: Yes.

MR AGRIZZI: (indistinct) can we not carry on tomorrow?

I am not feeling well. It is not easy for me to sit so long.

Is it not possible to carry on in the morning, Chairperson?

CHAIRPERSON: Okay. Okay. No, no, no... [intervenes]

MR AGRIZZI: (Indistinct) because I have been waiting since this morning... [intervention]

CHAIRPERSON: No, no, no, Mr Agrizzi, I understand. I do not want to put pressure on Mr Agrizzi to continue. He is not – his health is not good. There are two ways, maybe
10 more of going forward. One is that we can try and find time either - maybe if – maybe Saturday if everybody is available, or I don't know about early next week.

MR WILLIS: Mr Chairman I will make myself available tomorrow, Saturday is an impossibility, I have to go to a wedding which has been reorganised in the Covid regulations and so they have had to move it forward and etcetera, but I would be available Sunday, but next week, my only difficult next week is Wednesday I am in a leave to appeal in a rather big matter before you ...[indistinct] but I
20 can accommodate, but I might I suggest this, is that I don't know how soon you see yourself betting back to the decision around 417 admissibility issue, and we can revert after that, because that we could wrap everything up, but I am in your hands Mr Chair.

CHAIRPERSON: Ja, yes, no, no I would like us to at least

finish what we wanted to finish today. Tomorrow I have a witness who starts at ten and goes up – but must finish before lunch. I am thinking that if everybody could make themselves available, including if Mr Agrizzi also would be available for that I am thinking that maybe if we start at nine then you could have your last 20 minutes and then maybe we can see re-examination before the witness for the day who starts at ten, you would be available for that?

ADV WILLIS: I will make myself, I will make
10 arrangements.

CHAIRPERSON: You will make a arrangements, would that be convenient to you Mr Agrizzi?

MR AGRIZZI: The time ...[indistinct] as long ...[indistinct] I can do it. Chair I will push through I mean if it is only going to be twenty minutes, I thought it was another four hours but if it is only 20 minutes I will rather push through Chair.

CHAIRPERSON: Oh okay, well if you say so, okay, he says we can continue. Okay, alright, okay let's at least
20 finish the twenty minutes.

ADV WILLIS: Thank you Mr Chair, but of course that will need to start from now.

CHAIRPERSON: Ja, no, of course, it would be twenty minutes from now, okay.

ADV WILLIS: Mr Agrizzi the Lindela story starts in 2005,

you were party to negotiating that Lindela contract with the Department of Home Affairs, for that facility, you said yes to that?

MR AGRIZZI: Yes.

ADV WILLIS: And then in the period, the ...[indistinct] period there was a turnaround at the Department of Home Affairs, just before the elections in 2009, that period was May 2007 to April 2009 and one of the projects, one of the things that was, that Home Affairs wanted was to
10 renegotiate that contract with Bosasa, correct, and there must have been a first addendum somewhere along the line, but it precedes this event, you may know about it, it is not material because what resulted from those negotiations was the second and the third addendum.

MR AGRIZZI: Yes.

ADV WILLIS: Correct?

MR AGRIZZI: Yes.

ADV WILLIS: Yes?

CHAIRPERSON: Come closer to the mic Mr Agrizzi.

20 **MR AGRIZZI:** Yes.

ADV WILLIS: Right, and the – one of the members of the negotiating team was Mr – or the Department of Home Affairs was Mr Radhakrishna. Mr Wakeford had been appointed ...[intervenes]

MR AGRIZZI: I think he was the only person negotiated

with, there was nobody else.

ADV WILLIS: Well I put it to you that that is not what Mr Wakeford informed the Commission, I am sure that version suits you, but that was disputed by Mr Wakeford. Can you prove that, did you gather any documentation from the Department of Home Affairs, any records, did you put anything up to maybe prove that?

MR AGRIZZI: I don't have any access to any documentation whatsoever.

10 **ADV WILLIS:** You made very serious allegations against these men and you have no evidence to bear it out. Surely you did some homework.

MR AGRIZZI: I provided all the evidence to the investigating leaders, to the Hawks, to the National Prosecutor Authority.

ADV WILLIS: Now Mr Wakeford, as the learned Commissioner knows, had been appointed by the Minister at the time, was the turnaround advisor, he told the Chairperson that he fully disclosed to the Chairperson,
20 sorry to the Minister that he at that time also had a contract, a consultancy contract with Bosasa and the Minister was happy with that.

MR AGRIZZI: Yes.

ADV WILLIS: He had seven work streams and 55 projects and it was an award winning endeavour internationally he

told the learned Chairperson about what that turnaround was all about, but your allegation against is to I think to link him and Mr Radhakrishna by saying that Mr Radhakrishna was captured somehow by Bosasa through Mr Wakeford and negotiated benefits for Bosasa.

MR AGRIZZI: Yes.

ADV WILLIS: You say only two things, you say there was an extension and you loosely refer to other benefits, but you put up no evidence of that, none that I have seen. Mr
10 Wakeford comes back and puts up evidence and information pertaining to the project Home Affairs Lindela facility, he explained it to the learned Chairperson and he demonstrates that there never was an extension. What was negotiated for the benefit of the Department of Home Affairs was that they in the future at their election could extend the contract if they wished, if they elected, and they never did.

Now I put it to you your allegation of an extension is objectively, verifiably false.

20 **MR AGRIZZI:** You put it to me but I deny it, I think you – you are making objection but I can prove everything to you ...[intervenes]

ADV WILLIS: Please can you demonstrate – can you demonstrate from these records before the learned Chairperson that there was an extension.

MR AGRIZZI: Yes.

ADV WILLIS: Where – can you show where the Department of Home Affairs exercised its rights to extend and that would have happened in the future.

MR AGRIZZI: May I answer the question?

CHAIRPERSON: Yes you may answer the question now Mr Agrizzi.

MR AGRIZZI: Chairperson the contract is still in process and continuing till today as we speak. The contract was
10 still operational in 2019/2020, so it was extended, the contract term was extended naturally, it just continued progression. The facts that I provided because Advocate Willis is not being totally transparent with the Commission here. The facts I exposed was that I knew Radhakrishna was being paid through Distinctive Wine and Mr Notshe wasted Mr Wakeford's testimony, very interesting Mr Wakeford then turned around and said well Mr Aneel Radhakrishna must answer that but yet he relies upon that evidence in perfecting or providing an answer in this
20 matter here, but he actually said that I don't want to rely on Mr Radhakrishna, ...[indistinct] Mr Radhakrishna, so Mr Wakeford needs to explain that.

ADV WILLIS: So what I want to put to you is that your version stands to be pitted against the records and the reports of the Department of Home Affairs, that is where

the answer lies, isn't it?

MR AGRIZZI: Chairperson if you would like me to explain it.

CHAIRPERSON: Yes.

MR AGRIZZI: We can provide ...[indistinct – distortion] Mr Chairperson that R7million was promised to Mr Aneel Radhakrishna, sometime during 2020 he actually came to my house, very upset because Gavin didn't pay him the balance of his money. Alright, there is an email to that
10 effect, alright, but it is part of the documents, and the bundle as well, that is the facts, that's what I attested to, I didn't just attest to two facts as alluded to by Advocate Willis, I gave a whole stream of events, a whole stream of facts to prove the facts that Aneel Radhakrishna, Kevin Wakeford and Gavin Watson had come to an agreement that they would make sure that Lindela would be profitable enough and be able to pay not only Mr Wakeford and everybody else but Mr Radhakrishna's R7million as well.

ADV WILLIS: Very well ...[intervenes]

20 **MR AGRIZZI:** ...[Indistinct – distortion] sorry let me finish please Mr Willis.

CHAIRPERSON: Yes, finish.

MR AGRIZZI: Advocate Willis the facts of the matter is I gave my testimony, my statements are there, the facts of the – the pages to Distinctive Wines are there, that's the

facts.

ADV WILLIS: Thank you, we will let the facts speak for themselves. Let's move on. Mr Agrizzi you told the Commissioner that you came to a decision to come clean as you put it.

MR AGRIZZI: Yes.

ADV WILLIS: So you weren't clean before and that was apparently made in December – that was apparently made in December 2016 while you were lying in a hospital bed, is
10 that correct?

MR AGRIZZI: Yes, that is correct.

ADV WILLIS: You then waited two years before doing that, before coming to this Commission. Why didn't you in the beginning of 2017 make everything, the Hawks, the Crimes Unit, why didn't you come clean then?

MR AGRIZZI: ...[Indistinct – distortion] and I am going to explain it, and maybe I need to explain in a little bit more depth, so that you understand. We tried very hard to speak to various people. Unfortunately and the recordings
20 have been played where it was quite evident that Gavin Watson had capture the then President, the highest ...[indistinct – distorted] in the Justice System in South Africa had been captured, we have seen that.

I will give you a simple example, we submitted when there was a ...[indistinct] we submitted detailed affidavits

to the Hawks and that there was no action taken. We tried to report it to everybody, we finally reached out in a newspaper release that we sent out and in the newspaper release we said listen we need to open this thing up and that is when Inspector Frank Jutton[?] approached us and started to work with us at the Commission and assured us that the Commission was the right way to go.

ADV WILLIS: So why didn't you then ...[intervenes]

MR AGRIZZI: Sorry, no, no, may I finish please.

10 **CHAIRPERSON:** Ja, finish.

MR AGRIZZI: That happened Chairperson, and I put extensive affidavits ...[indistinct – distortion] then what happened was we after we put up the newspaper article, the news report, what happened was we were then approached on the Wednesday night, sorry on the Thursday night but ...[intervenes]

ADV WILLIS: Are you sure, you have a very specific memory to that Mr Agrizzi?

MR AGRIZZI: I do because it was very traumatic. Sorry
20 Chairperson ...[intervenes]

CHAIRPERSON: Let him continue Mr Willis. Ja, continue.

MR AGRIZZI: Chairperson ...[indistinct – distorted] listening, on the Thursday night and on the Friday the whole day they made an offer to us, first they made an offer, the very first offer was that an estate called Wilstone

Wildlife Estate in Port Elizabeth, it had been through a lot of ...[indistinct] with Kevin ...[indistinct] and Cheeky Watson and now it was taken over by Valance Watson and the Watson family and they wanted me to market through an estate agency that I had opened up that time and I would have sole mandate to market the Watson's properties at Wilstone Estate. I refused that point blank. In the meeting at my house I actually said to Ronnie Watson, Gavin Watson – to Ronnie Watson, Valance
 10 Watson, ...[indistinct – distortion] was the alternate that time and Gerhard Watson who was there and Andries confirmed that, that I would have nothing to do with the Watsons and I asked them to leave.

They left at 1:30 in the morning Chairperson, the next morning at 9:30 Valance Watson and Gerhard Watson were on my doorstep, they were asking that I consider a R50million offer to the whistleblowers to keep quiet, to walk away, to turn around. My instructions to Andries van Tonder was go and solicit a recording so that I could get
 20 Gerhard and Valance Watson to sign this agreement. It is all in my testimony Mr Chairperson.

Chairperson that is then on the Friday night they came and they recorded me and then on the Saturday I then wrote a letter back to them to say thank you very much, and I think the letter goes to extent of you must

have taken me for a fool but I will not sell my soul ever again. That is what happened Chairperson.

ADV WILLIS: Thank you Mr Agrizzi that you answered, I was obliged to put that to you.

MR AGRIZZI: Yes.

CHAIRPERSON: Can I just ask you said you approached the Hawks I think with – you gave them statements or affidavits, roundabout when was that?

MR AGRIZZI: Chairperson if I am not mistaken, I will get
10 the file, but I think it was about 2017/2018, I think beginning of 2018, around there and it was specifically, it was specifically because there had been a death of – you know Richard Le Roux who testified there, his brother-in-law died very strangely and he was working with the investigator that Gavin Watson had employed.

CHAIRPERSON: Okay.

MR AGRIZZI: The guy passed away on the Friday, and I ...[indistinct] my testimony, and what happened was that he was, the family was called in on the Monday and they were
20 told here is the invoice, we have paid for the cremation of him, his name was Chris Harris, and he was then – they did cremate him.

CHAIRPERSON: Okay, Mr Willis?

ADV WILLIS: Thank you Mr Chairman. I just want to put it to you though that you didn't answer the question, you

have explained nothing Mr Agrizzi.

MR AGRIZZI: The question was?

ADV WILLIS: I am just putting it to you you have not answered the question, I am not putting the question to you again.

MR AGRIZZI: That's fine.

ADV WILLIS: According to your oral evidence there was a meeting held at your home on the 12th of November 2017, present was Mr Andries van Tonder, Leon van Tonder,
10 Frans Vorster, Richard Le Roux, they all prepared affidavits. Do you recall that?

MR AGRIZZI: Yes I do.

ADV WILLIS: Mr Peet – Peet Venter, you know Mr Peet Venter's affidavits, speaks extensive to this.

MR AGRIZZI: Yes.

ADV WILLIS: Okay, he says in fact that you, and you will remember the debate around this in evidence, he had – as you compiled his affidavit he just had to put his personal information in it and of course where once before Mr Peet
20 Venter and you are on good terms he fell off the bus so to speak at some stage and you are not on good terms any more, correct?

MR AGRIZZI: Chairperson my answer to that is I am not on good terms with him at all, and he was caught out lying on a few occasions. Thank you.

ADV WILLIS: Thank you. And so those affidavits prepared were on the 12th of November 2017 and in fact you confirmed in evidence you recall that meeting vividly, I have it.

MR AGRIZZI: Yes.

ADV WILLIS: Yes, do you remember giving that evidence?

MR AGRIZZI: Yes.

ADV WILLIS: You seem to be getting better as the day
10 goes along, it is a pity we never had more time, but anyway let's move along. The point is that – and now I am having to page through this, get past a lot of material I would love to have debated with you, but if we go to page 1081, and that would have to be in Bundle 4B Mr Chairman, 1081.

CHAIRPERSON: Okay. We are five minutes to the expiry of the 20 minutes I just mention that.. 1081, I think ...[intervenes]

ADV WILLIS: And I am going to tell you what this letter
20 is, this is a letter, I put it to you this is a letter from your attorney at the time, Mr Daniel, and still is, Mr Daniel Witz, it is addressed on behalf of you, Andries van Tonder, Leon van Tonder and Frans Vorster and it is a request as was sent to Bosasa whereby your grouping, those names, wish for Bosasa to cede its catering contract with the

Department of Correctional Services to yourselves.

Now this is one month after 2017, you can see the date, 15th of December 2017, and you are making a demand in terms of this letter to take over the contract, the Correctional Services contract. Can you dispute that?

MR AGRIZZI: Incorrect, we were not making a demand, we were asking, and you can contact ...[indistinct] but we were asked to make a proposal which is what we did.

ADV WILLIS: I would like you ...[intervenes]

10 **MR AGRIZZI:** ...[Indistinct]

ADV WILLIS: Thank you. Mr Chairman if we can go to 1067.

CHAIRPERSON: Okay.

ADV WILLIS: This is 1067, Mr Chairman this is the game plan. This document was put up by Mr Peet Venter, it was aired on Carte Blanche and what it comes down to is a step for step plan to destroy Bosasa if Bosasa could not be hijacked including, if it was necessary, to put it into liquidation and thereafter seize the aforementioned
20 contract with the Department of Correctional Services. You are aware of this game plan.

MR AGRIZZI: I don't know what game plan you are talking about?

ADV WILLIS: You don't know this game plan at 1067.

MR AGRIZZI: ...[Indistinct] what I can tell you, you are

100% right, Debbie ...[indistinct – distorted] did interview Peet Venter, she also interviewed, she looked me in the eyes and she said Angelo I believe you, that tells you a lot about Peet Venter's statement here.

ADV WILLIS: Let's go to 1089. In fact if you go to 1088.

MR AGRIZZI: Yes.

ADV WILLIS: This is an email by yourself.

MR AGRIZZI: Yes.

ADV WILLIS: It is an address that has been redacted to
10 protect the person you address it to. You say:

“Thanks for the interest and effort.”

MR AGRIZZI: Yes, that's correct.

ADV WILLIS: And one can read it, I don't have the time, but then you say this ...[intervenes]

MR AGRIZZI: Chairperson can we please deal with it as Advocate Willis has referred to it.

ADV WILLIS: Can you please Mr Agrizzi you are attempting to waste my time, can you please ...[intervenes]

CHAIRPERSON: Let Mr Willis complete Mr Agrizzi.

20 **MR AGRIZZI:** Okay.

ADV WILLIS: I want you to turn to the second page on 1089, bearing in mind this is now three months after – about three months since the last email so there was the 12th of November 2017, you draw up all of these affidavits, they all serve before the Commission, you will know what

they deal with. Incidentally Mr Commissioner the additional Bundle 4B contains collection of all of those affidavits, there is no time to go to them, but that was – those were predominantly, not all, predominantly prepared on the 17 – 12th of November 2017, I have taken you to Mr Witz’s email, Danny Witz’s email on behalf of them which was a month later in December and now this is three months later and this is an email and if you go to page 1091 and if you go to the – allow me just to find this –
 10 sorry I have just my place – 1089, it is the Mr Chairman the third paragraph down, Mr Agrizzi it reads:

“So the answer is simply, as we were advised today we wait till the business ...[intervenes]

MR AGRIZZI: Tell me where we are?

ADV WILLIS: 1089.

MR AGRIZZI: Yes.

ADV WILLIS: Third paragraph down.

MR AGRIZZI: Yes.

CHAIRPERSON: Page 1089.

20 **ADV WILLIS:** In fact let’s start a little bit higher up, the paragraph above that, “I also doubt”, are you there?

MR AGRIZZI: Yes.

ADV WILLIS:

“I also doubt the banks are going to let African Global pass the liquidity test. So from what I hear

Gavin is doomed if he doesn't just – if he doesn't get in a rescue team such as us, more so than if he does and chances upsetting the likes of Papa and Jacky who won't have a job come August 2018 anyway.

10 So the answer is simply as we were advised today we will wait till the business is liquidated and pick up the contracts by offering assistance during the process, that is Gavin doesn't relinquish the business as ...[indistinct] at this stage. That way I am also released from any restraint, something that has kept me from pursuing other ventures in catering, one of the reasons I wanted to get involved."

MR AGRIZZI: Yes.

ADV WILLIS: Now we turn back to ...[intervenes]

CHAIRPERSON: That has got to be the last question Mr Willis.

20 **ADV WILLIS:** It is indeed Mr Chairman, you and I are in a zone with – in a zone is probably the ...

CHAIRPERSON: Yes.

ADV WILLIS: 1109 if you would please Mr Agrizzi.

MR AGRIZZI: 1109. Yes.

ADV WILLIS: And here you are the 19th of March 2018.

MR AGRIZZI: Yes.

ADV WILLIS: And what this demonstrates four months after those affidavits had been commissioned in November 2017 you are requesting to return to Bosasa and wanting reemployment. ...[intervenes]

MR AGRIZZI: Mr Willis ...[intervenes]

ADV WILLIS: Now the facts speak for themselves ...[intervenes]

CHAIRPERSON: Mr Agrizzi let him finish his question ...[intervenes]

10 **ADV WILLIS:** And what I am putting to you is that [break
in audio] Mr Agrizzi long before this commission came
along and after you were supposedly going to come clean
devised a scheme by way of which to destroy Bosasa if you
couldn't take it over, including leaving it or ensuring that it
goes into liquidation. If one has regard to the game plan it
sets out precisely how you would blacken its name, just
like we have seen in the case of the Guptas and others
where the banks shut their accounts etcetera, etcetera,
and your objective was to take this company and its
20 balance sheet over.

That is what your motive was when you approached
this Commission, that is what your motive was and when
you came and proffered a story that your life was in danger
and that you were a whistleblower you were misleading the
Chairman and you have misled this Commission in many

respects but certainly in respect of Mr Wakeford, Papadakos, Mr Radhakrishna ever since you gave evidence against them.

CHAIRPERSON: You may answer Mr Agrizzi.

MR AGRIZZI: Could you please, and I dispute absolutely what you are saying, let us go back to his own documents, 1088, and it is a letter that I have written, I don't know why ...[indistinct] because ...[indistinct – distorted] says email from Agrizzi to Martin Nassa[?] Agrizzi either wishes to
10 take over ...[indistinct – distorted] liquidator, so I don't know whose comments that is, however I would like to refer you to paragraph 3 Chairperson.

CHAIRPERSON: Yes.

MR AGRIZZI: I ...[indistinct – distorted] this is myself writing to Professor Nassa and if I can give you a bit of context, we were asked to put together a proposal for the generation of the ...[indistinct – distorted] so that it would not be a politically aligned company which is what we had ...[indistinct – distorted]. We were asked to do this.

20 I then said to Professor Nassa, Professor Nassa sent it through to McMillan at ...[indistinct] University one of the leading universities in the world to understand the proposal of [indistinct – distorted], it was a lengthy portfolio document.

Here I say I understand Gavin's ...[indistinct –

distorted] with a defunct and a volatile ...[indistinct – distorted]. Perhaps that is why we tried to make a suggestion, we speak to the boys individually in terms of a strategic plan, but having said that it seems the problem was somewhat larger. I didn't want to go up to – Advocate Willis' page as well just further down and it says:

“I understand that opportunities do exist outside the borders but my intention was never to work together with Gavin and his ...[indistinct – distorted] it wouldn't serve any purpose. The intellectual ...[indistinct – distorted].”

I then carry on and I say:

“The initial ...[indistinct] was let me look at doing a comprehensive takeover of the business unit known as African Global.”

And that is what we said, there was nothing untoward about it, we were asked to give our input into how do we deal with a company that was smothered with corruption and smothered with cash that had been paid out and that people weren't happy with that Chairperson, and that was our only intention with coming to the Commission because we had all been tainted with corruption and quite honestly simply given the facts please just make the decisions or the judgment on the facts of the matter on what ...[indistinct – distorted] yes or no. Let us take out

...[indistinct – distorted] lambasted for talking too much and I have been lambasted for saying it as it is, Chairperson quite simply the facts or the fact did people get gratification and didn't report on that gratification, there is no agenda. That is ...[indistinct – distorted].

CHAIRPERSON: Thank you.

ADV WILLIS: Is that Mr Agrizzi how you came clean? Is that your explanation for how you came clean?

CHAIRPERSON: Thank you, I think he responded to your
10 question the way he did Mr Willis. Let's end it there
...[intervenes]

ADV WILLIS: Mr Chairman the problem is he rambled on but I would like to know if that is how he came clean.

CHAIRPERSON: How he came to?

ADV WILLIS: Is that his explanation for how he came clean.

CHAIRPERSON: Oh but I said your last question – the previous question was the last question.

ADV WILLIS: As you please Mr Chairman.

20 **CHAIRPERSON:** Yes.

ADV WILLIS: The facts will speak for themselves.

CHAIRPERSON: Ja.

ADV WILLIS: Mr Chairman I do not know what other opportunities we are going to get to speak to you face to face.

CHAIRPERSON: You certainly are going to get the opportunity of making written submission.

ADV WILLIS: Indeed so.

CHAIRPERSON: And I would like you to – to – I would like you to start working on them and we will mind.

ADV WILLIS: And we will – we will hear from you when you want this.

CHAIRPERSON: Well I need to fix that deadlines. Maybe – maybe I should say you will be advised shortly but I would
10 like you to start like yesterday working – working on them.

ADV WILLIS: I would say. It is a very encouraging indication thank you. Mr Chairman thank you for your indulgence.

CHAIRPERSON: Yes thank you.

ADV WILLIS: We are very appreciative to you – my client and my attorney and myself.

CHAIRPERSON: Yes.

ADV WILLIS: Thank you.

CHAIRPERSON: No thank you Mr Willis. Mr

20 **ADV WITS:** Thank you Chair I will not be longer than a few minutes just to re-examine. Just four short aspects.

CHAIRPERSON: When you say a few minutes what are you talking about?

ADV WITS: Maximum five to ten minutes – not even ten – five minutes if I can start now?

CHAIRPERSON: Okay all right. Okay.

ADV WITS: And I am going to ask Mr Agrizzi to just give short precise answers.

CHAIRPERSON: Ja okay. All right okay.

ADV WITS: Thank you Chair.

CHAIRPERSON: Okay.

ADV WITS: I appreciate it. The first aspect Mr Agrizzi just in re-examination other than the people that you mentioned did you approach any other authorities before you landed up
10 at the state capture commission? Did you see anybody at the National Director or any other person? Just tell us briefly.

MR AGRIZZI: Yes. Yes Advocate Wits I did. I consulted with Mr Willie Hofmeyr after the Hawks in fact the documents to say there is 00:01:53 they are not even going to look at it.

ADV WITS: Right.

MR AGRIZZI: And 00:01:56 at the offices and he

ADV WITS: With the information and documents?

20 **MR AGRIZZI:** Yes.

ADV WITS: And he did not assist you.

MR AGRIZZI: He said he cannot help. The NPA was in disarray.

ADV WITS: And did you speak to – which year was this?

MR AGRIZZI: It was 2018/2019 ja 2018/2019 ja.

ADV WITS: And after him did you speak to anybody else from Justice? Anybody come and visit you from the...?

MR AGRIZZI: Nobody – nobody (talking over one another).

ADV WITS: From the DA Party.

MR AGRIZZI: Ja from the DA I spoke to the previous senior prosecutor Ms Breytenbach to try and help us, give us advice on what to do. She gave me some backstreet attorney to use and it was not very good.

ADV WITS: And that is how you landed up with that attorney and with the counsel that was assisting you, is that correct?

MR AGRIZZI: Eventually what happened Chairperson was I do not know if you know the story. I ended up with an attorney that we paid I think R1.5 million to and he did not even provide us with a document to come to the commission. It was very disconcerting, very disheartening and then that is where the commission helped me.

ADV WITS: Right now very, very simply dealing with only the South African Revenue Services Investigations.

20 **MR AGRIZZI:** Yes.

ADV WITS: And I want to deal specifically with Sea Ark what amount of money did BOSASA receive in regard to a tax write off approximately?

MR AGRIZZI: About R130 million.

ADV WITS: It is a R148 million.

MR AGRIZZI: That is right.

ADV WITS: It says tax loss.

MR AGRIZZI: Yes.

ADV WITS: Were they entitled to that tax loss?

MR AGRIZZI: No.

ADV WITS: Who assisted in arranging that rebate and remittance from SARS?

MR AGRIZZI: That was Gavin Watson and Curtis Venter and Daniel Erasmus and they paid some other people off
10 within SARS. I do not know who because I never...

ADV WITS: And BOSASA received that assessed tax loss for the prawns that supposedly moved from Port Elizabeth to Krugersdorp.

MR AGRIZZI: Correct.

ADV WITS: Right.

MR AGRIZZI: They even falsified – I gave them the evidence in my documents.

ADV WITS: Right. The next aspect that I just want to ask you and will ask you to confirm. During the period 2006 to
20 2015 in regards to Mr Wakeford it appears on his own evidence he received 97 payments totalling R6 502 783.01. Do you confirm that from the records?

MR AGRIZZI: That is correct.

ADV WITS: That is what he has put forward from that period of time.

MR AGRIZZI: Correct.

ADV WITS: And that was as a consultant.

MR AGRIZZI: That is right.

ADV WITS: And the essence of his work other than consultancy and other than SARS matters what else did he assist with in one sentence?

MR AGRIZZI: He went to a banks meeting to the banks and he explained to them about the 00:04:47 pillar and the fourth revolution and all that stuff to try and butter up what
10 corruption was in BOSASA.

ADV WITS: Right now I am just turning to one further aspect please Mr Agrizzi. I notice that wet cement came from WG Wurn and dry cement was purchased from RTC which is Randfontein Trading Centre which does not exist anymore. There were two types of cement. The wet and the dry.

MR AGRIZZI: Yes.

ADV WITS: And according to the records [redacted] Meyersdal [redacted] in the name of a trust of which Mr
20 Papadakis was one of the trustees and his ex wife. During that period 2008 to 2009 less a credit R205 734.25 cement was delivered to that premises.

MR AGRIZZI: And it was probably more.

ADV WITS: No just stick to those figures that we have got.

MR AGRIZZI: Ja. Ja.

ADV WITS: The next aspect that I want you to just deal with is a very, very simple aspect if you can.

MR AGRIZZI: Yes.

ADV WITS: And that is in regards to the payments to Mr Radhakrishna. We know that he was employed at the time through Fever Tree his consulting company to assist Home Affairs with the Lindela addendums and extensions. Is that correct?

MR AGRIZZI: That is correct.

10 **ADV WITS:** And I notice that R2 109 000.00 was paid to a distinctive Choice wine company of which R1 821 600.00 was paid over directly to Mr Radhikrishna. Do you agree with those figures?

MR AGRIZZI: That is correct.

ADV WITS: Also during the period 20 November 2009 to 2011 another R1 132 000.00 was paid to Atilli Management Services also belonging to Mr Radhikrishna.

MR AGRIZZI: That is correct.

20 **ADV WITS:** Now just finally in regards to Lindela Mr Wakeford has put together a very sophisticated document if one can call it setting out facts, figures and numbers. I want you to just tell us very, very briefly according to him there was a dramatic saving to the Department of Home Affairs and everything sweet at Home Affairs and that is the reason why they continued with the Lindela contract.

Please tell the Chair what was the real truth behind that?
Were there any savings or were there not any savings?

CHAIRPERSON: I am sorry.

ADV WILLIS: Mr Chairman I – I – I rise very slowly to my feet and I have been very patient listening to this questioning. None of it is in the nature of cross-examination. This is an abuse – this is an abuse and now Mr Agrizzi is getting an opportunity to now talk. I object to these questions Mr Chairman.

10 **ADV WITS:** That is my last question. It is not an abuse it is a simple re-examination on four aspects relating to who he reported it to that is aspect number 1. What Mr Papadakis received in regard to cement.

CHAIRPERSON: Well talk about this – the last – the last question what was the last question again?

ADV WITS: The last question is very, very simple Mr Wakeford put together affidavits and documentation to show that in this regard Mr Radhikrishna and or any other person's played no part in regards to the Lindela contract
20 with BOSASA because they showed this huge saving which Mr Wakeford was very, very proud to blow his own trumpet how they were saving Home Affairs.

CHAIRPERSON: What do you want to (talking over one another).

ADV WITS: And what I am asking Mr Agrizzi he worked

intimately and was intricately involved with Lindela. Was there a real saving or how did that work?

CHAIRPERSON: Okay that is a legitimate question.

ADV WITS: That is the last question thank you.

CHAIRPERSON: Okay do you – what is your answer Mr Agrizzi.

ADV WITS: Just answer and tell us in a nutshell please.

CHAIRPERSON: What is your answer Mr Agrizzi?

MR AGRIZZI: Chairperson there was no savings. The
10 figures that are reflecting the pile of fictitious and they do
not reflect the actual trading results of Lindela. 00:08:49
income statements. They do not show the cost. What they
did was at Lindela they hid all the costs through property
rental and properties – a properties company and it was all
siphoned out like that. In terms of saving the department
costs – no they did not save because what they saved on
having in people in Lindela R800 000.00 they spent three
times as much on transporting illegal immigrants out of the
country because they needed to get them out there quicker
20 so that they would not stay in the attention facility and that
is why the profits rose substantially and I think at one stage
it grew 65% profit at Lindela. It was a scheme created by
Radhikrishna and he is very bright and that is why he got
paid the money they paid.

CHAIRPERSON: Okay.

ADV WITS: Thank you Mr Agrizzi. Thank you Chair. I am indebted to you Chair.

CHAIRPERSON: Yes.

ADV WITS: And my learned friends for that time.

CHAIRPERSON: Yes.

ADV WITS: I have got no further questions for Mr Agrizzi thank you.

CHAIRPERSON: Okay thank you. Thank you. Mr Pretorius you do not look to me like somebody who had any questions
10 and maybe there is no you did not – want – need to but even if you needed to in terms of time then...

ADV PRETORIUS SC: I have no questions.

CHAIRPERSON: You have no questions ja. Okay all right. Mr Agrizzi.

MR AGRIZZI: Chairperson I would just like to thank you.

CHAIRPERSON: Yes.

MR AGRIZZI: I would like to thank the commission Chairperson. Chairperson you did it for the right reasons. Despite everything that has happened to us and all the guys
20 it is sad but unfortunately but I tell you one thing you did it for the right reasons. And various people have given testimony Chairperson of what transpired at BOSASA. It is in books, there is fragrant abuse that has taken place. Just the very fact that if you look at the shareholding right now the shareholding was not BEE.

CHAIRPERSON: Yes.

MR AGRIZZI: (inaudible)

CHAIRPERSON: Yes. But I am not – let us not go – go back to the whole thing Mr...

MR AGRIZZI: But I appreciate you Chair.

CHAIRPERSON: Yes, yes.

MR AGRIZZI: Thank you and I will avail myself at any time.

CHAIRPERSON: Yes. Yes. No thank you very much Mr Agrizzi. I want to thank you once again for having availed
10 yourself in the condition you are in in terms of your health and for having been able to say we could continue and finish. Thank you very much. And I accept that you have said that if you are needed you will still avail yourself. Thank you very much. I must also thank you Mr Pretorius and your team. I must thank Mr Willis and Mr Wakeford's legal team for your cooperation. Thank you very much. Thank you to the technicians and the whole staff for working until this time to enable the commission to try and expedite its work. Thank you very much.

20 For the benefit of the public I mention that tomorrow I will hear the further evidence of Mr Holden under the money flow work stream of the commission and in the afternoon I will hear summaries that will be put up by counsel for various NPA officials who want to tell the public summaries of their responses to various allegations made

against them. That will be for tomorrow.

ADV PRETORIUS SC: Thank you Chair.

CHAIRPERSON: Thank you. We adjourn.

INQUIRY ADJOURNS TO 25 JUNE 2021