

COMMISSION OF INQUIRY INTO STATE CAPTURE

HELD AT

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10

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DAY 41

20

PROCEEDINGS HELD ON 28 JANUARY 2019

CHAIRPERSON: Good morning Mr Pretorius, good morning everybody.

ADV PAUL PRETORIUS SC: Morning, Chair.

MR ANGELO AGRIZZI: Morning, Chair.

CHAIRPERSON: Morning. Mr Pretorius, before we start I just want to deal with something, so you may be seated for the time being.

ADV PAUL PRETORIUS SC: Thank you, Chair.

CHAIRPERSON: Last week on Tuesday I expressed concern about the conduct of certain journalists, newspapers and editors and at the same time expressed my highest
10 respect for many journalists, editors and newspapers who do their work professionally, ethically and with integrity.

I expressed certain concerns with regard to the breach of certain regulations governing the proceedings of this Commission and the publication of witness statements before witnesses deal with the matters that are published prematurely. Subsequent to that some have issued a response and arrangements were made for representatives of the Commission and SANEF to meet and discuss issues of mutual concern.

The meeting did take place on Friday and the Commission was represented by the head of the legal team of the Commission Mr Paul Pretorius SC and the head of
20 investigations Mr Nombembe. A report was subsequently made to me and a statement was issued by the Commission. I believe SANEF issued a statement as I understand the position both parties had an input on that statement and they were happy with it.

I just want to take this opportunity to commend both SANEF and the representatives of the Commission who took part in that meeting for the spirit in which I am told in which the meeting was conducted on both sides with due recognition of the

role played by both the Commission and the media in regard to the matters that are being investigated by this Commission.

I thought it is important that I should mention this in this open hearing, because it was in an open hearing that I had made the remarks that I made last week and I thought that it would be necessary also that I read the statement about which both parties namely SANEF and the Commission are happy, which is the product of that meeting, because although subsequent to the issuing of that statement there has been mention in the media that a statement has been issued. I am not aware that its full terms have been told to the public.

10 I therefore just wish to read that statement, because I think it is very important. It reads:

"SANEF and Zondo Commission hold positive talks. It is dated 26 January 2019. Representatives from the South African National Editors Forum and Zondo Commission held a positive and productive meeting yesterday in Johannesburg. This refers to Friday. SANEF recognised the critical work of the Commission in uncovering corruption and State Capture and endorsed the importance of protecting the integrity of the Commission and its work. With regard to the party's failure to
20 hold a meeting towards the end of last year, both parties acknowledge that this was due to their failure to find a date that was suitable to everybody. The Zondo Commission confirmed the equal important role of the media in ensuring the public right to know and accessed to the content and proceedings of the Commission's work and the overall importance of this in

strengthening South Africa's constitutional principles of freedom of information, access to information and open justice. Both parties emphasised the need for the observants of the Constitution and the law at all times. Three important issues were discussed. The regulations of the Commission, the timing of the release of Commission documents and allegation of a list of paid journalists. Regulation 11(3) of the Regulations applicable to the Commission was discussed in some detail. The Regulation states:

10 "No person shall without the written permission of the Chairperson (a) disseminate any documents submitted to the Commission by any person in connection with the inquiry or publish the contents or any portion of the contents of such document or (b) peruse any document including any statement which is destined to be submitted to the Chairperson, or intercept such document while it is being taken or forwarded to the Chairperson."

20 SANEF raised a number of concerns with regard – with this Regulation including the concern that it prohibits journalists from accessing documents already in the public domain. SANEF and the Commission agreed to look at the legal implication of this issue and to take the matter further to ensure a careful balance between ensuring access to documents already in the public domain and released by witnesses themselves and further protecting the integrity of the

Commission's work and processes. In terms of the timing of the release of documents SANEF raised the importance of journalists having access to the full set of witness documents including Annexures at the start of a witness' testimony. In order to ensure in depth and nuanced coverage of the issues. The Commission indicated that as a general rule it will release witness statements to the media when a witness has dealt with all matters covered in his/her statement, however, a special arrangements may be made for the Chairperson of the

10 Commission to grant journalists accredited by the Commission permission to have access to documents and witness statements prior to a witness giving evidence or finishing giving evidence. In such a case the Chairperson will grant access on terms and conditions that he may stipulate. SANEF also raised the damning allegation made that certain journalists were on the payroll of Bosasa to ensure a positive coverage of the organisation. SANEF raised the serious dangers of this allegation in terms of casting aspersions on the journalism profession as a whole. The Commission informed SANEF that

20 as the evidence suggests that payments were made to journalists as bribe to cover up corruption or turn a blind eye to State Capture the Commission is bound to investigate this matter further as part of its work. SANEF welcomed this and asked members of the public to forward any information that they may have to the Commission. Both parties acknowledged

that there was a need to have ongoing discussions in order to deal with other issues on which they may still wish to find common ground."

And that is the end of the statement. I thought it was important just to make sure that the public knows of this very useful and important meeting that happened between representatives of the Commission and SANEF and from the statement I am left with absolutely no doubt that SANEF or those who represented SANEF in the meeting and SANEF as a whole is fully in support of the work of this Commission and that they do not want or intend to do anything that would threaten the integrity of the
10 work of this Commission.

So I thank both SANEF and representatives of this Commission for being able to reach agreement on the issues they have discussed. I understand that there are still other issues that the two parties agreed to reflect on. My understanding is that they are legitimate issues on which there could be disagreement, but I am very confident that both parties are likely to find common ground even in regard to those issues on which they have not reached agreement.

They have both committed themselves to continue talking to each other in regard to those issues. Thank you. Yes, Mr Pretorius?

ADV PAUL PRETORIUS SC: Thank you, Chair. Mr Agrizzi on Friday, I am sorry, on
20 Thursday last week you gave evidence in regard to certain journalists being paid by Bosasa, do you recall that?

MR ANGELO AGRIZZI: That is correct, Chair.

ADV PAUL PRETORIUS SC: That statement or that evidence was not in the original statement submitted to the Commission, correct?

MR ANGELO AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: As a result the investigators had not yet had any chance to investigate the allegations to look at whether they are matters that require further investigation firstly and to test their veracity. Those investigations have begun and are ongoing, you are aware of that?

MR ANGELO AGRIZZI: Thank you.

ADV PAUL PRETORIUS SC: But it is perhaps important to elaborate on your own evidence in this regard, which you have now provided to this Commission.

MR ANGELO AGRIZZI: That is correct, Chair.

ADV PAUL PRETORIUS SC: In a little more detail than previously.

10 **MR ANGELO AGRIZZI:** Yes, Chair.

ADV PAUL PRETORIUS SC: And by previously I mean than testified to on Thursday last week. How did this payment begin? In other words the process of payment who got how much money for what purpose?

MR ANGELO AGRIZZI: Chair, originally what would happen was I was approached by Papa Leshabane and he requested that he be given a provisional amount of R71 000. Within the R71 000 was an amount stipulated for Lendele people. Apparently he had people inside Lendele who needed to be sorted out. There was R11 000 specifically attributed to other informants that he had all over the place, but I know of R30 000 that was attributed to journalists and through my interaction over the last 18 years well
20 17 years with Papa, alright, I always ask questions and I asked him for the names.

Now I do not have the full names except for one or two people, but he provided them to me and those are the names I have got, and I will...[intervenes]

ADV PAUL PRETORIUS SC: Alright, before you go on, let us just take it step by step please? Papa Leshabane requested R30 000 from you for the purpose of paying journalists?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: Did you record this information in your black book?

MR ANGELO AGRIZZI: The named journalists appear in my black book, yes.

ADV PAUL PRETORIUS SC: Okay, let us just look at page 600 of EXHIBIT S2 please? There are two pages copied there. Are these pages from your black book?

MR ANGELO AGRIZZI: Those are pages from the book that fortunately I had.

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

CHAIRPERSON: I am sorry, Mr Agrizzi, Mr Pretorius asked whether those two pages at page 600 I think it is.

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

CHAIRPERSON: Whether they were from the black book and your answer was they were from the book now that does not say whether you talk about the black book or you talk about another book?

MR ANGELO AGRIZZI: No, no, sorry, Chair, it is the black book.

ADV PAUL PRETORIUS SC: And that is the book you have been speaking about in evidence?

MR ANGELO AGRIZZI: That is correct, Chair.

20 **ADV PAUL PRETORIUS SC:** And if you look at page 600 two pages are copies on that page 600. The page on the left hand side and at the top of that left hand column are some words. What are those words?

MR ANGELO AGRIZZI: Papa.

ADV PAUL PRETORIUS SC: Yes.

MR ANGELO AGRIZZI: Papa Leshabane, Joe knows, meaning the amount that I would give him for the journalists and then underneath and next to it is R30 000. Underneath it is Zach Modise R1-million, Home Affairs R15 000. Then there is

Thandi Mokoko...[intervenes]

ADV PAUL PRETORIUS SC: Okay, you need not go into the other names, because we are not dealing with that evidence now.

MR ANGELO AGRIZZI: Okay.

ADV PAUL PRETORIUS SC: We are just dealing with the reference to journalists.

MR ANGELO AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: Are there other references in the black book to the amount of R71 000 being paid to Papa Leshabane?

MR ANGELO AGRIZZI: There are references, Chair, I have just not gone through that.

10 I did not know that question would be asked.

ADV PAUL PRETORIUS SC: Well we can point those out to the extent necessary. What was the purpose to your knowledge of the payment to Papa Leshabane, who if I understand your evidence required the money to pay journalists?

MR ANGELO AGRIZZI: At the time Bosasa had been going through a very rough patch in terms of negative reporting from certain journalists and what happened was he had approached us and said he could arrange, he has some friends who are related to people and friends that he knows that have got the ability to swing the journalistic view points on Bosasa and will also be writing positive stories on Bosasa.

ADV PAUL PRETORIUS SC: Alright. You say the one person – purpose of the
20 payment as communicated to you by Mr Leshabane was to write positive articles about Bosasa?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: And the other? Was there any other purpose?

MR ANGELO AGRIZZI: Well the other purpose was to get information from the press if there is a budding story or negative story that is about to happen and how to counteract

it.

ADV PAUL PRETORIUS SC: When did these payments commence to the best of your recollection?

MR ANGELO AGRIZZI: 2012 around there they already started if I recall correctly.

ADV PAUL PRETORIUS SC: Alright. Did Papa Leshabane mention any names to you?

MR ANGELO AGRIZZI: Yes, he did.

ADV PAUL PRETORIUS SC: In relation to the journalists who would be receiving the amount of R30 000?

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

ADV PAUL PRETORIUS SC: What names did he give you?

MR ANGELO AGRIZZI: What names did he give you?

MR ANGELO AGRIZZI: The one name that he gave me was Ntuli apparently working for The Times or The Star newspaper. The other one was a lady at the time that he was working very closely with called Pinky Khoabane and there was somebody that worked now in the Eastern Cape that helped him with a...[indistinct] or a prison story and the person, he just referred to him as Bongs.

ADV PAUL PRETORIUS SC: Bongs[spelt].

MR ANGELO AGRIZZI: That is what I have.

20 **CHAIRPERSON:** Did you say the first one was Ntuli?

MR ANGELO AGRIZZI: Ntuli?

CHAIRPERSON: N or M at the beginning?

MR ANGELO AGRIZZI: N.

CHAIRPERSON: N for Nellie?

MR ANGELO AGRIZZI: Ntuli[spelt].

CHAIRPERSON: Oh, okay, that was the surname?

MR ANGELO AGRIZZI: I do not know.

CHAIRPERSON: Okay.

MR ANGELO AGRIZZI: He just, he was always, you know evasive on giving me the full names. The best person to ask would be him.

CHAIRPERSON: *Ja.*

MR ANGELO AGRIZZI: But it was Ntuli, I remember Khoabane very well.

CHAIRPERSON: Are you able to spell the second one, did you say Pinky?

MR ANGELO AGRIZZI: Pinky[spelt].

10 **CHAIRPERSON:** Yes?

MR ANGELO AGRIZZI: Koabane[spelt]

CHAIRPERSON: Okay, thank you and the last one was Bongs?

MR ANGELO AGRIZZI: Bongs and this Bongs and this Pinky lady worked together very closely.

CHAIRPERSON: Oh, okay. Thank you.

ADV PAUL PRETORIUS SC: Apart from the information given to you by Leshabane regarding the names of the persons for whom he required the R30 000 do you have any other evidence to confirm or to question whether those three persons actually received the money?

20 **MR ANGELO AGRIZZI:** I cannot confirm it, Chair. I just want to add something, Chair. There was another person, but that was employed on a strategic level called Benedicta Dube.

CHAIRPERSON: Was she a journalist too?

MR ANGELO AGRIZZI: I do not know, she was being dealt with by Papa Leshabane, I do not know. I know that at one stage we paid well over R1-million for services.

ADV PAUL PRETORIUS SC: That is a different issue, but let us deal with it.

MR ANGELO AGRIZZI: Yes.

ADV PAUL PRETORIUS SC: Did Bosasa employ media consultants?

MR ANGELO AGRIZZI: Yes, they did.

ADV PAUL PRETORIUS SC: Who did Bosasa employ in this regard?

MR ANGELO AGRIZZI: Well there were two people specifically as consultants. It was this Benedicta Dube and I cannot recall her company's name, and there was a gentleman by the name of Stephen Laufer that was employed as a consultant as well.

CHAIRPERSON: Just repeat the surname, the second name please?

10 **MR ANGELO AGRIZZI:** Stephen Laufer[spelt].

ADV PAUL PRETORIUS SC: What was the purpose of the employment of the media consultants you have just mentioned?

MR ANGELO AGRIZZI: It was to get rid of negative publicity and also to discredit the journalists that were writing that type of articles.

ADV PAUL PRETORIUS SC: Do you have any further detail in that regard?

MR ANGELO AGRIZZI: There was an in depth report done on various journalists as well as a spider gram which showed their linkups to the Stellenbosch crowd. One of the journalists was Basson, the other one was du Plessis and then there was basically just a campaign to discredit them.

20 **ADV PAUL PRETORIUS SC:** Alright, is that Adriaan Basson?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: Do you know anything about threats against these journalists and how those originated to your knowledge?

MR ANGELO AGRIZZI: Well threats if anybody comes up against Bosasa they would be threatened. Chair, you must remember there is endless money in that vault so

money would be used. They would buy burner phones, they would, I mean I am talking now 30/40 burner phones each.

ADV PAUL PRETORIUS SC: What is a burner phone?

MR ANGELO AGRIZZI: It is basically a phone that is not Rica'd and can be destroyed.

ADV PAUL PRETORIUS SC: Not properly registered in terms of the legislation?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: Yes, well explain please?

MR ANGELO AGRIZZI: What happens is they would purchase these phones from, I do not know exactly where, but from the market or China Mall, I do not know where they
10 would find them, but they would then issue them out to the person like Benedicta Dube or to somebody else and just ask them, give them the journalist number, restrict the numbers only to that journalist and let them phone them all hours of the night and day and threaten them or just phone them and constantly harass them.

ADV PAUL PRETORIUS SC: Do you know of any journalist that was in fact threatened in this way?

MR ANGELO AGRIZZI: I recall getting a phone call. I was directly involved with it at all, but I recall getting a phone call from Mrs Ferial Haffajee about the attacks on Adriaan Basson.

ADV PAUL PRETORIUS SC: Alright. There will be further evidence in this regard.
20 The investigators are obtaining it and it will be placed before you, Chair.

CHAIRPERSON: The payment of journalists, was it just a once off thing that happened and that R30 000 was given to Mr Leshabane or was it a regular thing that happened with a certain amount of regularity like monthly, like the other payments that you have told us about or did it happen as and when need arose?

MR ANGELO AGRIZZI: Chair, it continuously happened, every month.

CHAIRPERSON: So are you saying that from a certain time to a certain time maybe to the time that you left Bosasa you know that certain journalists were paid by Bosasa on a monthly basis?

MR ANGELO AGRIZZI: I do not know...[intervenes]

CHAIRPERSON: You do not know for sure that they were paid?

MR ANGELO AGRIZZI: Chair, I cannot say.

CHAIRPERSON: Yes, yes.

MR ANGELO AGRIZZI: I was told.

CHAIRPERSON: Yes.

10 **MR ANGELO AGRIZZI:** I was told by Papa Leshabane.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: In front of numerous people that he was paying these journalists.

CHAIRPERSON: Yes. Is your situation then in regard to some of the people that you told us were being paid monthly by Bosasa you were able to tell me that some definitely did receive payments, because you were there when they were given payments, the money, or you gave the money yourself in regard to journalists, that is no single journalists that you were ever present when he/she was given money?

20 **MR ANGELO AGRIZZI:** Chair, I was never present with any journalist, with the exception of Benedicta Dube and Stephen Laufer where I witnessed what they were doing. The rest I do not know of. I am going on what Papa Leshabane told me.

CHAIRPERSON: Thank you, but on what – but you issued or what you are able to say is that money was given to Mr Leshabane on a monthly basis that was said to be for certain journalists, but you do not know whether that money was actually paid to them?

MR ANGELO AGRIZZI: I cannot confirm that.

CHAIRPERSON: *Ja*, but you can confirm that money was being issued on a monthly basis by Bosasa.

MR ANGELO AGRIZZI: Yes.

CHAIRPERSON: To Mr Leshabane?

MR ANGELO AGRIZZI: That is correct.

CHAIRPERSON: Which he said was for the payment of certain journalists?

MR ANGELO AGRIZZI: And I recall, Chair, on a few occasions asking him how come the journalists are not writing positive stories for us? And he would say no, no, no they make sure that there is no negativity coming out, and look there has been no negativity
10 and that was his answer to me.

CHAIRPERSON: Oh, okay, well I was still to ask whether there was any positive stories written as a result of whatever payments may have happened.

MR ANGELO AGRIZZI: There were one or two good stories written by those journalists.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: I cannot recall which ones.

CHAIRPERSON: Yes, but do you know whether the journalist who may have wrote those stories their names coincided with the names that Leshabane may have mentioned to you?

20 **MR ANGELO AGRIZZI:** Chair, I will have to do research into it and get research done.

CHAIRPERSON: Okay alright.

ADV PAUL PRETORIUS SC: And the investigators are dealing with that issue, Chair. For clarity Mr Agrizzi Stephen Laufer and Benedicta Dube were not, as I understand your evidence, journalists, they were media consultants employed by Bosasa to deal with journalists?

MR ANGELO AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: And there will be further evidence in that regard in due course. Whilst we are dealing with the role and function of journalists you recall that on Sunday in The Sunday Times on page 3 an article appeared with seemed to suggest that you were going to leave the country.

MR ANGELO AGRIZZI: That is correct Chair.

ADV PAUL PRETORIUS SC: Was the content of that article ever put to you before its publication?

MR ANGELO AGRIZZI: Chair if I can answer you in detail? The same journalist
10 published an article on the journalist eight being given the donation [intervenes].

ADV PAUL PRETORIUS SC: That is the SABC eight?

MR ANGELO AGRIZZI: That is the SABC eight. They based on one piece of paper which was sent to them by someone in Bosasa. It is not even an authenticated email. As a matter of fact I then asked the editor personally why Mr Fuzile who wrote the article did not contact me. Mr Fuzile's argument was that he did try and contact me on my cell phone. I asked what the number was, because Mr Siqoko from the Times has it. Mr Siqoko gave me the number as an old number. I said but that is not my number. This is after Mr Fuzile had said that he had contacted me a few times. Mr Fuzile then continued to then phone my son and find out if I had moved out of my house.

20 **ADV PAUL PRETORIUS SC:** Sorry, let us just take it step by step.

MR ANGELO AGRIZZI: Sure.

ADV PAUL PRETORIUS SC: Because it may be confusing.

MR ANGELO AGRIZZI: Okay.

ADV PAUL PRETORIUS SC: I certainly have no intention of dealing with the news report.

MR ANGELO AGRIZZI: Hm.

ADV PAUL PRETORIUS SC: About the SABC eight, but you have offered that to the Chair by way of background?

MR ANGELO AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: If we may just put that issue aside for the moment.

MR ANGELO AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: The article that appeared in the Sunday Times under the by-line Bongani Fuzile was on page 3 and that is the article that I would like you to deal with briefly please. It suggests that you were intending leaving the country, selling up
10 and leaving the country. Correct?

MR ANGELO AGRIZZI: Correct Chair.

ADV PAUL PRETORIUS SC: So two things I want to deal with if we may and if necessary further evidence can be lead in due course. Firstly were you ever asked for your opinion on the so called sources and the conclusions suggested in the article?

MR ANGELO AGRIZZI: Chair, I requested that I be asked any questions especially by the Times because of the history in writing. I never received any questions from Mr Fuzile or answered any questions to Mr Fuzile. He just phoned my son and my daughter-in-law is as we speak having a baby. That is what happened.

ADV PAUL PRETORIUS SC: So the answer to the question is you were not
20 contacted?

MR ANGELO AGRIZZI: No.

ADV PAUL PRETORIUS SC: Is there any truth in the suggestion made in the article that you intend to leave the country on a permanent basis?

MR ANGELO AGRIZZI: Chair when I embarked on this process I contacted Mr Frank Dutton and I explained everything to him. I said to him that I will be going to

Italy and I will be doing my annual fishing trip and you know Chair I think one thing that we must under, we must understand is that you know I have gone through a lot of effort, a lot of money to come here to try and make a difference in our country. Yes, I know I have done wrong. I do not want the glory. I am not an angel by any means, but I have come with an open heart, with a clean heart to try and help where I can and then you get stories like this that are manufactured that ruin people's lives. I think it is disgusting.

ADV PAUL PRETORIUS SC: Right. Mr Agrizzi I am not going to go through each and every allegation or suggestion made in the article save for one. Have you moved home
10 and are you selling your house?

MR ANGELO AGRIZZI: Chair I have taken my house off the market. The reason I am moving is only because it is myself and my wife alone. We have bought another townhouse much smaller that we are moving into. Unfortunately because I have not had time, I have not been able, I mean I am under protection and I am staying in a remote hotel. I have not had time to actually move in. Now you know Chair I just want to raise an issue if I may?

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: It is very easy to hide behind one's sources and they remain anonymous. Chair I think one needs to just get a message I do not know. Sorry, Chair
20 rather leave it. Excuse me.

CHAIRPERSON: Okay, thank you.

ADV PAUL PRETORIUS SC: Would you just look at the document that I am going to give to you? Chair I am going to hand up a copy of the document for the bundle. It does not yet have a page number, but that will be done in due course.

CHAIRPERSON: Yes, okay.

ADV PAUL PRETORIUS SC: The document now being shown [intervenes].

MR ANGELO AGRIZZI: That is it.

ADV PAUL PRETORIUS SC: Is that the article about which we have been speaking?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: Thank you. Right. May we return then Mr Agrizzi to your statement?

MR ANGELO AGRIZZI: Yes Chair.

ADV PAUL PRETORIUS SC: We had told the Chair or at least you had told the Chair that the emigration of Mr Mansell to the United States of America had been organised.

10 **MR ANGELO AGRIZZI:** Sorry, Chair. Can I, can I just; I know this might not be regular, but can I just add one more thing?

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: In terms of this article.

CHAIRPERSON: Hm.

MR ANGELO AGRIZZI: You know Chair they said clothes were moved and the red cars are out already. You know that the same people who promulgated this published my address all over the web. Do you blame me for moving house? As a matter of fact Chair the memorabilia, I would like to put it to mister, to the press; that memorabilia and if anybody bothered to check these cars were used to transport kids with cancer. To
20 give them a final dream. That is actually what happened and they are welcome to phone, welcome to phone the people from the Cancer Association.

ADV PAUL PRETORIUS SC: Reach for a Dream.

MR ANGELO AGRIZZI: [Intervenes] and all that. Sorry, Chair and the memorabilia was actually sold and the money was donated.

CHAIRPERSON: Hm.

MR ANGELO AGRIZZI: The reason being because I downscaled.

CHAIRPERSON: Hm.

MR ANGELO AGRIZZI: If somebody had bothered asking that question.

CHAIRPERSON: Hm.

MR ANGELO AGRIZZI: I would have told them the truth.

CHAIRPERSON: Hm. Thank you.

MR ANGELO AGRIZZI: Sorry, Chair.

CHAIRPERSON: Thank you Mr Agrizzi.

ADV PAUL PRETORIUS SC: And the clothes are those the clothes that you collect for
10 your daily use?

MR ANGELO AGRIZZI: Chair I live in a hotel. I have got to drive in and out every day to have the washing done by the, by the maids, because my wife also has to live with me now. We have been, for two weeks we have been under this protective custody. I cannot even see my grandkids. My daughter is get, my granddaughter is getting born today and thanks to people who go and publish things that are wrong I cannot even be there.

ADV PAUL PRETORIUS SC: Alright. Let us get back to the statement if we may. Paragraph 37.3 I think is where we left off. That is on page 79 of your statement. Do you have that?

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

ADV PAUL PRETORIUS SC: Mansell having left was any arrangement made to take over his tasks?

MR ANGELO AGRIZZI: That is correct Chair. I was tasked by Gavin Watson to ensure that Mansell was paid timeously and I had to take over the role of taking care of Mr Gillingham's meetings and attending once or twice a month to a lunch with

Mr Gillingham to keep him under control.

ADV PAUL PRETORIUS SC: Was the arrangement that Gavin Watson would issue invoices in respect of his payments?

MR ANGELO AGRIZZI: The arrangement was that Danny Mansell would issue invoices and these I was told to make sure were paid timeously Chair. Gavin did not want any issues with regards to Mansell. He wanted him paid. That was the agreement and he wanted to make sure that they get paid monthly.

ADV PAUL PRETORIUS SC: Right.

CHAIRPERSON: And Mr Mansell had come a long way with Mr Gavin Watson. Is it
10 not?

MR ANGELO AGRIZZI: That is correct.

CHAIRPERSON: He had been his partner from sometime even before you arrived at Bosasa. Is that right?

MR ANGELO AGRIZZI: That is correct Chair.

CHAIRPERSON: Yes, so. Ja, okay thank you.

ADV PAUL PRETORIUS SC: But the arrangement on the instruction of Gavin Watson as I understand your evidence was that invoices would be issued by Mr Mansell and you had to ensure that these invoices were paid.

MR ANGELO AGRIZZI: That is correct Chair.

20 **ADV PAUL PRETORIUS SC:** An example of one such invoice is Annexure S which appears at 568 of Bundle S2, but it is not necessary for us to go there Chair. It is there if anyone wants to look at it. What I want to ask you about the work specified on the invoice was that work actually done or was that a fictitious invoice?

MR ANGELO AGRIZZI: Chair no work was done. It was fictitious.

ADV PAUL PRETORIUS SC: And if that amount was actually deducted as an expense

in the books of Bosasa that would have tax implications?

MR ANGELO AGRIZZI: That is correct and forex implications as well.

CHAIRPERSON: [Clearing throat] excuse me. By the way was your evidence in relation to the payments that were made to Mr Gillingham after he had left Correctional Services was it to the same effect? Were, were there fictitious invoices being made in that regard thereto or not really?

MR ANGELO AGRIZZI: No Chair. What happened was he was fictitiously employed, but he would get the bribe cash every month to the value of R110 000.

CHAIRPERSON: So, so you say he was fictitiously employed?

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

CHAIRPERSON: Which meant that in the books of Bosasa he was reflected as an employee of Bosasa, but he was actually not performing any work for Bosasa. Is that right?

MR ANGELO AGRIZZI: It is correct to an extent, but the company that was employing him was a company called BEE Foods which was owned by Gavin Watson's brother and sister-in-law.

CHAIRPERSON: Oh okay, but he was not performing any work in that company either?

MR ANGELO AGRIZZI: Absolutely nothing.

20 **CHAIRPERSON:** But the payment would it come from Bosasa straight to him or did it, was; did Bosasa pay to that company and that company would pay Mr Gillingham?

MR ANGELO AGRIZZI: So what would happen Chair is that there was discounts you know rebates structures in place and at the end of the month normally we deduct 20 percent from the invoice. In the case of BEE Foods we would only deduct say 13, sorry 13.5 percent and the 6.5 percent would cover the costs of his R65 000 salary and the

brand new Mercedes whatever.

CHAIRPERSON: Okay, thank you.

ADV PAUL PRETORIUS SC: The management of the payments to the Gillingham family and the dealings with the Gillingham family in particular Patrick Gillingham was that task entrusted to you?

MR ANGELO AGRIZZI: Initially it was done by Danny Mansell and then I took it over. That is correct.

ADV PAUL PRETORIUS SC: Right. Then in paragraph 37.6 you talk about the management of both Mr Mti and Mr Gillingham's tax returns.

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

ADV PAUL PRETORIUS SC: Tell the Chair about that please.

MR ANGELO AGRIZZI: Chair as a company we used Peet Venter from at that stage an accounting firm would do both Mti and Gillingham's tax as well as all the tax of all the directors, but in specifically the case with Mti and Gillingham he would also make the payment in terms of the tax. So if they were over taxed or under taxed at least and they needed to contribute to SARS Peet Venter would make the contribution via one of his companies which would then be reimbursed by Bosasa.

ADV PAUL PRETORIUS SC: Apart from assistance with tax shortfalls was; do you have any evidence of any instruction to mislead the South African Revenue Services in
20 the presentation of these returns?

MR ANGELO AGRIZZI: In terms of the individual returns or in terms of the group of companies?

ADV PAUL PRETORIUS SC: No, in terms of the individual returns of Messieurs Mti and Gillingham. You say Mr Venter was instructed to prepare their tax returns.

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: Now what I want to ask you is there any evidence that you have of any instruction to Mr Venter to mislead the South African Revenue Service in those returns in any way?

MR ANGELO AGRIZZI: No, I do not know of any instruction off the top of my head. I would have to go through Mr Venter's affidavit.

ADV PAUL PRETORIUS SC: Yes.

MR ANGELO AGRIZZI: In detail.

ADV PAUL PRETORIUS SC: So as I understand it apart from assistance given to Mr Mti and Mr Gillingham in relation to assistance with tax shortfalls you have no
10 evidence of any unlawful activity on the part of Mr Venter?

MR ANGELO AGRIZZI: Chair I need to think about that, because I need to actually; I, I did not expect the question. I need to think through it.

CHAIRPERSON: Yes. No that.

MR ANGELO AGRIZZI: We can come back to that.

CHAIRPERSON: That is fine.

ADV PAUL PRETORIUS SC: Alright. So it is no, there is no need to take that allegation any further for the present?

MR ANGELO AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: In paragraph 37.7 you detail evidence that you have
20 already given, but for the sake of completeness let us just deal with it. In paragraph 37.7 you talk of payments made to Mr Gillingham. Just tell the Chair what you are saying in paragraph 37.7 please.

MR ANGELO AGRIZZI: Chair right in the initial stages when I had to, when I was instructed I have got to take over from where Gillingham, where Mansell had left off with Gillingham. I basically would have to and the instruction was you got to pay him

R47 500 in cash, because that apparently was equivalent to what his net earnings were with the department. So why that was there amount I do not know, but the idea was that that this money would be delivered to him on a monthly basis and I would also have to deal with if there was something wrong with his house. You know if he needed the plumbers out or he needed the pool fixed or something like that. Then that would be dealt with as well. Does that answer the question?

ADV PAUL PRETORIUS SC: Thank you. Until what time and if you can remember the month were payments made to Mansell, to your knowledge?

MR ANGELO AGRIZZI: To my knowledge payments continued and even subsequent
10 to 2016 they continued, December.

ADV PAUL PRETORIUS SC: Let us move then to paragraph 38. You refer to an incident there that occurred during approximately 2013 as you describe it?

MR ANGELO AGRIZZI: That is correct Chair.

ADV PAUL PRETORIUS SC: What happened?

MR ANGELO AGRIZZI: Chair basically an incident occurred where Mr Joe Gumede and I walked into one of the vaults and there was cash and lists lying all around in Jacques van Zyl's walk-in vault/safe. Gumede then went and spoke to Gavin Watson and said he was concerned about it and at that time already I was having issues. I would always have to be the buffer between Gavin Watson and people. So that specific
20 time he was already doubting Jacques van Zyl's loyalty. You know, so it was a problem.

CHAIRPERSON: There is a noise that keeps on disturbing us. I think somebody will attend to it to make sure we are not disturbed.

ADV PAUL PRETORIUS SC: We are trace it, but not successfully Chair.

CHAIRPERSON: Yes. Okay, thank you.

ADV PAUL PRETORIUS SC: Did Mr Gavin Watson then issue an instruction?

MR ANGELO AGRIZZI: Ja. The instruction Chair was that Andries van Tonder and I must take over the cash duties from Jacques van Zyl and I had to now manage this and control it better than it was controlled before and Jacques van Zyl, but he was still involved. I mean we kept him there to create false invoices and that. He was good at that. So we left him to arrange the cash and that.

ADV PAUL PRETORIUS SC: And did you handle the cash?

MR ANGELO AGRIZZI: No.

ADV PAUL PRETORIUS SC: Functions alone?

MR ANGELO AGRIZZI: No. Chair I refused to handle cash alone for two reasons.

10 **MR ANGELO AGRIZZI:** Number one is that I cannot trust myself sometimes, because if you give people cash it is like sweets with a kid. People will get tempted. So I always make sure there are two people who handle it together.

ADV PAUL PRETORIUS SC: Who was that other person?

MR ANGELO AGRIZZI: The other person was Andries van Tonder and if, let us say Andries was not there then I would call in Jacques van Zyl to come stand with me and count or even the secretary, Company Secretary, but I would make sure there are two people involved.

ADV PAUL PRETORIUS SC: Is it at this stage then that the little black book system was introduced?

20 **MR ANGELO AGRIZZI:** That is correct Chair and the reason why the black book was introduced was so that we can just keep record of, one never needs to be found wanting, you know. You cannot answer for, for things. The intention was never to keep a record for this type of environment. The intention was if Gavin asked but where is this where is that where is that we could tell him and it was in writing.

CHAIRPERSON: So was it around 2013 that the black book was introduced?

MR ANGELO AGRIZZI: Chair my dates, I cannot verify the dates, but it looks.

CHAIRPERSON: Ja.

MR ANGELO AGRIZZI: to me it like it was 2013. It might even have been 2012.

CHAIRPERSON: Yes, okay.

MR ANGELO AGRIZZI: I need to.

CHAIRPERSON: Okay. No that is fine. I just wanted to have an idea.

MR ANGELO AGRIZZI: I think, I think Chair if I can just add. You know the thing is we had so many little black books and you would swap them out. As you use one you put one in, bring it back and forwards.

10 **CHAIRPERSON:** Yes.

MR ANGELO AGRIZZI: That is what happened. So.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: This is one of maybe three or four.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: You know.

CHAIRPERSON: Okay.

ADV PAUL PRETORIUS SC: The black book that you have shown to the investigators and to the Commission is still available in its original form?

MR ANGELO AGRIZZI: That is correct Chair.

20 **ADV PAUL PRETORIUS SC:** As are certain lists still available in their original form?

MR ANGELO AGRIZZI: Strange enough that is correct.

ADV PAUL PRETORIUS SC: But the black book that you have shown to the Commission is one of several?

MR ANGELO AGRIZZI: That is correct Chair.

ADV PAUL PRETORIUS SC: And the only one that you have is the one that you have

shown to the Commission?

MR ANGELO AGRIZZI: That is the only one I have. I have got empty ones, but not one.

ADV PAUL PRETORIUS SC: Prior to the use of the black book system is it correct, do I understand your evidence that you have given correctly that lists were kept on loose pages?

MR ANGELO AGRIZZI: That is correct Chair.

ADV PAUL PRETORIUS SC: And there are examples of those too in the bundle and originals you have given to the Commission?

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

ADV PAUL PRETORIUS SC: Alright. Annexure T1 to T.

CHAIRPERSON: The black book that you say has been given to the Commission is, is it one that has been given to the investigators?

ADV PAUL PRETORIUS SC: Yes Chair.

CHAIRPERSON: Okay. I just want to make sure the record does not reflect as one has been put, as handed up.

ADV PAUL PRETORIUS SC: Yes we, we have the original which we can hand up.

CHAIRPERSON: Ja, ja.

20 **ADV PAUL PRETORIUS SC:** Chair, but it is at the moment in the possession of the investigators.

CHAIRPERSON: Yes.

ADV PAUL PRETORIUS SC: In safekeeping.

CHAIRPERSON: Okay, alright.

ADV PAUL PRETORIUS SC: It is been retained for, obviously for evidential purposes.

CHAIRPERSON: Ja that is fine.

ADV PAUL PRETORIUS SC: And [intervenues].

CHAIRPERSON: That is fine.

ADV PAUL PRETORIUS SC: The copies however are in the bundle. You have obviously worked with Annexures T1 to T56. Are you able to confirm that those documents are copies of pages in the black book?

MR ANGELO AGRIZZI: They are Chair. They are copies.

ADV PAUL PRETORIUS SC: And we have referred to them from time to time. We are not going to go through 56 pages now, but they are available for further evidence if required.

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

ADV PAUL PRETORIUS SC: You have already given us evidence in answer to questions from the Chair, but in paragraph 38.4 you estimate the total amount paid in bribes per month. What is that amount?

MR ANGELO AGRIZZI: Chair I can only presume that it is between four and R6 million per month.

CHAIRPERSON: Why do you say you can only presume now? I thought earlier on or last week you or the week before if that was when I asked the question, I thought you said simply approximately or you said between four million to R6 million.

MR ANGELO AGRIZZI: Maybe the [intervenues].

20 **CHAIRPERSON:** Without the presumption part.

MR ANGELO AGRIZZI: I can only say, sorry. I can only say it is approximately between four and R6 million. I do not have all the records.

CHAIRPERSON: No, no. I, I accept that you are saying approximately, but saying approximately is one thing, but saying I presume is a complete different thing.

MR ANGELO AGRIZZI: I used the wrong word Chair.

CHAIRPERSON: Okay. You meant approximately?

MR ANGELO AGRIZZI: Correct.

CHAIRPERSON: Okay, thank you.

ADV PAUL PRETORIUS SC: And then you repeat the system that was employed in relation to the distribution of cash and the use of security bags. You have given that evidence and we do not need to repeat it, but in your own records amongst others the black book of which we have spoken you record cash you delivered to various people within Bosasa for later distribution. Who were those people?

MR ANGELO AGRIZZI: People I would deliver cash to and they would distribute it. So
10 in other words they would place an order. I would then distribute it according to those names. It was Ishmael Dikane. He is one of the Directors. Syvion Dlamini, one of the Directors. Joe Gumede, the Chairman of Bosasa. Sesinyi Seopela who was the consultant. Richmond Mti, Thandi Makoko, Syvion Dlamini and myself.

ADV PAUL PRETORIUS SC: There are two other names that appear on the list. In paragraph 38.

MR ANGELO AGRIZZI: Papa Leshabane and I cannot remember who I have mentioned. So it was Ishmael Dikane, Joe Gumede, Sesinyi Seopela, Richmond Mti, Thandi Makoko, Papa Leshabane, Syvion Dlamini. I have got Gillingham here and that
20 is an error, because he gave him money but I did not, you know, use him to distribute money.

ADV PAUL PRETORIUS SC: So we can delete Gillingham's name?

MR ANGELO AGRIZZI: Yes.

ADV PAUL PRETORIUS SC: From that list.

MR ANGELO AGRIZZI: No, he did not distribute it. Sorry, I personally delivered to Gillingham and maybe that it is; I just want to check that is why Gillingham is there,

because it says I delivered to. So this why it is there. It is correct.

CHAIRPERSON: Okay.

ADV PAUL PRETORIUS SC: Alright.

CHAIRPERSON: So in, in that list you have included both people who were part of Bosasa and people who were not part of Bosasa as long as it is people to whom you did deliver cash?

MR ANGELO AGRIZZI: Correct Chair.

CHAIRPERSON: Thank you.

ADV PAUL PRETORIUS SC: Is that a complete list of persons who were instructed to
10 deliver the cash received from you to other people?

MR ANGELO AGRIZZI: That is to the best of my knowledge.

ADV PAUL PRETORIUS SC: Right. Is it also a complete list of persons who received money from you for their own use [intervenes]?

MR ANGELO AGRIZZI: That is correct Chair.

ADV PAUL PRETORIUS SC: Only Gillingham?

MR ANGELO AGRIZZI: Gillingham and Mti.

ADV PAUL PRETORIUS SC: Right.

CHAIRPERSON: Thandi Makoko was one of the Directors, hey of Bosasa?

MR ANGELO AGRIZZI: That is correct Chair.

20 **CHAIRPERSON:** Thank you.

ADV PAUL PRETORIUS SC: Thank you Mr Agrizzi. Let us move on then to paragraph 39. The paragraph refers to a contract being awarded to Sondolo IT during approximately 2013 as you say. Would you tell the Chair of the matters concerning that contract?

MR ANGELO AGRIZZI: Chair the contract awarded to us at that stage, I must say us,

Sondolo was for about R601 million. It was for the implementation of the security access control system, scanning system as well as cameras with ITD control, control sites and control rooms for close on about 110 courts nationally.

ADV PAUL PRETORIUS SC: Is that for the Department of Justice and Constitutional Department?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: Is Sondolo IT as you have already stated part of the Bosasa stable of companies?

MR ANGELO AGRIZZI: That is correct Chair.

10 **ADV PAUL PRETORIUS SC:** Right, continue please.

MR ANGELO AGRIZZI: This was done on a national basis. It was managed by the IDT who was subcontracted to the Department of Justice and Constitutional Development and the agreement was that Sondolo IT would pay 2.5 percent call it lobbying fees or bribes to certain of the individuals in the Department of Correctional Services, sorry Justice and Constitutional Development and there was a spreadsheet and as money came in 2.5 percent of that money would be drawn in cash and handed over.

ADV PAUL PRETORIUS SC: So as I understand that arrangement payments would be made on behalf or by the Department of Justice and Constitutional Development in
20 respect of that particular security system contract?

MR PAUL AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: The value of that contract you say was R601m?

MR PAUL AGRIZZI: I think it might have gone a little bit higher because of variation orders Chair but that number seems to be correct.

ADV PAUL PRETORIUS SC: 2.5% of all monies received pursuant to services rendered under that contract received by Sondolo IT I presume were then returned you say to certain individuals in the Department of Justice and Constitutional Development?

MR PAUL AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: Would you look at Annexure U please.

MR PAUL AGRIZZI: Have you got a page?

ADV PAUL PRETORIUS SC: I will help you now. That is at page 691 of Exhibit S2. Would you go there please.

CHAIRPERSON: That is Annexure U?

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

ADV PAUL PRETORIUS SC: Annexure U, bundle S2, page 693 the documents – page 692 the document starts.

CHAIRPERSON: Thank you.

ADV PAUL PRETORIUS SC: What is that document?

MR PAUL AGRIZZI: Chair this is a document that would be prepared by the accountants and presented as – to me as part of proof that payments have come in on various invoices that were outstanding. Can I take you through the document Chair?

ADV PAUL PRETORIUS SC: Yes please particularly to the end where the calculation is made.

20 **MR PAUL AGRIZZI:** Yes. So if you look at the left hand side it basically tells you the contract name. It then gives you the invoice date, the invoice number and the value and then also the date that it was paid.

ADV PAUL PRETORIUS SC: By whom, to whom?

MR PAUL AGRIZZI: From the IDT to Sondolo. So

CHAIRPERSON: Did the IDT was making the payment on behalf of the Department of Justice?

MR PAUL AGRIZZI: That is correct they managed the project.

CHAIRPERSON: They managed the project okay.

MR PAUL AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: That is the Independent Development Trust?

MR PAUL AGRIZZI: That is right.

CHAIRPERSON: Thank you.

MR PAUL AGRIZZI: So if you flip over and you go to page 5 of the pack. Sorry I think
10 it is page 5 ja. Page 5 you will see there the year to date receipts.

CHAIRPERSON: I am sorry.

ADV PAUL PRETORIUS SC: Page 696.

MR PAUL AGRIZZI: Sorry 595 hey,.

CHAIRPERSON: And the paginated number is what? 693, 69 something else?

ADV PAUL PRETORIUS SC: 696 is page 5.

CHAIRPERSON: Okay.

MR PAUL AGRIZZI: You need to – if you could – if we could just go to page 4 first.

CHAIRPERSON: Yes okay.

MR PAUL AGRIZZI: Which is 695.

20 **CHAIRPERSON**: Yes.

ADV PAUL PRETORIUS SC: Well it would make it easier for the record if you refer to the number in the top right hand corner that is the number in the bundle.

MR PAUL AGRIZZI: Yes 695.

ADV PAUL PRETORIUS SC: 695 we must go to.

MR PAUL AGRIZZI: So.

ADV PAUL PRETORIUS SC: Yes.

MR PAUL AGRIZZI: If you have a look at 695 it will also show quite clearly the year to date receipts. Those are payments to date and then the 2.5% management fee at the bottom there and that information is then brought over to page 696 where it says then the total amount that Bosasa or Sondolo at least have been paid is R98 842 000,00 and the bribe provided for already provided for is R2 026 000,00 and then if you look down you will see additional management fee which is based on this voice is R394. So the bribe that would be paid would only be the R394 000,00.

ADV PAUL PRETORIUS SC: When was this schedule prepared?

- 10 **MR PAUL AGRIZZI:** This schedule would be prepared on a monthly basis and this specifically one was the 28 February 2018 – 2013 sorry my mistake.

ADV PAUL PRETORIUS SC: Does that date appear at the bottom of page 696?

MR PAUL AGRIZZI: Correct.

CHAIRPERSON: So Mr Agrizzi are you saying that the figure at page 696 and the figure of R394 952,03 represents the two and a half management fee that is referred to – okay well now – maybe I should not say management fee. 2.5% referred to in paragraph 39.1 of your affidavit that you have just told us about?

MR PAUL AGRIZZI: That is correct Chair.

CHAIRPERSON: Okay alright.

- 20 **ADV PAUL PRETORIUS SC:** Well just in case someone does the math Mr Agrizzi if one goes to page 696. I am not sure whether that R394 952,03 is 2.5% of R96m?

MR PAUL AGRIZZI: Let me correct you. If you look at the receipts for February. The receipts payment for February was R15 798,81 and R81,19 and the management fee that needed to be provided for February should be 2.5% which is R394 952,03.

ADV PAUL PRETORIUS SC: Right so we are not looking at the total amount in all those schedules we are simply saying that it is not an amount of R15 000 it is R15m? I think you said R15 000,00?

MR PAUL AGRIZZI: R15m.

ADV PAUL PRETORIUS SC: R15 798 081,19.

MR PAUL AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: And you say if one does the maths 2.5% of that will be R394 952,00 is that correct?

MR PAUL AGRIZZI: That is correct.

10 **CHAIRPERSON:** So the 2.5% management fee mentioned at page 695 at the bottom includes management fee other than what was paid to certain officials in the Department of Justice?

MR PAUL AGRIZZI: That is correct.

CHAIRPERSON: So the R2, something million includes the amount that would be paid to officials in the Department. So in other words that 2.5% management fee what is referred to as management fee is overall and then included in it will be a portion that would ultimately go to officials in the Department of Justice, is that right?

MR PAUL AGRIZZI: No Chair. The Department – those officials got over and above that. So there were two people that were paid for instances I think it was R30 000,00
20 and R40 000,00 a month. They would get over and above that. Mr Joe Gumede would attend to that.

CHAIRPERSON: Yes. When you say over and above? You say they – this was specific to this contract?

MR PAUL AGRIZZI: That is correct.

CHAIRPERSON: What they were getting?

MR PAUL AGRIZZI: Correct.

CHAIRPERSON: But when this contract happened they or some of them were already being paid?

MR PAUL AGRIZZI: Correct.

CHAIRPERSON: And this – their payments they received out of this contract was in additional to whatever they may have been receiving already before?

MR PAUL AGRIZZI: That is correct Chair.

CHAIRPERSON: Okay alright. Thank you.

ADV PAUL PRETORIUS SC: And in relation to this particular contract reflected on the
10 schedule on the pages we referring to and particular page 696 an amount of R2m had already been provided, am I correct?

MR PAUL AGRIZZI: That had been paid already, correct Chair.

ADV PAUL PRETORIUS SC: Then in paragraph 39.2 you talk about security guarding services. What happened there?

MR PAUL AGRIZZI: Chair at the time we had been guarding since about 2006 we had actually been guarding some of the courts around the country and we were doing some of the special pension pay-outs I think it was and in terms of that contract I became involved you know with the cash and I submitted lists to Jacques Van Zyl and the lists included some of the officials within the department and we were told to look after
20 them. Various benefits as well as repairing cars, getting furniture for them, all that type of thing that would be requested by either Mr Joe Gumede or at that time Mr Trevor Mathenjwa.

ADV PAUL PRETORIUS SC: Did Mr Gumede tell you for whom these amounts or some of these amounts were required?

MR ANGELO AGRIZZI: Yes he did Chair.

ADV PAUL PRETORIUS SC: What did he tell you?

MR PAUL AGRIZZI: He told me that he would like R40 000,00 a month for Ms Mams Nyambuse who does the security full justice overview and he also said he wanted R30 000,00 a month for Mr Norman Thobane.

ADV PAUL PRETORIUS SC: Right Nyambuse you spell here at least N-u-n-y-u-m-b-u-s-e?

MR PAUL AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: Are these names recorded anywhere in your black book?

MR PAUL AGRIZZI: I think I would have to go through it Chair. I – right now I cannot –
10 I cannot recall.

ADV PAUL PRETORIUS SC: Would you do so please.

MR PAUL AGRIZZI: Yes.

ADV PAUL PRETORIUS SC: So that we can tell the Chair if their names appear there or they do not appear there?

MR PAUL AGRIZZI: I think they do.

ADV PAUL PRETORIUS SC: Yes do not do it now perhaps you can do it in the short adjournment which is now anyway Chair.

CHAIRPERSON: Okay we will take the short adjournment and we will resume at half past eleven. We adjourn.

20 **MEETING ADJOURNS**

MEETING RESUMES

CHAIRPERSON: Before you proceed Mr Pretorius I just want to ask Mr Agrizzi one brief catering question.

MR PAUL AGRIZZI: Yes Chair.

CHAIRPERSON: From what you have said Bosasa was spending a lot of money on

bribes on a monthly basis, is that correct?

MR PAUL AGRIZZI: That is correct Chair.

CHAIRPERSON: Now how did it recover this money that it was spending on a monthly basis such as you said approximately R4m to R6m a month or was the position that its prices for the contracts were inflated to make provision for the payments that would be made in terms of bribes?

MR PAUL AGRIZZI: Chair I would not say that the prices were unnecessarily inflated in terms of taking rands or cents. I mean if you bought a litre of milk and compared it maybe 3% more but the reason why was because of the systems that we had
10 implemented. The operational management of control that made it a highly profitable business. The other reason why it could sustain that was because remember all the bribe money was tax free. So instead of declaring higher profits, reduced the profits and it was able to – to generate good substantial returns.

CHAIRPERSON: So in the end it is quite fair to say that the people, the taxpayers, the people were effectively being robbed of money that should go to the – to SARS which government would then use to deliver services for all the people, is that right?

MR PAUL AGRIZZI: That is correct Chair and I am in the process of helping SARS with it.

CHAIRPERSON: Thank you.

20 **ADV PAUL PRETORIUS SC**: You gave evidence early on Mr Agrizzi dealing with the amounts spent on bribes what you say is approximately R4m to R6m per month and you mentioned to the Chair that that in relation to the overall turnover and profits of the Bosasa Group of Companies as a whole was you said a very small amount?

MR PAUL AGRIZZI: Chair it was negligible it was maybe 5%.

CHAIRPERSON: Yes.

MR PAUL AGRIZZI: Effect on the net profit.

CHAIRPERSON: A drop in the ocean was the phrase you used. Ja thank you.

CHAIRPERSON: Chair has got a very good memory.

ADV PAUL PRETORIUS SC: Alright if we can go on then please to clarify just two items in paragraph 39.2. You mentioned the name of Mr Norman Thobane. Can you recall what position he held in the Department of Correctional Services?

MR PAUL AGRIZZI: Chair if I remember correctly he worked at the Department of Justice and Constitutional Development and his position there was Head of Security and he was a liaison really.

10 **ADV PAUL PRETORIUS SC**: Yes my error I mentioned the wrong department. And how – you also say you became sorry Chair did you want to ask a question?

CHAIRPERSON: No, no.

ADV PAUL PRETORIUS SC: How did you become aware of those two names as recipients of money as you were told?

MR PAUL AGRIZZI: Well number 1 is Chair I was – these things were discussed with me openly with Mr Gumede who I had a very good relationship with and what happened was I was present when some of the payments were actually made.

ADV PAUL PRETORIUS SC: Then if we can go to paragraph 39.3. But before we go on let us go back to paragraph 38.4. At the end of that paragraph is a list of names. It
20 appears on page 81.

MR PAUL AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: Do you see that?

MR PAUL AGRIZZI: Correct. That is correct.

ADV PAUL PRETORIUS SC: We discussed this list earlier this morning?

MR PAUL AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: And you said that there were two categories of persons in this list. The first category was those persons to whom monies were paid principally people employed within the Bosasa stable.

MR PAUL AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: For onward payment to others?

MR PAUL AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: And you also said that this list included persons to whom payments were made directly for their benefit and use?

MR PAUL AGRIZZI: If I may just clarify – put a point of clarification. You must recall
10 that I actually handed money to Mti to distribute as well because he used to take the money for Nomgcobo Jiba, Mrwebe, Jolingana and all the others as well. So I just want to clarify that. But yes.

ADV PAUL PRETORIUS SC: So this list here included names of persons to whom monies were paid for their own benefit?

MR PAUL AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: Then I asked you is that a complete list of persons to whom monies were paid for their own benefit that you actually observed, remember and you mentioned Mti and Gillingham as being those persons. It seems to me that there are now others to whom you observed monies being given?

20 **MR PAUL AGRIZZI:** Correct.

ADV PAUL PRETORIUS SC: Right so let me go back to that question. How many people did you actually observe yourself being given money or whom you gave money to directly for their own benefit?

MR PAUL AGRIZZI: I would have to work a list out and actually give you another list.

ADV PAUL PRETORIUS SC: Yes would you do so please.

MR PAUL AGRIZZI: Yes I would do this.

ADV PAUL PRETORIUS SC: In other words persons in respect of whom you have direct evidence?

MR PAUL AGRIZZI: I will.

ADV PAUL PRETORIUS SC: As opposed to having been told by others.

MR PAUL AGRIZZI: I will provide that.

ADV PAUL PRETORIUS SC: If we could go back then to paragraph 39.3 and you there discuss.

CHAIRPERSON: Before 39.3 at 39.2 you have those two names of officials from the
10 Department of Justice and Constitutional Development that you have mentioned.

MR PAUL AGRIZZI: That is correct.

CHAIRPERSON: Do you – do you – are you – did you ever witness them being given bribe money or did you yourself ever give them bribe money?

MR PAUL AGRIZZI: Chair I was in the presence of Johannes Gumede when it was paid over to them.

CHAIRPERSON: Both of those two officials mentioned in paragraph 39.2 namely Mams Nyambuse and Normal Thobane?

MR PAUL AGRIZZI: That is correct Chair.

CHAIRPERSON: Was it on one occasion that you personally witnessed this?

20 **MR PAUL AGRIZZI**: Chair it was on a few occasions.

CHAIRPERSON: In regard to both of them?

MR PAUL AGRIZZI: In regard to both of them and just to add as well I am looking for the actual names, they are on the list somewhere.

CHAIRPERSON: Yes.

MR PAUL AGRIZZI: And I am also trying to recover the accounts paid for the repairs

on vehicles and that for them as well Chair.

CHAIRPERSON: Yes okay alright thank you, thank you. Now we know that you also have mentioned before the name of the secretary of the commission and you said that you had no direct evidence yourself it is simply what you were told by Mr Seopela but in regard to this you say you had a personal knowledge of the payments?

MR PAUL AGRIZZI: Yes in terms of DOJ and Constitutional Development I have direct – I was there when it was paid over.

CHAIRPERSON: Yes.

MR PAUL AGRIZZI: The one incident happened specifically at the Sunnyside Park
10 Hotel I think it is called in Pretoria.

CHAIRPERSON: Yes.

MR PAUL AGRIZZI: In Sunnyside.

CHAIRPERSON: Yes.

MR PAUL AGRIZZI: Over a breakfast

CHAIRPERSON: Yes.

MR PAUL AGRIZZI: And it was at the time when the guarding contract was being negotiated.

CHAIRPERSON: Yes and who else was present at that breakfast who was with you?

MR PAUL AGRIZZI: At that meeting was Mr Joe Gumede with me.

20 **CHAIRPERSON**: So was it four people having that meeting, yourself, Mr Joe Gumede and the two officials only?

MR PAUL AGRIZZI: On that specific occasion there was Norman Thobane that was present with me.

CHAIRPERSON: Oh Ms Mams Nyambuse was not there?

MR PAUL AGRIZZI: No she was not.

CHAIRPERSON: Yes.

MR PAUL AGRIZZI: The other incidents were at restaurants and at impromptu meetings.

CHAIRPERSON: Yes.

MR PAUL AGRIZZI: I cannot recall exactly where they were. That one I specifically remember.

CHAIRPERSON: Yes, yes.

MR PAUL AGRIZZI: You know there are so many meetings Chair that one cannot always remember.

10 **CHAIRPERSON**: Yes.

MR PAUL AGRIZZI: You know did you meet at the Fishmonger, did you meet at Tasha's?

CHAIRPERSON: Yes no, that is true. Yes.

MR PAUL AGRIZZI: Where did you meet?

CHAIRPERSON: Yes okay thanks. But in regard to the Department of Justice and Constitutional Development the names that you have told us in this paragraph and the name – the names in this paragraph of the two officials.

MR PAUL AGRIZZI: Yes Chair.

CHAIRPERSON: Are they the only ones in respect of whom you have direct evidence?

20 **MR PAUL AGRIZZI**: Those are the only ones I have direct evidence of Chair.

CHAIRPERSON: Yes. Okay alright thank you.

MR ANGELO AGRIZZI: I think Chair as well I make it very clear in my affidavit that I did not have direct evidence of the secretary.

CHAIRPERSON: Yes you do.

MR PAUL AGRIZZI: But I was told.

CHAIRPERSON: Yes you do.

MR PAUL AGRIZZI: And I made that statement very clear.

CHAIRPERSON: Yes you do. Thank you.

ADV PAUL PRETORIUS SC: You mentioned a specific meeting involving Mr Thobane?

MR PAUL AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: Do you recall a specific meeting involving the other person mentioned Ms Nyambuse?

MR PAUL AGRIZZI: Chair if I recall correctly it was actually at the Bosasa offices. She
10 was visiting there and it was afternoon. That was another incident. I am trying to recall them now. I did not know that you would ask these questions and...

CHAIRPERSON: Yes.

MR PAUL AGRIZZI: So I am trying to recall now.

CHAIRPERSON: Yes okay.

ADV PAUL PRETORIUS SC: Let us move on to paragraph 39.3 then. There you discuss a contract with the Department of Justice and Constitutional Development for security upgrades?

MR PAUL AGRIZZI: That is correct Chair.

ADV PAUL PRETORIUS SC: Tell the Chair about those please?

20 **MR PAUL AGRIZZI**: So there was various upgrades as well. For instance the SALU building where they operating from. It used to be called the Suid Afrikaanse Landbou-unie building and basically that was being renovated. There was no tender processes. No prescribed reason why they did not go out on a tender process. The value of that contract was in the region of about between R20m and specifically with that there was resistance from the Billion Group who owned the building and were responsible for the

upgrades because they would have to pay. And there was just – they were liable for the actual upgrading and the payments thereof and there was extreme, extreme resistance from the project management team who did not like the fact that they had been dictated to by certain people in justice especially with regards to using Sondolo. They wanted to use an independent that was far more cost effective number 1 and someone who they had worked with previously. Eventually Sondolo got the business albeit that Billion was not happy about it at all. Then I was asked – I was told by Mr Seopela that I needed to provide R1.9m as a fee for the arranging of that contract.

ADV PAUL PRETORIUS SC: Do you know if that money was ever paid?

- 10 **MR PAUL AGRIZZI:** It was paid to him in cash. It was paid to him in cash. I am sure if – if he paid it over to the people he said he paid it over to.

ADV PAUL PRETORIUS SC: Alright in short then.

CHAIRPERSON: Did you say – I am sorry. Did you say it was paid to him cash or to me cash?

MR PAUL AGRIZZI: It was paid to Mr Seopela in cash.

CHAIRPERSON: Yes by yourself?

MR PAUL AGRIZZI: Correct Chair.

CHAIRPERSON: Ja okay.

- 20 **ADV PAUL PRETORIUS SC:** In order to facilitate the transaction which you have just described?

MR PAUL AGRIZZI: That is correct Chair and also to facilitate the payment because we had major problems getting payment out of Billion Group.

ADV PAUL PRETORIUS SC: I understand but you also say that you do not know if Mr Seopela paid that money over to anyone and even if he did you do not know who received the money?

MR PAUL AGRIZZI: I can only tell you Chair that I paid over the money to him and he said to me that people are waiting for their money and that was it. Whether he paid them or not I do not know.

ADV PAUL PRETORIUS SC: In short then the Department of Justice and Constitutional Development rented premises in a building?

MR PAUL AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: The landlord was the Billion Group? Security upgrades were instructed or requested by the Department for which upgrades the Billion Group would in terms of the arrangements be liable?

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

ADV PAUL PRETORIUS SC: Billion Group resisted payment and for that reason certain arrangements were made with Mr Seopela?

MR PAUL AGRIZZI: That is correct Chair.

ADV PAUL PRETORIUS SC: Do you know if the contract was ever paid for?

MR PAUL AGRIZZI: The contract was eventually paid for. It was discounted at one stage so that they would pay it.

ADV PAUL PRETORIUS SC: Alright. If we can move onto the third catering contract for Correctional Services mentioned in paragraph 40.1 of your affidavit. Please tell the Chair of the circumstances relevant there?

20 **MR PAUL AGRIZZI**: So it was during 2013 Chair when Correctional Services put out a catering contract to continue with the provision of catering services and that. The contract was awarded to Bosasa fortunately at that stage they use exactly the same specifications that were used in the previous contracts and the advertising of those contracts as well. Bosasa submitted a tender application. The award to Bosasa was not a foregone conclusion as it – it did not have enough influence over the Department

of Correctional Services anymore. So it was a very touch and go situation. The contract was for a three year period and the value of the contract was in excess of R420 000,00 per annum.

CHAIRPERSON: So in 2013 as you have told us Bosasa through Sondolo IT got a security systems contract from the Department of Justice and Constitutional Development to the value of R601m and in the same year Bosasa was awarded a contract from Correctional Services in the amount – to the value of R420m where they say is per annum, is that right?

MR PAUL AGRIZZI: That is correct Chair.

10 **CHAIRPERSON**: The R601m in respect of the contract from the Department of Justice that was just for the whole contract it was not per annum?

MR PAUL AGRIZZI: That is correct that is the total contract value.

CHAIRPERSON: So already just from those two you over R1b that one is talking about?

MR PAUL AGRIZZI: That is correct Chair.

ADV PAUL PRETORIUS SC: And of course as we understand from your evidence there were many other contracts current at the time?

MR PAUL AGRIZZI: Correct.

20 **ADV PAUL PRETORIUS SC**: The contract referred to in paragraph 40 the third catering contract for Correctional Services you say that was awarded to Bosasa?

MR PAUL AGRIZZI: That is correct Chair.

ADV PAUL PRETORIUS SC: Or a company in the Bosasa Group?

MR PAUL AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: Do you know what the approximate profit margin was in that contract? In other words what portion or percentage of the R420m per annum was profit?

MR PAUL AGRIZZI: After the cash deductions and all that we should be coming out at least with a 40% GP and normally about a 28% net profit.

ADV PAUL PRETORIUS SC: GP being Gross Profit?

MR PAUL AGRIZZI: Sorry GP gross profit.

ADV PAUL PRETORIUS SC: Yes and the profit margins in respect of the other contracts to which you have referred the Chair were they similar?

10 **MR ANGELO AGRIZZI:** They were similar, Chair, but what was happening was that costs would be filtered through those contracts into other entities where it facilitated dividends being taken out, let us put it that way, the nice way. Dividends were taken out by another entity.

ADV PAUL PRETORIUS SC: Alright.

CHAIRPERSON: We have referred just now to the fact that there were other contracts that Bosasa got from government departments?

MR ANGELO AGRIZZI: That is correct.

CHAIRPERSON: I seem to remember, but I may be mistake that we may have asked you to try and identify all the contracts that Bosasa may have had from government
20 departments, national, provincial and parastatals, SOEs, is that something? Because as Chief Operations Officer you would have known about all such contracts, is that right?

MR ANGELO AGRIZZI: That is correct, Chair.

CHAIRPERSON: Yes, did we ask you to do that, or not?

MR ANGELO AGRIZZI: Yes, you did.

CHAIRPERSON: Okay, you are working on it?

MR ANGELO AGRIZZI: I have done it.

CHAIRPERSON: Oh, okay. Mr Pretorius is aware of it?

MR ANGELO AGRIZZI: Yes.

CHAIRPERSON: Oh, okay, alright, thank you, because it would be important at some stage that we could have a full list of what contracts Bosasa and its affiliated companies may have had or did have with government, various government departments and parastatals at a certain time, if we could have that full picture for as long a time as possible, that would be great. If not, maybe just at some stage maybe before

10 Mr Agrizzi left it would be could to have a full picture and to be able to put a monetary value on that as well.

MR ANGELO AGRIZZI: Chair, I just want to add that I do not have my computer since I left.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: But I know that they have a contract list.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: I think perhaps maybe through the legal team they can just request a full list of contracts.

CHAIRPERSON: Yes.

20 **MR ANGELO AGRIZZI:** There is a data base that we created.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: That would actually be more accurate than my memory.

CHAIRPERSON: Yes, yes, no, no that is fine. I mean the government also should be able to identify all such contracts and make them available to the Commission.

MR ANGELO AGRIZZI: Yes.

CHAIRPERSON: Somebody who is central in the government department, maybe in the presidency somebody should get everybody to disclose what contracts Bosasa has had with them and details so that we have a full picture. Thank you.

ADV PAUL PRETORIUS SC: Yes, Chair. There is the work Mr Agrizzi that the investigators are busy with and will continue to work on and then there is your own memory and I think what the, Chair, wants from you if you would cooperate please is what your own memory and records can produce.

MR ANGELO AGRIZZI: Yes, would the, Chair, also require subsidiary companies for instance Sun Works Solar is one of their companies.

10 **CHAIRPERSON:** Yes.

MR ANGELO AGRIZZI: Within the group, all those?

CHAIRPERSON: Yes, all subsidiaries of Bosasa as long as they had at some stage...[intervenes]

MR ANGELO AGRIZZI: Shareholding.

CHAIRPERSON: Contracts with government departments or SOEs.

MR ANGELO AGRIZZI: Then I will include Sun Works.

CHAIRPERSON: Okay, thank you.

ADV PAUL PRETORIUS SC: May we move on Mr Agrizzi to your affidavit at paragraph 41?

20 **MR ANGELO AGRIZZI:** Yes, Chair.

ADV PAUL PRETORIUS SC: When did you meet Ms Dudu Myeni for the first time?

MR ANGELO AGRIZZI: Well I bumped into Ms Dudu Myeni, it was informal. I had walked into the Sheraton Hotel for another meeting and it was just an informal introduction. I was with Gavin Watson coincidentally at the time. But there was no formal meeting or anything, I was just really introduced to her.

ADV PAUL PRETORIUS SC: Alright, arising from your own duties in relation to the payment of cash and the recordal of cash payments for various persons as you have testified were you aware of any payment relevant to Ms Myeni?

MR ANGELO AGRIZZI: Gavin was quite open, Gavin Watson would tell us that he is paying her R300 000 a month and he was – he always said that he hopes that she is giving it to Zuma and the payment was for the foundation apparently.

ADV PAUL PRETORIUS SC: Which foundation?

MR ANGELO AGRIZZI: For the Jacob Zuma Foundation.

ADV PAUL PRETORIUS SC: What position, to your knowledge, did Ms Myeni occupy
10 at the time?

MR ANGELO AGRIZZI: She was at the SAA, are you talking in respect of...[intervenes]

ADV PAUL PRETORIUS SC: In respect of the foundation?

MR ANGELO AGRIZZI: I think she was the Chairperson of the foundation.

ADV PAUL PRETORIUS SC: Alright. So...[intervenes]

CHAIRPERSON: Well you said two things. One was that the payment was for Mr Zuma and then you said the payment was for the foundation?

MR ANGELO AGRIZZI: Correct.

CHAIRPERSON: Which is which?

20 **MR ANGELO AGRIZZI:** Well it was for the foundation, Chair. So maybe my, I did not express it properly. It was for the Jacob Zuma Foundation.

CHAIRPERSON: Okay, alright.

ADV PAUL PRETORIUS SC: That is what you were told?

MR ANGELO AGRIZZI: That is what I was told, Chair.

CHAIRPERSON: Okay.

ADV PAUL PRETORIUS SC: And how was that payment made? Cash, cheque?

MR ANGELO AGRIZZI: Well the strange thing is it was always cash.

ADV PAUL PRETORIUS SC: And to whom was that payment made?

MR ANGELO AGRIZZI: The payment was made to Dudu Myeni.

ADV PAUL PRETORIUS SC: Alright.

CHAIRPERSON: You say it was always cash?

MR ANGELO AGRIZZI: Always.

CHAIRPERSON: Is that, because you were involved in counting it or putting it together or how do you know it was always cash?

10 **MR ANGELO AGRIZZI:** Chair, because on occasion I would have to arrange to pack the money, even though I was not delivering the money, but I would have to pack the money in this regard.

ADV PAUL PRETORIUS SC: Were you ever present when cash was delivered to Ms Myeni?

MR ANGELO AGRIZZI: Yes, I was, Chair.

CHAIRPERSON: Do you remember when that was by any chance in terms of the year or round about what period?

MR ANGELO AGRIZZI: Chair, I remember the time at the Sheraton and I cannot recall the dates of the other times, but they were within a year of each other, it was a few
20 times.

ADV PAUL PRETORIUS SC: Which year?

MR ANGELO AGRIZZI: That is a good question. I think I refer to it in my actual statement where I got documentation, so I just want to have a look quickly, because I have so much running on in my head at the moment. Chair, I cannot recall the year at the moment. I think it was in the region of 2013/2012, it will come up in the statement

later on.

CHAIRPERSON: Okay, okay. Now was it on one occasion only that you personally witnessed cash being given to Ms Dudu Myeni?

MR ANGELO AGRIZZI: No, there were a few occasions, Chair.

CHAIRPERSON: It was a few occasions?

MR ANGELO AGRIZZI: Yes.

CHAIRPERSON: Did you yourself at any stage deliver this kind of cash to her?

MR ANGELO AGRIZZI: No, I was merely present when it happened.

10 **CHAIRPERSON**: And who delivered the cash to her on the occasions on which you witnessed this?

MR ANGELO AGRIZZI: On two of the occasions it was Gavin Watson, on one occasion it was Mr Trevor Mathenjwa.

CHAIRPERSON: Okay, thank you.

ADV PAUL PRETORIUS SC: Would you relate the incident to the, Chair, please that you refer to in paragraph 41.3 in your affidavit?

CHAIRPERSON: And maybe before he does so the venue – you have mentioned the venue in respect of at least one occasion when cash was given to Ms Myeni and you were present and you said that was at the Sheraton Hotel in Pretoria, is that right?

MR ANGELO AGRIZZI: That is correct.

20 **CHAIRPERSON**: And do you remember what the venues where in regard to any of the other occasions when you personally witnessed delivery of cash to her?

MR ANGELO AGRIZZI: Chair, I cannot recall if it was two or three times or if it was only twice really.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: But at the offices, at our offices she would actually come

through for a visit and a discussion with Watson and I know that there was – I mean I saw her there once or twice or two or three times at least. I cannot remember exactly how many times at the office.

CHAIRPERSON: Yes, so the two venues that you remember are the Sheraton Hotel and Bosasa premises?

MR ANGELO AGRIZZI: Correct.

CHAIRPERSON: Okay, alright, thank you.

ADV PAUL PRETORIUS SC: Alright, will you tell the, Chair, please of the incident in paragraph 41.3 of your affidavit?

- 10 **MR ANGELO AGRIZZI:** Chair, one morning, it was early in the morning at about 05:55. Gavin Watson asked me he needed to impress Myeni and he asked me, you know how do we do it, so I said well do not ask me, ask my wife. I mean what do I know? So my wife said to him well you should go and buy her a nice handbag at Louis Vuitton. I think my wife was actually hinting that I must go buy one for her, but none the less the handbag was, she arranged it. The handbag was actually delivered with – and then Gavin Watson put R300 000 in the bag and he delivered it and I know this, because even after...[intervenes]

ADV PAUL PRETORIUS SC: Delivered it to whom?

MR ANGELO AGRIZZI: To Dudu Myeni.

- 20 **ADV PAUL PRETORIUS SC:** Alright, so he delivered a Louis Vuitton handbag, purchased in circumstances to which you have now referred, R300 000 was placed in the bag. How do you know that?

MR ANGELO AGRIZZI: Well, because quite simply I was there. I knew what was happening and then Dudu Myeni afterwards actually thanked me personally for choosing the right bag for her.

ADV PAUL PRETORIUS SC: Alright, now you are moving very fast through the facts and it is important that we take them step by step.

MR ANGELO AGRIZZI: Yes.

ADV PAUL PRETORIUS SC: Mr Agrizzi.

MR ANGELO AGRIZZI: Okay.

ADV PAUL PRETORIUS SC: Arrangements were made for the purchase of the handbag?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: The handbag was delivered to Bosasa, was it?

10 **MR ANGELO AGRIZZI:** Well someone collected it and brought it to Bosasa.

ADV PAUL PRETORIUS SC: Correct, and then you say R300 000 in cash was placed in the bag?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: Did you observe that?

MR ANGELO AGRIZZI: I saw it.

ADV PAUL PRETORIUS SC: Do you know what happened...[intervenes]

CHAIRPERSON: And who placed it?

MR ANGELO AGRIZZI: Gavin Watson, Chair.

CHAIRPERSON: Thank you.

20 **ADV PAUL PRETORIUS SC:** Do you know what happened to the bag with the cash inside?

MR ANGELO AGRIZZI: It was delivered to Dudu Myeni.

ADV PAUL PRETORIUS SC: How do you know that?

MR ANGELO AGRIZZI: Because afterwards she came to – when I saw her again she actually thanked me for the bag, because she felt that it was a nice bag, you know, it

made a statement for her.

ADV PAUL PRETORIUS SC: Alright, and...[intervenes]

CHAIRPERSON: So you were not present when the bag was delivered to her, but she subsequently acknowledged to you that she had received the bag?

MR ANGELO AGRIZZI: That is correct, Chair.

CHAIRPERSON: Thank you.

MR ANGELO AGRIZZI: Chair, can I clarify one thing, because I just want to clarify, because certain reports has reported certain things.

CHAIRPERSON: Yes?

10 **MR ANGELO AGRIZZI:** And they are busy tweeting probably as we speak and I just want to clarify my wife never bought a bag. Someone else went and collected the bag and paid for it.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: Okay.

CHAIRPERSON: Thank you.

MR ANGELO AGRIZZI: Definitely not my wife and she did not put money in the bag.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: Okay.

20 **ADV PAUL PRETORIUS SC:** Did you receive any report from Mr Gavin Watson in relation to the fate of the handbag and the cash that you placed in the bag?

MR ANGELO AGRIZZI: He said she was over the moon, she was very, very happy with the bag.

ADV PAUL PRETORIUS SC: Alright, did he say anything about the money in the bag?

MR ANGELO AGRIZZI: I am trying to recall now. No, not – I cannot recall exactly what was said right now.

ADV PAUL PRETORIUS SC: Okay. The payments of R300 000 were these regular payments?

MR ANGELO AGRIZZI: They were monthly payments.

ADV PAUL PRETORIUS SC: Were there in fact more than one – or was there in fact more than one payment?

MR ANGELO AGRIZZI: There were R300 000 per month.

ADV PAUL PRETORIUS SC: How do you know that?

MR ANGELO AGRIZZI: Because on a monthly basis I would have to draw accordingly for Mr Watson.

10 **ADV PAUL PRETORIUS SC:** Do these details appear in code or otherwise in your black book or on your list?

MR ANGELO AGRIZZI: You must remember that certain of the payments on the high profile people, they might appear on my list maybe once or twice, but normally they would be done by Mr Watson himself and he did not like to keep record, he always said that he has never signed anything or written anything down on a piece of paper, because he could get caught out.

ADV PAUL PRETORIUS SC: Would you check that please for us? Whether her name appears in code or otherwise in your black book or on your list?

MR ANGELO AGRIZZI: I will check it.

20 **ADV PAUL PRETORIUS SC:** And you were, may I remind you that you were also going to check the two other names? Was there any other relationship between Ms Myeni and Gavin Watson or Bosasa by any other relationship I mean were there any other activities or favours or benefits according to yourself afforded to or through Ms Myeni?

MR ANGELO AGRIZZI: Most definitely. There were times when she would call on

Gavin Watson to arrange functions, high end functions, expensive functions for Jacob Zuma and then there were times when she needed stuff done at her house in terms of security and that and all that was arranged. We did not bother asking questions or getting approvals, we just went ahead and did it.

ADV PAUL PRETORIUS SC: Would you look at EXHIBIT S2 please at page 697?

CHAIRPERSON: Before you do so why was it that when she made requests you never asked questions you just did it as you have said?

ADV PAUL PRETORIUS SC: Because she was very, very important. She could swing deals and she was powerful.

10 **CHAIRPERSON:** In what way was she important and powerful?

MR ANGELO AGRIZZI: Well let me give you an example if I may, Chair?

CHAIRPERSON: Yes?

MR ANGELO AGRIZZI: We had a meeting at one stage we were working with a company called Falcon Oil and Gas in terms of the fracking transaction in the Northern Cape. Now Falcon Oil and Gas owned the portion below the one that is owned below the one that is owned by BP and the rest. We needed legislation changed, number one. Number two is we needed the buy-in of Chevron and I give an example where Chevron had arranged with Standard to conduct interviews on potential partners at their offices. We were the only company that could refuse to do that and
20 insist that they meet at our offices. She was instrumental in that type of thing, because people realised that she was very close to the President and she could really call the shots.

So I that instance it was beneficial having her there.

CHAIRPERSON: Okay, thank you.

MR ANGELO AGRIZZI: So she was powerful or is powerful.

CHAIRPERSON: Yes, thank you.

ADV PAUL PRETORIUS SC: In fact Mr Agrizzi you deal with the Karoo fracking transaction and the involvement of Ms Myeni.

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: In the very next paragraph, but before we get there, can we please look at page 698 of EXHIBIT S2?

MR ANGELO AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: What is this document?

MR ANGELO AGRIZZI: That is one of the letters I happened to have which were thank
10 you letters from the foundation for a birthday party that was arranged for at that stage it was President Zuma.

ADV PAUL PRETORIUS SC: Alright, it is dated 14 April 2016.

MR ANGELO AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: We appear to have gone offline, Chair.

CHAIRPERSON: Oh, yes.

ADV PAUL PRETORIUS SC: Yes, Chair?

CHAIRPERSON: Okay, let us have a five minutes adjournment so that this is sort out.

ADV PAUL PRETORIUS SC: Thank you.

MEETING ADJOURNS

20 **MEETING RESUMES**

CHAIRPERSON: So, Mr Pretorius did you lose about 20 minutes, 25 minutes?

ADV PAUL PRETORIUS SC: About 30 minutes.

CHAIRPERSON: Well I think it is not less than 20 minutes I think. If possible we should compensate for it somewhere somehow.

ADV PAUL PRETORIUS SC: I am sure we can do so, if we may at the end of the day.

CHAIRPERSON: Yes, your microphone is not on Mr Pretorius.

ADV PAUL PRETORIUS SC: If we could do so, Chair, at the end of the day rather than the long adjournment.

CHAIRPERSON: No, no, that is fine. Yes, you may proceed. I was about to say before the break is there a way in which was written in that letter can be enlarged? I struggle to read what is written there. I see some words, but I do not see everything, but of course if that can be done that can be done in due course, failing which or maybe irrespective of that Mr Agrizzi could read it if he himself is able to read the whole of it. But even if that happens it would be good if we could have – if I can have an enlarged

10 version of that letter from Ms Myeni.

ADV PAUL PRETORIUS SC: We will arrange that, Chair.

CHAIRPERSON: Ja.

ADV PAUL PRETORIUS SC: Do you know what this letter says? You do not have to read it, you are familiar with its contents?

MR ANGELO AGRIZZI: Yes.

ADV PAUL PRETORIUS SC: It is apparently signed by Ms D C Myeni Executive Chairperson Jacob G Zuma Foundation.

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: And what is this letter?

20 **MR ANGELO AGRIZZI:** Well the letter is a letter of appreciation and I will try read it for the birthday celebration.

ADV PAUL PRETORIUS SC: It is addressed to Mr Watson?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: Yes?

MR ANGELO AGRIZZI: And what it does say is:

"On behalf of the patrons of the Jacob Zuma Foundation...[intervenes]"

ADV PAUL PRETORIUS SC: Patron singular.

MR ANGELO AGRIZZI: Patrons.

ADV PAUL PRETORIUS SC: No, patron.

CHAIRPERSON: It looks like singular.

MR ANGELO AGRIZZI: Then I think Mr, perhaps...[intervenes]

CHAIRPERSON: But later when it is enlarged it is fine, but read as – to the best to read what you see.

10 **MR ANGELO AGRIZZI:** Okay, let me see what I see, what my eyes see.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: Alright.

"On behalf of the patron of the Jacob Zuma foundation his Excellency the President of the Republic of South Africa, Mr Jacob G Zuma, may we take this opportunity to thank you for the splendid birthday dinner catered for at short notice. The family was thrilled to have a..."

That I cannot read.

CHAIRPERSON: The second paragraph looks like the family or...[intervenes]

20 **MR ANGELO AGRIZZI:** Oh, I have got it now.

"Remarkable time with their father."

CHAIRPERSON: Just start from the family again?

MR ANGELO AGRIZZI: "The family was thrilled to have a remarkable time with their father intimately enjoying the wonderful dinner prepared."

I cannot read the rest.

ADV PAUL PRETORIUS SC: With care.

MR ANGELO AGRIZZI: "With care. The chef's creativity and professionalism was commended by everybody."

I presume that is what it reads. The rest I cannot make out.

CHAIRPERSON: Okay, no thank you.

MR ANGELO AGRIZZI: Okay, sorry. I think Mr Pretorius' eyes are much better than mine.

CHAIRPERSON: Yes, well it ends with Yours Faithfully and then it does say Ms D C Myeni and something Chairperson and something else underneath the
10 signature and it is signed, is that right?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: If we may move on then to paragraph 41.6 and there you relate Mr Agrizzi the circumstances to which you referred earlier in particular the contemplated Karoo fracking transaction and the dealings between personnel of Bosasa, Ms Myeni and notionally at least President Zuma. Would you briefly tell the, Chair, of those circumstances?

MR ANGELO AGRIZZI: Yes, Chair, I remember it quite vividly. So Bosasa had been approached by a gentleman by the name of Neil Rahakrishna to become involved with the Karoo fracking transaction with the company called Falcon Oil and Gas.

20 **CHAIRPERSON:** I am sorry, Mr Pretorius I have lost you in terms of paragraphs?

ADV PAUL PRETORIUS SC: Paragraph 41.6 and can we just spell Rahadkhrishna[spelt] continue please? We have it here.

CHAIRPERSON: Maybe before that, I may have missed something, but I do not remember that the witness has covered certainly the second portion of 45.5 or did he? I do not remember that he has.

ADV PAUL PRETORIUS SC: Well he did not mention the Executive Chef, he has not dealt with that, but I thought we could move on.

CHAIRPERSON: Well...[intervenes]

ADV PAUL PRETORIUS SC: 41.5 the witness has testified, Chair, that Ms Myeni would often call on Bosasa and Mr Watson to arrange functions at short notice.

CHAIRPERSON: Yes, he did and the cost of these functions, can he deal with that?

MR ANGELO AGRIZZI: All the costs of all the functions was in the region of about R3.5-million.

10 **CHAIRPERSON:** Is that per function on average? Is that a number of functions together?

MR ANGELO AGRIZZI: Chair, that was the last calculation that I did where I worked out for a year, worked out to about R3.5-million.

CHAIRPERSON: Per year?

MR ANGELO AGRIZZI: Yes, I am sure that the company would have the records still.

CHAIRPERSON: Yes, yes. Okay, alright.

MR ANGELO AGRIZZI: Because I know – how I know, Chair, is because that claim went through and I signed it off and it was allocated to CSI.

CHAIRPERSON: Yes, okay.

MR ANGELO AGRIZZI: So I recall the number pretty vividly.

20 **CHAIRPERSON:** Okay, thank you. Yes, Mr Pretorius?

ADV PAUL PRETORIUS SC: Right, 41.6 in your affidavit you were dealing with or you were about to deal with the Karoo fracking transactions and circumstances related to that transaction.

MR ANGELO AGRIZZI: So I was approached on the fracking transaction, because I had known a Neil Ramakrishna, we worked together on the Home Affairs issue. In

terms of Falcon Oil and Gas I was introduced to Phillip O'Quigley who is the International Chairman of the group...[intervenes]

ADV PAUL PRETORIUS SC: Before you go on, I am sorry to interrupt, but we must spell that, because I am sure the transcriber will not pick up that spelling, it is Phillip?

MR ANGELO AGRIZZI: Phillip O'Quigley[spelt].

ADV PAUL PRETORIUS SC: Yes, thank you.

MR ANGELO AGRIZZI: And that expressed an interest to an attorney who is a neighbour and a friend to Mr Ramakrishna whose name is Lizel Oberholzer[spelt] and basically they brought the opportunity to Bosasa. He came and spoke to me about it
10 and we looked at the opportunity and what Falcon Oil and Gas was looking for was a facilities management company that would handle all the security, access control, the guarding and assist them with operational management as well. So it was an ideal fit.

At that stage as well knew that the reason why they brought the transaction to us was because Gavin had a close relationship with Dudu Myeni and obviously there would be influence from the President there.

ADV PAUL PRETORIUS SC: Who has influence over the President?

MR ANGELO AGRIZZI: Myeni's influence over the President. That was a critical point for us as well and I alluded to it earlier where we had the meeting with Chevron and with Standard that we could actually demand that they appear at our offices instead of
20 following the normal and regulations. So there was also in terms of the...[intervenes]

CHAIRPERSON: I am sorry, you say could demand that they appear, who is they and who was making the demand?

MR ANGELO AGRIZZI: Well the original arrangement with Chevron and Standard was that if you wanted to be part of them you had to apply for an interview and you would have to appear for an interview at their offices.

CHAIRPERSON: Oh, okay.

MR ANGELO AGRIZZI: By meeting a leading businessman like Patrice Motsepe, Saki Macozoma they would have to go there to their offices. In our case it was a bit different, because we had Dudu Myeni on our side everybody knew that we yielded the whip and Chevron had to comply by coming through to our offices.

CHAIRPERSON: By coming to Bosasa's offices?

MR ANGELO AGRIZZI: Correct.

CHAIRPERSON: Okay.

MR ANGELO AGRIZZI: Sorry. So one of the major issues that the whole fracking transaction had was some of the restrictions in terms of the legalities that needed to be resolved. So certain amendments to the actual regulation were required and the best person to do that would be the President and that is why we made sure that we remained very close to Dudu Myeni. It transpired that what actually happened Chair was that Dudu Myeni coordinated the meeting at Nkandla between Gavin Watson, Philip O'Quigley and Lizel Oberholzer. So at that specific meeting the intervention of the President was required to make sure that he could persuade the, and advise the Minister of Minerals and Energy to basically effect the legislative changes that the oil and gas industry required and I think everybody knows that there were certain changes made to the legislation as well. So subsequently to the meeting.

20 **CHAIRPERSON:** I am sorry. Do you remember who the Minister of Mineral, Mineral Resources was at the time, but if you cannot remember it is fine?

MR ANGELO AGRIZZI: I think it was Mr Michael Ramatlhodi.

CHAIRPERSON: Oh and do you, do you remember roundabout when this was occurring in terms of year?

MR ANGELO AGRIZZI: Chair I will have to get back to you on that.

CHAIRPERSON: Okay, alright. Thank you.

MR ANGELO AGRIZZI: Alright. So what had actually happened was that the meeting with the President was extremely successful and subsequently the Ministers advisors, legal advisors, were then instructed to meet with Oberholzer and to make amendments were necessary to the regulations.

CHAIRPERSON: Did you attend the meeting with the former President and these other people you mentioned yourself?

MR ANGELO AGRIZZI: No, I did not.

CHAIRPERSON: Okay. In terms of how it went you basing that on reports that you, on
10 what you were told?

MR ANGELO AGRIZZI: Chair I have got three independent reports. One was.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: From Watson.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: One was from Aniel Krishna.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: And the other one was from Lizel Oberholzer.

CHAIRPERSON: Yes, okay.

MR ANGELO AGRIZZI: And they all were exactly the same.

20 **CHAIRPERSON:** Yes, okay.

MR ANGELO AGRIZZI: Right.

CHAIRPERSON: Hm.

MR ANGELO AGRIZZI: So it is suffice to say that Bosasa was favoured by the President and he made that statement as well when he had met with Lizel and with Aniel. So that they knew exactly where they stood and then.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: Pursuant to that merely would organise the.

ADV PAUL PRETORIUS SC: Before you go on please Mr Agrizzi.

MR ANGELO AGRIZZI: Yes.

ADV PAUL PRETORIUS SC: Do you know if the amendments to what you refer were ever in fact brought about?

MR ANGELO AGRIZZI: As far as I know they were Chair.

ADV PAUL PRETORIUS SC: Alright. Just look at the last sentence in paragraph 41.7. There you say I do not know if these amendments were in fact affected.

10 **MR ANGELO AGRIZZI:** That is correct. I do not know.

ADV PAUL PRETORIUS SC: So which is correct?

MR ANGELO AGRIZZI: [Intervenes].

ADV PAUL PRETORIUS SC: Were they or were they not?

MR ANGELO AGRIZZI: I do not know. I, I say that they might be, but I do not actually know, because I am not a legal person. I do not know. I know, I know for a fact that they were proposed I am not 100 percent sure if they were effected.

CHAIRPERSON: Do you know in what way the regulations were restrictive? In other words what was wrong with them? In what way were they restrictive that prompted the proposal that they should be amended? In what way were they restrictive? Do you
20 know or is that detail that you do not know?

MR ANGELO AGRIZZI: Chair as far as, as far as I know the investigative team were going to contact Ms Oberholzer to find out.

CHAIRPERSON: Okay.

MR ANGELO AGRIZZI: I, I am not a legal.

CHAIRPERSON: Ja.

MR ANGELO AGRIZZI: Specialist.

CHAIRPERSON: No that is fine. That is fine. Yes, you may continue.

MR ANGELO AGRIZZI: Thereafter there would be numerous meetings coordinated at the Nkandla residence and on one such occasion I remember Gavin Watson was concerned that the President was not getting the, the necessary envelope so to speak. You know, the R300 000. So I remember him telling me that we have to pack it and he was going to deliver directly to the President and make sure that he has been getting it from me and himself.

CHAIRPERSON: Earlier on you said that you understood I think from Mr Gavin Watson
10 that the R300 000 per month that was being given to Ms Dudu Myeni was for the foundation, the Jacob Zuma Educational Foundation. Now you are saying that, [indistinct] Mr Gavin Watson was concerned that Mr Zuma was not getting the full R300 000. Was he supposed to be getting that that money or was the money supposed to be received by the foundation?

MR ANGELO AGRIZZI: Chair there are a couple of glaring questions that I had at the time. Surely through a foundation you would do an EFT. One can call a bribe by many a word and sweeten it up and sugar coat it. Maybe it was for a foundation, but why would you want it in cash?

CHAIRPERSON: Ja, but I am just wondering whether you, you are making your own
20 conclusions or inferences based on what you saw or whether it is what Mr Gavin Watson said in conversations with you in terms of where exactly those; that monthly, those monthly payments were destined.

MR ANGELO AGRIZZI: Chair those; he told me exactly what happened. We had a relationship where he would tell me absolutely everything.

CHAIRPERSON: Yes. What did he say about this R300 000?

MR ANGELO AGRIZZI: He said it went; he said he personally delivered it to Jacob Zuma, put the bag next to him and said, and asked him the question does Dudu give you your money every month and the answer was yes.

CHAIRPERSON: Now, okay. Now he told you this I assume after this particular occasion when he himself delivered the money?

MR ANGELO AGRIZZI: That is correct.

CHAIRPERSON: Oh, okay. Am I to understand from what you say you understood the position to be and from what you say Mr Gavin Watson told you? Am I correct in understanding that the money was not destined for the foundation?

10 **MR ANGELO AGRIZZI:** Chair I do not think the foundation ever got any money.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: I think it went straight.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: To maybe you know. I cannot assume.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: I can only ask the questions I asked myself.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: Why is it in cash?

CHAIRPERSON: Yes.

20 **MR ANGELO AGRIZZI:** Why does it have to be hand delivered?

CHAIRPERSON: Yes. Yes, but you say Mr Gavin Watson reported back to you that he asked the former President a second question after putting the money next to him?

MR ANGELO AGRIZZI: And he said yes.

CHAIRPERSON: And the question was whether he was receiving the money that was being given to Ms Dudu Myeni every month?

MR ANGELO AGRIZZI: That is correct Chair.

CHAIRPERSON: Yes, okay. Thank you.

ADV PAUL PRETORIUS SC: Let us just summarise that then. Before you were told about the meeting that you referred to in paragraph 41.9 leave aside that evidence for the moment. Before that what you knew was that regular payments of R300 000 per month were made in cash to Ms Dudu Myeni for you were told the Jacob Zuma Foundation?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: That is all you knew?

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

ADV PAUL PRETORIUS SC: You had your own doubts and questions that arose in your mind, but as far as you were told and as far as the information you had to hand the purpose of the cash payments were for transfer via Ms Myeni to the Jacob Zuma Foundation?

MR ANGELO AGRIZZI: That is correct Chair.

ADV PAUL PRETORIUS SC: Then the incident occurred that you refer to in paragraph 41.9 you know about that from amongst others Mr Gavin Watson and anyone else?

MR ANGELO AGRIZZI: Mr Gumede.

ADV PAUL PRETORIUS SC: Did they tell you what happened at that meeting.

20 **MR ANGELO AGRIZZI:** They phoned me from the actual meeting and then the following Monday morning we discussed in our meeting as well.

ADV PAUL PRETORIUS SC: Right and just briefly tell the Chair what happened at that meeting without commentary just exactly what you were told.

MR ANGELO AGRIZZI: Well we were basically told that Gavin Watson gave the bag of R300 000 cash to Jacob Zuma and then asked him if he had been getting the regular

from Dudu Myeni and the answer was yes.

ADV PAUL PRETORIUS SC: At that same meeting.

CHAIRPERSON: I am, I am sorry Mr Pretorius. Mr Agrizzi as you; is your understanding, was your understanding that Mr Watson asked this question to Mr Zuma in the presence of other people?

MR ANGELO AGRIZZI: My understanding Chair is that it was Mr Zuma, Joe Gumede and Gavin Watson at the meeting and Gavin wanted to make sure that Dudu Myeni was not taking a haircut of the money. As simple as that.

CHAIRPERSON: Yes but, but your understanding is that it was only the three of them
10 when he asked that question?

MR ANGELO AGRIZZI: My understanding.

CHAIRPERSON: Joe Gumede.

MR ANGELO AGRIZZI: My understanding was that it was, was what it was.

CHAIRPERSON: Yes, okay.

ADV PAUL PRETORIUS SC: Thank you. Paragraph 41.10 you refer to different issues being discussed at a meeting. Is this the same meeting to which you have just referred?

MR ANGELO AGRIZZI: Yes, it is the same meeting Chair.

ADV PAUL PRETORIUS SC: Meeting with the former President at Nkandla?

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

ADV PAUL PRETORIUS SC: Tell the Chair about that please.

MR ANGELO AGRIZZI: Chair basically the meeting took place and I, if I am not mistaken I think it was actually after a birthday party and he, he was on his way to Russia that he made time to see them at Nkandla. Now while he was at this meeting one of the big issues and the big concerns raised was this whole investigation with the

Hawks, because it seemed to be starting to brew up again. So they needed to get clarity and finality on this and at that meeting it is when they raised the issue with the President and the President at that time and he said listen let me just make a call or two. So I am giving it to you from memory now. I am not reading off my notes.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: But he said let me make a call or two and he made the calls, because it is further mentioned in a recording that was done afterwards where he actually made a call to the Hawks and that is basically what took place at that actual meeting there.

10 **ADV PAUL PRETORIUS SC:** Alright. You say that the President made the calls at that meeting or later?

MR ANGELO AGRIZZI: Well he said at this meeting he agreed to make the calls. So the President said he would make the calls and Gumede then confirmed that to me that he said he would make the calls and apparently he made the calls and that is why the Hawks then got hold of Gumede and arranged a meeting with them.

ADV PAUL PRETORIUS SC: Alright. So your evidence is that you learnt from persons or a person present at the meeting that a concern was raised on behalf of Bosasa that the Hawks were investigating Bosasa. Correct?

MR ANGELO AGRIZZI: That is correct Chair.

20 **ADV PAUL PRETORIUS SC:** And your evidence is that you heard as well that President Zuma there agreed to make a call to an official or officials at the Hawks so that a meeting could be arranged between the Hawks on the one hand and Gumede representing Bosasa on the other?

MR ANGELO AGRIZZI: That is correct Chair.

ADV PAUL PRETORIUS SC: And you say you know from Mr Gumede that a meeting

ultimately took place between the Hawks and Mr Gumede on behalf of Bosasa?

MR ANGELO AGRIZZI: That is correct Chair, because [intervenes].

ADV PAUL PRETORIUS SC: You do not know that the phone calls between the President and the Hawks took place. You are inferring that.

MR ANGELO AGRIZZI: I just want to, I just want to mention something that might clarify it. Is that the; Joe Gumede actually says in, in one of the discussions that he, he did indeed make the call to the Hawks meaning President Zuma, because the Hawks then came and approached Joe Gumede. That is what I am saying.

ADV PAUL PRETORIUS SC: Well we will get to the recordings later, but you do not
10 know whether the meeting between the Hawks and Gumede was actually the result of a phone call that the former President had made other than from your interpretation of the transcript to which we are going to now refer?

MR ANGELO AGRIZZI: Well you could refer to it as that, but why else would they phone?

ADV PAUL PRETORIUS SC: No, no, no. It is, I am just asking for fact at this stage.

MR ANGELO AGRIZZI: Sure.

ADV PAUL PRETORIUS SC: So argument will be placed and submissions will be made in due course to the Chair, but as a matter of fact.

MR ANGELO AGRIZZI: Yes.

20 **ADV PAUL PRETORIUS SC:** That is all I am asking. I am not asking for whether that fact is probable or possible. We just want to know what you know factually.

MR ANGELO AGRIZZI: Chair I can tell you what I was told. That is all I can do and that is what I was told.

ADV PAUL PRETORIUS SC: And you were told that the call was made because the meeting took place?

MR ANGELO AGRIZZI: That is correct Chair.

ADV PAUL PRETORIUS SC: Right. So it is apparent that Mr Gumede too may have been making an inference from what he knew.

MR ANGELO AGRIZZI: Possibly.

ADV PAUL PRETORIUS SC: Alright, but let us not go too deeply into that, because you have given evidence as to what you know. You corroborate or you seem to corroborate the evidence which you have given by reference to two transcripts. Now these have been discussed with you in some detail. Chair I must say that this is apparently a single recording from which two extracts have been made. It is a
10 recording of a later meeting which appears to suggest that certain events took place prior to that in relation to the Hawks meeting with Mr Gumede, but the transcript that we dealt with over the weekend is a, not accurate and b, not complete and c, does not necessarily deal with the parts that the witness wished to refer to. So they are under construction.

CHAIRPERSON: Okay.

ADV PAUL PRETORIUS SC: Today and will be referred to, to the extent necessary later.

CHAIRPERSON: Okay, alright.

ADV PAUL PRETORIUS SC: So we can then move on if can and Mr Agrizzi you have
20 given your assistance in relation to the proper transcription and the selection of those portions relevant to the evidence you wish to give?

MR ANGELO AGRIZZI: I did.

ADV PAUL PRETORIUS SC: Yes and the investigators will assist you in this regard and the evidence will be placed before the Chair once that process is complete. Let us go however to paragraph 41.11. Before we go there, alright. Let us just complete one

aspect. The meeting at Nkandla to which you have just referred involving two issues the Hawks investigation and the delivery of money to former President Zuma. Can you recall more or less when that meeting took place?

MR ANGELO AGRIZZI: It was, it was more or less at the same time that the; that was the birthday party I think of Mr Zuma. Does that answer your question?

ADV PAUL PRETORIUS SC: Which birthday party? He has had several I presume.

CHAIRPERSON: Is that the one that was?

MR ANGELO AGRIZZI: [Intervenes].

CHAIRPERSON: Where Bosasa played a role and bought the, where you designed
10 the cake?

MR ANGELO AGRIZZI: No.

CHAIRPERSON: Not that one.

MR ANGELO AGRIZZI: There were so many. Chair I, I will have to come back to you.

CHAIRPERSON: Okay.

MR ANGELO AGRIZZI: I cannot remember exactly which birthday party it was.

CHAIRPERSON: Okay. Bosasa did, contributed to a number of the former President's birthday parties over the years.

MR ANGELO AGRIZZI: That is correct Chair.

CHAIRPERSON: Okay and you cannot remember which one.

20 **MR ANGELO AGRIZZI:** No, I cannot.

CHAIRPERSON: But it was after one of those?

MR ANGELO AGRIZZI: I cannot remember the date.

CHAIRPERSON: Okay, alright.

ADV PAUL PRETORIUS SC: The thank you letter.

MR ANGELO AGRIZZI: Oh yes.

ADV PAUL PRETORIUS SC: You refer to at page 698 of Bundle S2 is dated 14 April 2016.

MR ANGELO AGRIZZI: Then it would be 2016. Thank you.

ADV PAUL PRETORIUS SC: And then the meeting concerning the Karoo franking translation can you say more or less when that occurred?

MR ANGELO AGRIZZI: That would have been probably a little bit later. I would say May/June 2016.

ADV PAUL PRETORIUS SC: Right, thank you. Alright, Chair it is five past one. So we made up five minutes. May we adjourn?

10 **CHAIRPERSON:** Okay. We, we will adjourn and resume at 2 o'clock.

ADV PAUL PRETORIUS SC: Thank you.

CHAIRPERSON: We adjourn.

REGISTRAR: All rise.

HEARING ADJOURNS

HEARING RESUMES

CHAIRPERSON: Yes, Mr Pretorius.

ADV PAUL PRETORIUS SC: Thank you Chair. Mr Agrizzi may I ask you to go back very briefly to paragraph 41.3?

MR ANGELO AGRIZZI: Yes, sir.

20 **ADV PAUL PRETORIUS SC:** What were the arrangements made for the purchase of the handbag referred to here that according to your evidence was given to Ms Myeni?

MR ANGELO AGRIZZI: If I am, if I remember correctly my wife actually phoned up a lady. I need to find, I can find out who the lady was and she mentioned that another lady will be coming to pick it up.

ADV PAUL PRETORIUS SC: Alright. So your; Gavin Watson asked you for advice?

MR ANGELO AGRIZZI: Yes.

ADV PAUL PRETORIUS SC: He or you asked for your wife's advice?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: Your wife suggested the purchase of a handbag?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: And it was your wife, do I understand your evidence now that arranged for the purchase of a Louis Vuitton handbag?

MR ANGELO AGRIZZI: My wife placed the order. She sent some pictures that she got from the lady at Louis Vuitton and based on that she said this is the brand number, this
10 is the model number and another lady went in to go and pay for the bag and pick up the bag and deliver it to Mr Watson.

ADV PAUL PRETORIUS SC: Thank you. Can we then go please to paragraph 41.11? You say that one afternoon you received a request or an instruction from Gavin Watson?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: Would you detail that please?

MR ANGELO AGRIZZI: One afternoon Chair I cannot remember the exact date, but Gavin Watson asked me to attend a meeting with him with Ms Myeni. He told me that he had very, she had very important documentation to actually show us and it was
20 critical that I be at that meeting. I remember it vividly because I had a meeting scheduled with a client and I had to cancel that meeting with the client and I need, needed to rush through with him and I actually; what happened was we drove together. We actually drove in his car and when we got there we were told, we were escorted up to a certain floor.

ADV PAUL PRETORIUS SC: Alright, before you go to the physical movements that

you are describing did Mr Watson tell you anything of what he had apparently learnt from Ms Myeni?

MR ANGELO AGRIZZI: Well he said that, what he said to me was he had learnt some information had come through to her from the NPA.

ADV PAUL PRETORIUS SC: Alright. You say you travelled in the same car as Mr Watson with him obviously. Were any preparations made for the meeting?

MR ANGELO AGRIZZI: Yes. Money was prepared.

ADV PAUL PRETORIUS SC: How much?

MR ANGELO AGRIZZI: It was R300 000.

10 **ADV PAUL PRETORIUS SC:** In cash?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: Where did you go with Mr Watson then?

MR ANGELO AGRIZZI: We went to the Sheraton Hotel in Pretoria opposite the Union Buildings. I think that is the only one there is in Pretoria.

ADV PAUL PRETORIUS SC: Alright and when you arrived at the hotel where did you go?

MR ANGELO AGRIZZI: When we arrived at the hotel Chair we were taken, escorted up to a, I think it was the fifth or the sixth floor of the Sheraton Hotel. It is like a lounge area for VIP guests.

20 **ADV PAUL PRETORIUS SC:** Can you recall which floor? It may become important.

MR ANGELO AGRIZZI: Chair I think it was the sixth floor. I can explain it to you. You walk in through the; you come out of the elevators and there is concierge desk in front of you. It is very well fitted out and that. We turned left and she was sitting in the corner on a couch and we went to her there and sat there. It was a private corner with glass all around it and we could see.

ADV PAUL PRETORIUS SC: Alright. Who attend the meeting that ensured?

MR ANGELO AGRIZZI: Well the meet, the meeting that was attended was with Gavin Watson and myself and Dudu Myeni.

ADV PAUL PRETORIUS SC: Did she give you any information at that stage or at the commencement of the meeting?

MR ANGELO AGRIZZI: Yes. She explained to us that she had meetings at the NPA and they were long tedious meetings she told us and she said that they were working on closing down and shutting down the case and she said, but I want you to look at the docket and she gave me the docket and she said alright fine. You can write down
10 things, but please do not make copies or take photographs of anything like that.

CHAIRPERSON: What did she say the NPA said was closing down?

MR ANGELO AGRIZZI: The; she was working on getting the Bosasa matter closed down.

CHAIRPERSON: Is that the investigation?

MR ANGELO AGRIZZI: That is correct Chair.

CHAIRPERSON: Okay.

ADV PAUL PRETORIUS SC: She gave you certain documents?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: Did she tell you what those documents were?

20 **MR ANGELO AGRIZZI:** She said it was a police case docket and it looked like a police case docket. So, but what she did not, what she did do was she took some notes out of it which seemed separate. So she had the actual, it was a beige folder but, quite a thick folder, but she took then some notes out of it and said I must look at these notes.

ADV PAUL PRETORIUS SC: Right. Did you respond?

MR ANGELO AGRIZZI: Yes. I asked actually to be excused from there for two

reasons. Number one I needed some quiet around me to understand what was written down and I wanted to rewrite the notes, but in the back of my mind I knew that it was too extensive to write down everything. So I thought well you know what harm is it going to do to take a few photographs.

ADV PAUL PRETORIUS SC: Was Dudu Myeni's attitude in regard to the making of copies of those documents made clear to you?

MR ANGELO AGRIZZI: Sorry, could you repeat that question to me please?

ADV PAUL PRETORIUS SC: Ms Myeni.

MR ANGELO AGRIZZI: Yes.

10 **ADV PAUL PRETORIUS SC:** Did she make clear to you her attitude as to whether you could or should make copies of the documents she was showing you?

MR ANGELO AGRIZZI: No, she was very specific. She said that it is very, very secret these documents and nobody must know that she has shown them to me and she did not want me to make copies of it. I could write down, transcribe everything that was on it, but it was quite a lot of documents and I did not have the luxury of, you know, time.

ADV PAUL PRETORIUS SC: What did you then do?

MR ANGELO AGRIZZI: Well I wrote down quite a bit in my, in the back of my, one of my journals on some specific aspects, but as time was running and I could see from, from where she was sitting and the reflection in the, in the glass that she was very
20 fidgety and very nervous. So I thought let me rather make photo, photographs of the documents so that if she comes to take it away at least I have got something to work off.

ADV PAUL PRETORIUS SC: How did you, did you take photographs?

MR ANGELO AGRIZZI: Yes, I did. I put the, the papers down and then I took photographs from them.

ADV PAUL PRETORIUS SC: When you say down what do you mean?

MR ANGELO AGRIZZI: I think it was on the floor or on the couch. You know, next to me. So I, so I could get both hands to take the photograph.

ADV PAUL PRETORIUS SC: Would you look at Annexure Y which appears on page 710 of Bundle S2 please?

MR ANGELO AGRIZZI: Could you repeat the page again please?

ADV PAUL PRETORIUS SC: Or perhaps you should go to page 711. Page 711 appears to be a copy, photograph of a document. Is this the photograph that you took?

MR ANGELO AGRIZZI: It is the photographs I took.

10 **ADV PAUL PRETORIUS SC:** And it continues through to page 726. Do you see that?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: Obviously from your evidence you cannot say precisely what documents these are. You can only say what they appear to you to be. Correct?

MR ANGELO AGRIZZI: They appear to be, you know, a report progress on the investigation.

ADV PAUL PRETORIUS SC: Right. The heading in the box at the top of page 711 reads: "Department of Correctional Services Case Docket with reference Pretorius Central CAS 1556/02/2010 was registered. The investigation was referred to the Anti-Corruption Task Team for further investigation." The heading above that reads: "ACTT
20 presumable Anti-Corruption Task Team monthly progress and audit report."

MR PAUL AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: There is then a reference to offences under investigation which appeared to include fraud, corruption, money laundering and racketeering?

CHAIRPERSON: That is correct.

ADV PAUL PRETORIUS SC: And then at the bottom of the page is a table which is

headed Status of The Investigation.

MR PAUL AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: This document appears to continue and on page 714 there is a table which shows various officials of Law Enforcement agencies that appear to be involved in the processes set out in this documentation?

MR PAUL AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: I just want to draw your attention to one of those names and that is NPA Prosecutor Advocate MC De Kock? We have heard about her earlier in your evidence?

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

ADV PAUL PRETORIUS SC: And then on the next page, page 715 is another table and a list of names that appear under the heading: "Suspects/Withdrawn?"

MR PAUL AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: I am not sure what that means but amongst the names there listed is your own name against the figure 3?

MR PAUL AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: Other names mentioned are Mr Gillingham, Mr Mti, Mr Mansell, Doctor Smith, Andries Van Tonder, Carlos Bonifacio and Riaan Hoeksma. It may be noted for present purposes that Mr Watson's name does not appear here. Do
20 you know why?

MR PAUL AGRIZZI: Chair I think if you have got the right connections you can get your name to disappear anywhere.

ADV PAUL PRETORIUS SC: Alright. If you know why as a matter of fact?

MR PAUL AGRIZZI: No sorry I do not sorry. I do not.

ADV PAUL PRETORIUS SC: The document continues and we need not go into much

detail because the document will speak for itself. But I would like to take you please to page 721 and 724. Do you see the background to the documents there that dark background with the pattern on it?

MR PAUL AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: Perhaps you could go to page 725 where that background appears more extensively and clearly.

MR PAUL AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: Do you know what that background is?

MR PAUL AGRIZZI: It is the same pattern that is in the Sheraton Hotel on the floor.

10 **ADV PAUL PRETORIUS SC**: A carpet pattern?

MR PAUL AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: And do you know whether the investigators have made their own investigations regarding that pattern and any links that that pattern might have to the carpet on the sixth floor of the Sheraton Hotel?

MR PAUL AGRIZZI: It matches it is exactly the same pattern.

ADV PAUL PRETORIUS SC: Yes there will be independent evidence in that regard Chair.

20 **CHAIRPERSON**: Okay thank you. The picture in relation to or that reflects the carpet there is there an existing picture that is – that shows the true colours of the carpet or can it be done to show the true colours or is this the true – are these the true colours of the carpet?

MR PAUL AGRIZZI: Chair I would have to check with the investigators. I have not been back to the Sheraton since.

CHAIRPERSON: Okay, alright, thank you.

ADV PAUL PRETORIUS SC: Do you have the cell phone on – from which these

pictures were taken?

MR PAUL AGRIZZI: Unfortunately Chair I have – as I get an upgrade I hand them out.

I give and I cannot remember who I gave that phone to I am sorry.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: I just want to add Chair if you look at because [intervenes].

CHAIRPERSON: Do you know whether it would have been family members or not really necessary?

MR PAUL AGRIZZI: Probably staff members Chair that I gave it to.

CHAIRPERSON: Oh okay.

- 10 **MR PAUL AGRIZZI**: If I can just add one thing. If you look at the metadata on the actual photograph because it save automatically to the Icloud account. The metadata gives the exact location where that photo was taken.

CHAIRPERSON: Okay thank you.

ADV PAUL PRETORIUS SC: Except as I understand it you do not have the original photograph?

MR PAUL AGRIZZI: Not on my phone no.

ADV PAUL PRETORIUS SC: Right and the set of documents which you say looked like a police docket did you keep any documents or did you return them to Ms Myeni?

MR PAUL AGRIZZI: She was very specific that she asked me to return everything.

- 20 **ADV PAUL PRETORIUS SC**: And did you do that?

MR PAUL AGRIZZI: Yes I did.

ADV PAUL PRETORIUS SC: Did you however keep the photograph on your cell phone and were these originally or were these eventually printed for the purposes of your own records?

MR PAUL AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: What did you give to the investigators?

MR PAUL AGRIZZI: I gave the investigators the actual photographs that were taken. I emailed them to them.

ADV PAUL PRETORIUS SC: Right in print form?

MR PAUL AGRIZZI: In print – well in raw form.

ADV PAUL PRETORIUS SC: Well you kept what after the Sheraton meeting?

MR PAUL AGRIZZI: They kept the photographs.

ADV PAUL PRETORIUS SC: You kept it on your cell phone?

MR PAUL AGRIZZI: Correct.

10 **ADV PAUL PRETORIUS SC:** You then gave your cell phone away at some stage?

MR PAUL AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: Did you keep the documents, the printout of the photographs?

MR PAUL AGRIZZI: If I can explain. My phone automatically syncs with my computer so all my photographs from day dot when I started taking photographs appear on my computer as well.

ADV PAUL PRETORIUS SC: I understand and you say that is where the metadata will also appear?

MR PAUL AGRIZZI: Correct.

20 **ADV PAUL PRETORIUS SC:** Thank you.

CHAIRPERSON: So you entered the room where Ms Myeni was on the sixth floor at the Sheraton Hotel and you did so together with Mr Gavin Watson and she was sitting at a corner on the left hand side of the room as you come out of the elevators that is right?

MR PAUL AGRIZZI: That is correct.

CHAIRPERSON: The two of you that is yourself and Mr Gavin Watson joined her and you sat at the table?

MR PAUL AGRIZZI: That is correct.

CHAIRPERSON: But when you wanted to look at the docket or file that she gave you, you moved to another spot within the same room?

MR PAUL AGRIZZI: It is a hall probably the size of this hall with sub-divisions in it Chair.

CHAIRPERSON: Oh but where you were sitting were you throughout within her sight?

MR PAUL AGRIZZI: Chair I was just out of her sight but I could see her.

10 **CHAIRPERSON:** Yes.

MR PAUL AGRIZZI: In the reflection of the glass of the – because the room is surrounded with glass.

CHAIRPERSON: Yes, yes. Okay thank you.

MR PAUL AGRIZZI: So I could see her.

CHAIRPERSON: Okay. Thank you.

ADV PAUL PRETORIUS SC: Do you know whether the electronic record of the photographs on your computer would show the date on which the photographs were taken?

MR PAUL AGRIZZI: They would.

20 **ADV PAUL PRETORIUS SC:** Do you know what those dates are, can you remember?

MR PAUL AGRIZZI: Unfortunately I did not print it out otherwise I can have it done.

ADV PAUL PRETORIUS SC: Because the investigators have also done a separate investigation in relation to who stayed at the hotel over that period and that evidence will be placed before you Chair. It is in the affidavit of Mr Dutton that I referred to in opening.

CHAIRPERSON: Thank you.

ADV PAUL PRETORIUS SC: Did Mr Watson make any requests of Ms Myeni at that meeting?

MR PAUL AGRIZZI: Most definitely. When I got back and I said I had made notes to Ms Myeni and we were sitting there with Mr Watson he said “please this has to get shut down now.” Has to be closed.

CHAIRPERSON: Please just repeat that he said what?

MR PAUL AGRIZZI: He said this has to be shut down now, it has to be closed up.

CHAIRPERSON: Yes. This was now back at Bosasa or on your way back?

10 **MR PAUL AGRIZZI**: No, no while we were with Ms Myeni.

CHAIRPERSON: Oh when you got back to the table?

MR PAUL AGRIZZI: So I came back, she asked me “did you take photos?” I lied to her and I said “no I did not.” I was not about to tell her I did and then what happened was she turned around and – Gavin started speaking to her and said: “listen this must get shut down now.” Alright.

CHAIRPERSON: Okay.

MR PAUL AGRIZZI: And I mean Mr Watson was well aware that I had taken photographs.

CHAIRPERSON: Oh how was he aware if Ms Myeni was not aware?

20 **MR PAUL AGRIZZI**: I told him – I told him in the car on the way back.

CHAIRPERSON: Oh he became aware after the meeting?

MR PAUL AGRIZZI: After the meeting I said to him – I explained to him why I did it.

CHAIRPERSON: Ja okay.

ADV PAUL PRETORIUS SC: The request or demand that the matter be shut down was it is rather obvious a request to the contemplated criminal proceedings related to

Bosasa and its officials?

MR PAUL AGRIZZI: That is correct Chair.

ADV PAUL PRETORIUS SC: And that request it is reasonably clear from your evidence was made to Ms Myeni?

MR ANGELO AGRIZZI: Specifically Chair was asked that she goes to the President and gets it closed up immediately.

ADV PAUL PRETORIUS SC: We can move on then to [intervenes].

CHAIRPERSON: What was Ms Myeni's response to this request by Mr Watson that the investigation or the matter should be shut down immediately?

10 **MR PAUL AGRIZZI**: Chair she said she would work on it. I mean that is what she said "I will work on it."

CHAIRPERSON: Okay. Thank you.

ADV PAUL PRETORIUS SC: Just a final question in relation to that evidence. In paragraph 41.13 you say you were interrupted this was when you were taking photographs by Ms Myeni who seemed very nervous?

MR PAUL AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: And it continues to say "I thought it best to appease her and return the docket to her."

20 **MR PAUL AGRIZZI**: I could see through the – I explained earlier Chair. I could see from the reflection of the window she kept looking in my direction and that is why I thought let me just get this docket back to her.

CHAIRPERSON: Alright what was your purpose of taking these photos at that time?

MR PAUL AGRIZZI: Because Chair I could not – there was no way I could write all that down in the space of five minutes.

CHAIRPERSON: Oh it was just to obtain the information without having to write it all down okay. Thank you.

MR PAUL AGRIZZI: Unfortunately Chair I do write slowly so – and it is fountain pen and it was a lot of information. You know the first three pages that I copied I mean that took me the best part of nearly ten minutes. The rest I photostatted – I quickly photographed because I did not have time.

CHAIRPERSON: Okay thank you.

ADV PAUL PRETORIUS SC: Did you photograph all the documents that you were given or some, what was the case?

10 **MR PAUL AGRIZZI**: Some I wrote out. The first batch that I got because I worked from back to front I think. The first batch that I wrote some notes down I copied and made my own shorthand notes. And the rest I photographed. I might have missed one or two.

ADV PAUL PRETORIUS SC: Do you know whether Ms Myeni was aware that you had taken photographs?

MR PAUL AGRIZZI: I do not think so she would confronted me.

ADV PAUL PRETORIUS SC: Notwithstanding the fact that she interrupted you in that process or after that process?

20 **MR PAUL AGRIZZI**: Well I would not say she interrupted me. I watched her in the mirror and she was very nervous and fidgety. So because of that I – the whole process was interrupted and then I – that is why I say I returned the docket back to her.

ADV PAUL PRETORIUS SC: So she did not walk over to you and stop you from doing what you were doing?

MR PAUL AGRIZZI: No, no, that is – she was sitting with Gavin Watson.

ADV PAUL PRETORIUS SC: If we can then go to paragraph 42 and there you deal with matters related to the former President Jacob Zuma. Do you know from your own knowledge or what you were told how Mr Watson had been introduced to President Zuma?

MR PAUL AGRIZZI: If I can give you some background Chair? One morning a lady appeared at one of those prayer meetings and her name was Zuki and she came in and she was introduced by Thandi Makoko to myself because she was very early. And later when Gavin Watson was there she was introduced to Gavin Watson and the next minute later during the morning I was asked to top up Thandi Makoko's credit card and

10 I am just giving you an overview it might not be in my statement but to top up her credit card because she wanted to go buy dresses for the lady. So I did it because I was – I was asked to do it so I allowed it and I processed it. And then later that afternoon I got a phone call from Gavin Watson to say that I must pick him up at his house at it was about five, six o'clock and I had to take him through. But then later on I learnt that this lady Zuki Madonga was – she was actually running a guest lodge of sorts in I think it was in East London and she had a very good relationship with President Jacob Zuma. She had worked through him with the rape cases and she was a prayer warrior for him. And she was open about it. And I then took Gavin Watson to – to the Forest Town house I still remember how to get there and it was on the left hand side in – at a bend

20 at the end and I – I said to Gavin "well you know I am going to sit in the car I am not coming out. Rather let me wait in the car you have a one on one with him and deal with it." That was [intervenes].

ADV PAUL PRETORIUS SC: Whose house was that?

MR PAUL AGRIZZI: That was Jacob Zuma's house. I can explain the house to you as well.

CHAIRPERSON: Ja.

ADV PAUL PRETORIUS SC: Do not worry about that.

CHAIRPERSON: Well when was that?

MR PAUL AGRIZZI: That was just when he was President of the ANC but not President of the country yet.

CHAIRPERSON: Oh okay so it would have been before May 2009?

MR PAUL AGRIZZI: Ja probably. But I remember it was that Monday or the Tuesday he – it was Tuesday evening because that evening it was just after the I think it was Mangaung or – I do not follow politics at all sorry.

10 **CHAIRPERSON:** Okay. Yes Mr Pretorius.

ADV PAUL PRETORIUS SC: Then in paragraph 42.3 you talk about events relating to Ms Myeni once more. Tell the Chair about that please?

MR PAUL AGRIZZI: What would happen is that if people were introduced to us and they were high profile we would normally take them on a tour of the office park which is a kind of a smokes and mirrors exercise we show people what we doing and speak to different staff and that type of thing. So normally a tour would take about four, four a half hours and we would show them absolutely everything and staff – we had trained staff to give them a rendition of what they were doing and that type of thing. So they had been trained in it. So she came and visited the park. She was there. And you
20 know we had numerous people I mean from – from the Minister of Health to – right the way through to President Jacob Zuma spent four and a half hours with us on a Saturday morning.

ADV PAUL PRETORIUS SC: Let us go on the paragraph 42.4.

MR PAUL AGRIZZI: So Dudu Myeni would have frequent meetings with a chap by the name of Trevor Mathenjwa. He is a director and he comes from the KZN area. He has

a very good relationship with Ms Myeni.

CHAIRPERSON: Director at Bosasa?

MR PAUL AGRIZZI: Correct. One of the subsidiaries if I am not mistaken he sits on the main board but he also sits as a MD for Sondolo IT or it is now called GTS. So Trevor was responsible for handling Dudu Myeni. But one of the critical issues that Trevor needed to sort out was the NPA matter and the Prosecutions matter of Bosasa. So that was given to Trevor as a task. Everybody knew that Trevor was the man who would deal with Dudu Myeni and the NPA issue. Often I would be present at a meeting where this matter would be raised and Trevor would be the one to have to deal with it and handle it with Dudu Myeni.

CHAIRPERSON: So with regard to the Bosasa investigation Bosasa had Mr Watson and yourself on the one side dealing with Mr Mti who you told us would have interactions with the NPA or certain people at the NPA but on the other there was also Mr Trevor Mathenjwa who was dealing with the same issue but through Ms Myeni?

MR PAUL AGRIZZI: Correct.

CHAIRPERSON: Okay.

ADV PAUL PRETORIUS SC: Were you ever present at a meeting where the Bosasa prosecution or contemplated prosecution was discussed with Ms Myeni?

MR PAUL AGRIZZI: I was at meetings where it was discussed and this led to the reason why the involvement of the President directly needed to take place.

ADV PAUL PRETORIUS SC: By this time I take it from your evidence President Zuma had been elected as President?

MR ANGELO AGRIZZI: Correct.

CHAIRPERSON: Do you know whether Mr Watson first dealt with Mr Myeni before they dealt with the President or met the President or whether they met the President or dealt with the President before Ms Myeni came into the picture?

MR PAUL AGRIZZI: Chair my understanding and from what I can recollect is that the first person to introduce Gavin Watson to the President was Zuki Madonga and then I mean we got involved and we helped and we did a couple of things for her guest house and then she kind of fell off the map. We did not hear from her again. And then the second introduction was done by Dudu Myeni. So he had...

CHAIRPERSON: Yes.

10 **MR PAUL AGRIZZI**: He had seen the President not as the President but as the President of the ANC.

CHAIRPERSON: Yes.

MR PAUL AGRIZZI: Previously.

CHAIRPERSON: And do you know how Bosasa or Mr Gavin Watson came to meet with Ms Myeni in the first place, how that happened or how that relationship started?

MR PAUL AGRIZZI: Chair as far as I recall I think it was Trevor Mathenjwa that introduced Dudu Myeni via a brother-in-law or something to Dudu Myeni.

CHAIRPERSON: Okay thank you.

MR PAUL AGRIZZI: I cannot remember all the detail.

20 **CHAIRPERSON**: Thank you.

ADV PAUL PRETORIUS SC: You talk of a particular meeting in paragraph 42.5.

MR PAUL AGRIZZI: Yes.

ADV PAUL PRETORIUS SC: Would you provide detail to the Chair please?

MR PAUL AGRIZZI: Chair it was a meeting just after that expose on Nkandla and the R250m that was spent and Gavin actually went down there and had a meeting with the

President and then the following Monday we were in an open meeting. It was with – it was an Exco meeting that I run – I used to run in the office and Gavin always liked to brag when he met politicians. He would always go out of his way to let everybody know that he saw the President. So that made him feel good and important so I let him have his say in front of all the executives. And he basically told them that he had been to Nkandla and he was shocked because there is no ways that place cost R250m. And I remember the comments still he said the toilet seats were like they were built from Builders Warehouse. I bought from Builders Warehouse.

ADV PAUL PRETORIUS SC: Alright.

- 10 **MR PAUL AGRIZZI:** So and then you know so he commented on the shabby workmanship that took place there. You know doors were falling off the hinges and it was broken things all around.

ADV PAUL PRETORIUS SC: Right with respect we – that is not an issue that concerns.

MR PAUL AGRIZZI: Oh I thought you wanted detail?

ADV PAUL PRETORIUS SC: No I want detail please of the content of the meeting.

MR PAUL AGRIZZI: So the meeting that Gavin Watson had with the President was specifically to discuss the shutting down of the NPA matter and the NPA case against Bosasa.

- 20 **ADV PAUL PRETORIUS SC:** What did Gavin Watson say he had said at that meeting?

MR PAUL AGRIZZI: Excuse me please.

CHAIRPERSON: And before you do say that this was a different meeting from the one you told us about where Mr Gavin Watson you said took some money to the former President with him?

MR PAUL AGRIZZI: That is correct.

CHAIRPERSON: That is a separate one this one is a separate one?

MR PAUL AGRIZZI: This one is one of the first meetings.

CHAIRPERSON: Okay.

MR PAUL AGRIZZI: After the Forest Town meeting.

CHAIRPERSON: Okay.

MR PAUL AGRIZZI: Sorry.

CHAIRPERSON: Mr Pretorius I interrupted you.

ADV PAUL PRETORIUS SC: What was said at that meeting by Mr Watson to the former President?

10 **MR PAUL AGRIZZI**: Well what we were told was [intervenes].

ADV PAUL PRETORIUS SC: According to what Mr Watson told you?

MR PAUL AGRIZZI: Well he was with Gavin – with Joe Gumede so both of them were explaining it to us and basically it instructed Mr Zuma – President Zuma at that stage to shut down the case with the Hawks against Bosasa. And he asked the President at that stage to call in Anwar Dramat because Anwar Dramat was avoiding Nomvula Mokonyane at that stage. So he needed the President to actually make contact with him, call him in and tell him to hand over and shut down.

ADV PAUL PRETORIUS SC: Was there a latter meeting between Mr Watson and Mr Mti at what you were present?

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

ADV PAUL PRETORIUS SC: Did this meeting to which you will now refer happen after the meeting with the former President?

MR PAUL AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: What was said at this latter meeting?

MR PAUL AGRIZZI: So at the latter meeting with Mr Mti Gavin Watson basically to him he said “listen the President is actually waiting for your person Jiba to shut down this case. She needs to do certain things, she needs to get hold people” and basically Gavin said him “Listen Jiba is the President’s man – is the President’s person and he is waiting for her to actually make the first move in shutting down the case.”

ADV PAUL PRETORIUS SC: To whom did Gavin Watson say that?

MR PAUL AGRIZZI: He said that to Richmond Mti because he wanted Richmond Mti to speak to Jiba about it.

ADV PAUL PRETORIUS SC: Right. Do you recall ever being present at a meeting
10 when Mr Watson spoke over the telephone to President Zuma?

MR PAUL AGRIZZI: Yes.

ADV PAUL PRETORIUS SC: Who was at that meeting?

MR PAUL AGRIZZI: The meeting took place at Mti’s house. It was about ten o’clock in the morning and I was present, Mti was present and Watson was present and Watson was on the line to the President and was – he actually handed over the phone to Mti and says “here your boss wants to speak to you.” And Mti took the phone and he spoke in Xhosa or Zulu I am not too sure but then when he was about to finish he said in English because I was sitting there, I was listening. He said “I am ready to be deployed.” And that is when he gave the phone back to Gavin Watson.

20 **ADV PAUL PRETORIUS SC**: Just to go back a moment please to paragraph 42.5. The second meeting referred to in that paragraph where Gavin Watson said to Mr Mti “please tell Ms Jiba that the President is waiting for her to make a move.”

MR PAUL AGRIZZI: Yes.

ADV PAUL PRETORIUS SC: It is the President that was waiting is it?

MR PAUL AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: Do you know what position Ms Jiba held at that stage?

MR PAUL AGRIZZI: If I remember correctly I think she was the acting NDPP. I am not too sure I stand to correction.

ADV PAUL PRETORIUS SC: NDPP you mean National Director of Public Prosecutions?

MR PAUL AGRIZZI: Correct.

CHAIRPERSON: In relation to the meeting, the other meeting dealt with in that paragraph you mentioned earlier on Ms Nomvula Mkonyane's name but I did not understand precisely what you were saying about her. You said somebody was not
10 taking her calls in connection with the shutting down of the investigation into Bosasa?

MR PAUL AGRIZZI: Well I did not add it into my statement purely because it was oversight but I recall clearly that there was a relationship between Anwar Dramat and Nomvula Mokonyane. And the request was that Nomvula speaks to Anwar Dramat to close down on their side the investigation. And there was this whole debate between is it with the Hawks, is it with or Commercial Crimes, is it with the NPA nobody really knew where it was at and that is why it jogged my memory when I was giving you the background to it.

CHAIRPERSON: And who was said not to be taking Ms Nomvula Mokonyane's calls?

MR ANGELO AGRIZZI: I believe it was Anwa Dramat.

20 **CHAIRPERSON:** Oh, okay. Mr Anwa Dramat what was his position at the time in the HAWKS?

MR ANGELO AGRIZZI: I really do not know.

CHAIRPERSON: You do not know, alright.

ADV PAUL PRETORIUS SC: If you would just bear with me a moment? In paragraph 42.7 you say that any requests, because you have given this evidence

before I am going to lead, any request forwarded on behalf of President Zuma would be granted by Gavin Watson. Do you have an example of any such request?

MR ANGELO AGRIZZI: A function for 250 people on Sunday morning for a birthday party.

ADV PAUL PRETORIUS SC: Okay.

CHAIRPERSON: Would the former President make that request to Mr Gavin himself or would that come through somebody else?

MR ANGELO AGRIZZI: It would always come through Ms Myeni most of the times.

ADV PAUL PRETORIUS SC: Did Mr Watson ever tell you of his own beliefs or attitude
10 in regard to whether or not President Zuma would support or did support and protect him?

MR ANGELO AGRIZZI: Yes, he told me in no uncertain terms we used to have every morning meeting was plagued by renditions of what a brilliant President he was and how phenomenal he was and he always praised him. So he had a very good repore with him. He used to specifically say that he could sit across him by a table, he had actually gesture by moving his chair and come and sit right in front of me and says I speak to him like this.

ADV PAUL PRETORIUS SC: My question was somewhat different. Let me ask it again. Did Gavin Watson ever tell you what his belief was in regard to whether he had
20 the support and protection of President Zuma? Support and protection?

MR ANGELO AGRIZZI: Most definitely. He believed that he was totally bulletproof.

ADV PAUL PRETORIUS SC: Mr Watson believed, he Mr Watson was bulletproof?

MR ANGELO AGRIZZI: With Mr Zuma yes.

ADV PAUL PRETORIUS SC: I am sorry?

MR ANGELO AGRIZZI: With Mr Zuma on his side, yes.

ADV PAUL PRETORIUS SC: I understand. In the next paragraph you deal with certain other evidence of yours. Kevin Wakeford what was his relationship with Gavin Watson?

MR ANGELO AGRIZZI: Well they are longstanding friends of the Watsons.

ADV PAUL PRETORIUS SC: Was there a stage at which Bosasa was being audited by the South African Revenue Services?

MR ANGELO AGRIZZI: Most definitely, we were being constantly hounded. Every time there is a negative newspaper article we would at that stage be audited, pulled in, I mean even in our personal capacities, SARS used to come and do lifestyle audits on us, full audits and really pester us.

ADV PAUL PRETORIUS SC: Was Mr Wakeford on occasion consulted by Gavin Watson in relation to negative press publicity and these SARS audits?

MR ANGELO AGRIZZI: Yes, he was and on terms – on certain occasions he actually accompanied me to the bankers to try and explain the allegations away with the banks.

ADV PAUL PRETORIUS SC: Alright, and was he paid a fee for his services?

MR ANGELO AGRIZZI: Yes, he was.

ADV 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.

20 **ADV PAUL PRETORIUS SC:** What did he tell Mr Watson and were you present at that meeting?

MR ANGELO AGRIZZI: I was present at that meeting, Chair.

ADV PAUL PRETORIUS SC: What was said?

MR ANGELO AGRIZZI: Well basically what was said is that we need to get George Papadakis on board and everything else we tried would be pointless. We need

to get him on board and get him to help us in sorting out the SARS issue.

ADV PAUL PRETORIUS SC: Alright, was Mr Wakeford paid a fee for his services in relation to this particular investigation and SARS investigations in general?

MR ANGELO AGRIZZI: Yes, he was paid a large sum of money every month. It was in the region of about R100 000 a month.

ADV PAUL PRETORIUS SC: A fee?

MR ANGELO AGRIZZI: Correct, yes.

ADV PAUL PRETORIUS SC: For services rendered?

MR ANGELO AGRIZZI: That is correct.

10 **ADV PAUL PRETORIUS SC:** Then go on please to deal with the allegation in paragraph 43.5. At that stage Mr Papadakis do you know whether he was in any way related in a business sense to the South African Revenue Services?

MR ANGELO AGRIZZI: Well he was a consultant there and that is why everybody thought it would be great to be able to use him to assist us.

ADV PAUL PRETORIUS SC: Or simply approach him.

MR ANGELO AGRIZZI: Sorry?

ADV PAUL PRETORIUS SC: Simply approach him, say we have this issue we wish to raise in relation to the investigation. You are employed by SARS so we want to make representations to you.

20 **MR ANGELO AGRIZZI:** Correct.

ADV PAUL PRETORIUS SC: Alright. Carry on then, paragraph 43.5?

MR ANGELO AGRIZZI: I was not privy to the meeting that was held, Chair, with Gavin Watson, Kevin Wakeford and George Papadakis. All that we were told is that he is working in the background he will handle everything.

ADV PAUL PRETORIUS SC: Alright.

MR ANGELO AGRIZZI: And then we basically would get an order to say that you need to deliver wet and dry cement.

ADV PAUL PRETORIUS SC: Wet and dry or wet or dry?

MR ANGELO AGRIZZI: Wet and dry.

ADV PAUL PRETORIUS SC: Alright.

MR ANGELO 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.

ADV PAUL PRETORIUS SC: Do you know who owned that property in Meyersdal?

MR ANGELO AGRIZZI: That was owned by Mr Papadakis.

10 **ADV PAUL PRETORIUS SC:** Do you know whether cement deliveries were indeed made and, Chair, there will be further evidence in relation to those transactions. Let us move on please to paragraph 44 where you talk of the Department of Home Affairs and certain renegotiations which took place in relation to the Lindele repatriation centres?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: You say you went to the meeting where Mr Watson and Mr Wakeford would have discussed matters relating to the investigation of SARS with Mr Papadakis?

MR ANGELO AGRIZZI: I was not in the – I cannot recall being in the meeting with Mr Papadakis and Mr Wakeford and Mr Watson.

20 **ADV PAUL PRETORIUS SC:** The evidence you can give you have already given?

MR ANGELO AGRIZZI: Yes.

ADV PAUL PRETORIUS SC: Let us go then to paragraph 44, the Lindele repatriation centre. You have told the, Chair, that that centre was a facility owned by the Bosasa groups. You say here in the statement specifically by Bosasa Properties Pty Limited?

MR ANGELO AGRIZZI: That is correct, Chair.

ADV PAUL PRETORIUS SC: And you have told the, Chair, it is a facility for the detention and repatriation for migrants who enter the country without proper authority and documentation?

MR ANGELO AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: The management of Lindele under which department would that fall?

MR ANGELO AGRIZZI: The management of the Lindele repatriation facility is done by Bosasa but falls under the department of Home Affairs.

ADV PAUL PRETORIUS SC: And the tender for the management of Lindele was
10 granted you say by the Department of Home Affairs to a Bosasa company. What company was that?

MR ANGELO AGRIZZI: It is called Leading Prospect Trading which is one of the subsidiaries.

ADV PAUL PRETORIUS SC: I that Leading Prospect Trading 111?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: Pty Limited?

MR ANGELO AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: Was there a time when that contract was under review?

MR ANGELO AGRIZZI: Yes.

20 **ADV PAUL PRETORIUS SC:** At the instance of the Department of Home Affairs?

MR ANGELO AGRIZZI: That is correct, Chair.

ADV PAUL PRETORIUS SC: Was there a consultancy employed for that review?

MR ANGELO AGRIZZI: Chair, the consultancy was Fever Tree Consultants and they had subcontracted part of that to a gentleman by the name of Neil Rahakrishner from Akile.

ADV PAUL PRETORIUS SC: Is that the same Neil Rahakrishner that you spoke of earlier?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: Alright, and the consultancy Fever Tree was appointed you say by the Department of Home Affairs?

MR ANGELO AGRIZZI: That is correct, Chair.

ADV PAUL PRETORIUS SC: What was the content of the review, in other words what was done pursuant to the review? You refer to that in paragraph 44.2?

MR ANGELO AGRIZZI: The Minister at that stage was Nakula and she wanted to see,
10 Lindele was always a hot potato in parliament and it will always be raised as it is costing the tax payer so much money. So she wanted to raise the issue with us and she wanted the price reduced of Lindele itself.

ADV PAUL PRETORIUS SC: And in particular how would this reduction and cost be achieved?

MR ANGELO AGRIZZI: What happened was we used to at Lindele be paid per person per day so you are paid per occupancy rates. During the early 2000's I negotiated a fixed fee rate, because it is like a bus of school kids, you either have a full bus of an empty bus, but you still have to pay for the bus. So we negotiated a fixed fee contract where we did not charge per occupancy, but we charged specifically for a fixed fee. So
20 they wanted this reduced, because what was happening was where Lindele should be accommodating between 3/4000 people was only accommodating 1 000 and the department would be charged the fixed fee rate which was equivalent to 3 500 people so in their opinion it was wastage so she wanted it reduced. So I then entered into discussions and negotiations with Fever Tree Consulting who then appointed a consultant to work with us on it to look at the reductions in it.

ADV PAUL PRETORIUS SC: Who was that consultant?

MR ANGELO AGRIZZI: The consultant that was eventually appointed was Neil Rahakrishner and the reason why he was appointed was, because Gavin Watson and Kevin Wakeford decided we could work with him. That is the first time I actually met Neil.

ADV PAUL PRETORIUS SC: Was an agreement reached?

MR ANGELO AGRIZZI: Yes.

ADV PAUL PRETORIUS SC: In relation to the request by the Department of Home Affairs to reduce costs?

10 **MR ANGELO AGRIZZI:** Sorry, yes an agreement was reached and we reduced the costs.

ADV PAUL PRETORIUS SC: Alright, and was there any payment involved? Payment at the hands of Bosasa?

MR ANGELO AGRIZZI: At a later stage after they had reduced the cost, we reduced the cost by about R862 000 per month and my concern was that Neil Rahakishner approached me and said that him, Kevin Wakeford and Gavin Watson had come up with a deal. So I said look I do not know about a deal, but let me find out and if there is a deal then there is a deal, but I was not involved with it. I was then informed that he was expecting a payment of R7-million.

20 **ADV PAUL PRETORIUS SC:** Informed by who?

MR ANGELO AGRIZZI: By Neil Rahakrishner.

ADV PAUL PRETORIUS SC: That he, Rahakrishner was expecting a payment of R7-million?

MR ANGELO AGRIZZI: Exactly.

ADV PAUL PRETORIUS SC: Right.

MR ANGELO AGRIZZI: And that was to facilitate the negotiation and the extension of the contract. So if I can explain to you, Chair, what actually happened was, it was a process where we reduced the price by R860 000 so the saving to the department over the period of time was considerable. However, what happened was the contract was extended by another five years.

So it was extended by five years, so in actual fact we were scoring, but I did not see it that way so I approached Gavin Watson and I said to him, you know, Neil is very concerned and annoyed with me, because he says that you cut a deal with him. My concern was also why I could not fathom out why he would agree to pay R7-million
10 over just like that.

Watson then said to me, he said to me in summary he said you are not paying R7-million you can pay him on a monthly basis.

ADV PAUL PRETORIUS SC: Alright, let us just go back to paragraph 44.4.

MR ANGELO AGRIZZI: Sure.

ADV PAUL PRETORIUS SC: Where you do say what you have just told the, Chair, that the contract was extended for a further five years. Was there any tender process involved?

MR ANGELO AGRIZZI: Nothing, whatsoever.

ADV PAUL PRETORIUS SC: Any Treasury approval involved?

20 **MR ANGELO AGRIZZI:** No.

ADV PAUL PRETORIUS SC: And you say more favourable terms were included in the extended contract, is that so?

MR ANGELO AGRIZZI: Yes, that is true.

ADV PAUL PRETORIUS SC: Alright, what was the annual gross value to Bosasa or Bosasa subsidiary in relation to this contract?

MR ANGELO AGRIZZI: Chair, 96.3-million.

ADV PAUL PRETORIUS SC: At the time you were wondering why on earth pay Mr Rahakrishner R7-million when the contract price had actually been reduced. Had you at that stage examined the extended contract in any detail?

MR ANGELO AGRIZZI: No, I had not.

ADV PAUL PRETORIUS SC: So you were not aware of any more favourable contract terms at the stage you expressed your doubts?

MR ANGELO AGRIZZI: No, I was doubtful of the transaction. I had not seen yet what Neil Rahakrishner had put in to the actual contract.

10 **ADV PAUL PRETORIUS SC:** Were the benefits of the extended contract to Bosasa and its subsidiary explained to you at a later stage?

MR ANGELO AGRIZZI: Kevin Wakeford explained it to me later and he explained that what they had done was extended the term of the contract, but also made it more feasible in terms of increases as well. So the actual increments that you would get would compound at the bottom and grow quicker. So what might be worth 9-million now might be worth say R13-million, where if you started off with 10-million you would only be at 12-million at the same time.

So to me it made sense and it seemed to work.

ADV PAUL PRETORIUS SC: Was the relationship between Bosasa and its subsidiary
20 on the one hand and the Department of Home Affairs on the other the subject of public comment at this time?

MR ANGELO AGRIZZI: I mentioned it earlier. It was continuously in the press and everybody was unhappy with the Bosasa contract.

ADV PAUL PRETORIUS SC: The negotiation of a reduced price did this do anything mitigate public concern about the contract?

MR ANGELO AGRIZZI: I think to a large degree it helped. It kept everybody quiet, Chair, and I think that people started realising that maybe Bosasa and Lindele is not a bad notion at all.

ADV PAUL PRETORIUS SC: Was Mr Rahakrishner happy about the fact that he was not about to receive R7-million?

MR ANGELO AGRIZZI: No, he was not happy at all, Chair. I had all my days with that gentleman.

ADV PAUL PRETORIUS SC: Alright, and in relation to the monthly payment what happened?

10 **MR ANGELO AGRIZZI:** So I said to him well look I was not part of your transaction. I did not debate anything with you and I said all I can do is go to Gavin Watson and say listen what about if he puts in a monthly invoice.

ADV PAUL PRETORIUS SC: Did he submit monthly invoices?

MR ANGELO AGRIZZI: Yes, he did, but he did it through one of his friends who has got a wine merchant agency so I remember that it was Wine Merchants of something like that and we processed I think it was around R75 000 a month for him.

ADV PAUL PRETORIUS SC: And were these payments affected to your knowledge?

MR ANGELO AGRIZZI: Yes they were and the chap who did that was the financial guy there Carlos.

20 **ADV PAUL PRETORIUS SC:** Did you at some stage stop responding to the invoices from Mr Rahakrishner?

MR ANGELO AGRIZZI: Yes, it was about 2015 if I remember correctly, Chair, and we were under scrutiny by the banks, we were under scrutiny by the auditors so eventually I just stopped it and we could not actually in 2015 afford it as a company either, because there was major cash flow issues, so what we did was, I said to him look let

me help you with an alternative until things come right and we did the rebranding of his company and all his graphic design and that instead of paying him on a monthly basis, because the company was really battling with cash flow at that stage.

ADV PAUL PRETORIUS SC: Then on page 91 paragraph 45 you deal with further irregular payments.

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: What you call irregular payments?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: What is not clear from the allegations in paragraph 45.1
10 to 45.6 is firstly whether these payments were made to the individuals you name for example in paragraph 45.1 and secondly whether those persons that you name were actually influential in the irregular granting of contracts. So I would like you to be very careful please and bear in mind that when you name a person as you do here that there must be some link or reason for naming that person.

MR ANGELO AGRIZZI: Well then, Chair, if it is the feeling of the team that maybe I should not name them then...[intervenes]

ADV PAUL PRETORIUS SC: No, we cannot stop your evidence. You are here and we will investigate the veracity of your evidence.

MR ANGELO AGRIZZI: Yes.

20 **ADV PAUL PRETORIUS SC:** We will allow people who are named to respond. The choice is yours. I am just placing the red flag.

MR ANGELO AGRIZZI: Chair, I will give it to you as it happened. So I was introduced a few years ago to the Treasury General of the Youth League Reggie Nkabinda, okay, he is also known as the commander or the general or something like that in the North, in the Krugersdorp area, but I was introduced to him by Gavin Watson who explained to

me that he was very close to Nomvula Mokonyane and that I must see if we can assist him and I had to help him at one stage with our design studio, because we had a whole internal design and branding studio and basically what we needed to help him and see where we could assist develop his brand and his company.

But I – they were a bit more influential than that. So on one occasion I met Nkabinde with an associate with his by the name of Sam Sekgotla and I was aware that Reggie had relationships with various politicians, I knew he was very well connected, but more specifically with Tom Moyane. I knew that. I knew he was very close to Tom Moyane and he would be able to resolve any issues at Correctional Services.

10 **CHAIRPERSON:** Is that Mr Nkabinde or Mr Sekgotla?

MR ANGELO AGRIZZI: Mr Nkabinde.

CHAIRPERSON: You say you knew that he was very close to Mr Tom Moyane?

MR ANGELO AGRIZZI: Correct sir.

CHAIRPERSON: Okay, thank you.

MR ANGELO AGRIZZI: Alright, it is not in my statement, but I learned this from Eric Mauritz who I was told to speak to in connection with getting close to Tom Moyane. Remember we never actually had a relationship with Tom Moyane either, so it was concerning. So in 2016 I was called into the boardroom at Bosasa and Gavin Watson was there and in the meeting was Gavin, Patrick Monyeki, Reggie Nkabinda and
20 Sam Sekgotla and I was a bit surprised, because there was no other Directors in the meeting, just Gavin and I walked into the meeting and they said listen I think you better work with Sekgotla and Reggie if we want to retain the existing catering contract at the Correctional Services.

So I was a bit shocked, because my understanding was we were on top of the issues and you know there is no need to work with anybody else, but evidently the

tender had been leaked out and they had a copy of it. I had not even seen a copy.

ADV PAUL PRETORIUS SC: Who had a copy of it?

MR ANGELO AGRIZZI: It was Reggie Nkabinde, their team, I cannot remember exactly who unless I made a note of it, but I was shown the tender document.

ADV PAUL PRETORIUS SC: And was this before the tender was issued or after the tender was issued?

MR ANGELO AGRIZZI: Before the tender was issued.

ADV PAUL PRETORIUS SC: Before?

MR ANGELO AGRIZZI: Yes.

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

MR ANGELO AGRIZZI: Alright, so it was concerning to me so we then started negotiating with them, because you must remember, Chair, that this contract would make between 20 and R25-million net a month so you had to look after it and the people that we thought were looking after it were not on top of their game. They were fast asleep and they lost the opportunity and we nearly lost out in this contract now if you lose that contract that is 25-million down the drain.

So we were very concerned about it.

ADV PAUL PRETORIUS SC: R25-million per month?

MR ANGELO AGRIZZI: Per month yes.

20 **ADV PAUL PRETORIUS SC:** Yes?

MR ANGELO AGRIZZI: So what happened was the concern I had was that if somebody else had the upper hand then we will sit with a problem. So myself and Gavin Watson had a chat and we then went back to them and said okay what do we do? How do we sort this problem out and Sekgotla basically said well listen I have got a company, you pay me R5-million into my company and we will get you an extension,

which then would give us time to work out a plan of sorts on how to manage this thing.

So we paid, we got the extension I think it was the next day and we paid a R5- million consultancy fee. An invoice was raised from their consultancy company and then we raised the second agreement.

ADV PAUL PRETORIUS SC: Sorry you talk of an extension, are you talking of an extension of the existing contract pending the award of the new tender?

MR ANGELO AGRIZZI: It was a six month extension.

ADV PAUL PRETORIUS SC: Right, carry on please?

MR ANGELO AGRIZZI: So six months, Chair, was the extension and in all fairness
10 R5-million for six months, six months is equivalent to R150-million when you are paying R5-million for that so we paid the money. It was transferred the next day. Then we did a second agreement with Sekgota and that was for the renewal of the catering contract, but this agreement required the payment of R10-million to Sekgota's company, but Gavin refused to pay that amount. He said no he is not going to pay that much the people that were working for us, who slipped up the first time would not slip up the second time. They would get it right.

So Sekgota did not bother getting a renewal for the catering contract and what happened was that we lost at that stage I think it is about 40% of the catering contract. Does that explain it in detail?

20 **ADV PAUL PRETORIUS SC:** No, that is fine for the moment. Paragraph 45.2 line 2 the name Segote[spelt] elsewhere in paragraph 45 it is spelled Sekgota[spelt] do you know which is the correct spelling?

MR ANGELO AGRIZZI: I actually do think 45.3 is the correct spelling.

ADV PAUL PRETORIUS SC: 45.3?

MR ANGELO AGRIZZI: I think that is.

ADV PAUL PRETORIUS SC: Sekgota[spelt].

MR ANGELO AGRIZZI: I am sure.

ADV PAUL PRETORIUS SC: That is the consistent spelling apart from 45.2.

MR ANGELO AGRIZZI: I am not sure.

ADV PAUL PRETORIUS SC: Alright, let us go on then to paragraph 46.

CHAIRPERSON: I am sorry before you go there. In regard to what you call the second agreement you said in terms of that agreement payment of R10-million was required and Mr Gavin Watson refused to pay that amount and in regard to what you referred to as the first agreement R5-million was required to be paid and it was paid?

10 **MR ANGELO AGRIZZI:** Yes.

CHAIRPERSON: Yes. Now with regard to the second so called agreement you are not suggesting that the figure of 10-million had previously been agreed between Bosasa and Mr Sekgota but then Mr Watson reneged on the agreement, that is not what you are saying or is that what you are saying?

MR ANGELO AGRIZZI: That is exactly what I am saying, Chair.

CHAIRPERSON: Oh, he previously agreed?

MR ANGELO AGRIZZI: He agreed, we drafted the agreements, when it came to signing the agreement he pulled out at the last minute.

CHAIRPERSON: Okay, before it was signed, it could be signed?

20 **MR ANGELO AGRIZZI:** Because he took advice from people who said that he does not need to pay that kind of money for that agreement.

CHAIRPERSON: Yes, okay, thank you.

ADV PAUL PRETORIUS SC: Paragraph 46 you make a general allegation that will be the subject matter of further evidence. Would you just summarise please the allegation in paragraph 46 for the, Chair?

MR ANGELO AGRIZZI: I think they are more than allegations, I think they are factual.

So on a regular basis Bosasa had a team set aside to do this and this team would provide full security solutions across the board. They were called a special installations team, they had their own vehicles, they had their own stock and they would go around from house to house, actually putting in CCV systems, but not only that but sorting out electric fences, electrified gate. Everything from your pool pump right the way through. So this team Special Projects would not charge the person, but they would get instructions from myself or I would take instructions from Gavin Watson and send it out to them and they would go and do the work. So basically this team.

10 **CHAIRPERSON:** This was a team of how many people if you are able to tell more or less?

MR ANGELO AGRIZZI: Chair I think there were about eight people in the team.

CHAIRPERSON: Yes. Who were more or less the standing team to do this, the special projects?

MR ANGELO AGRIZZI: Correct, ja.

CHAIRPERSON: Okay, alright. Proceed.

MR ANGELO AGRIZZI: Okay. So this team would do absolutely anything and could fix anything. From a pond to a broken doorbell, but what is more important is that they would send from site to site to do installations, maintenance, follow ups, client customer
20 care. Sorry, but this was done at no cost to the recipient.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: So as, as a Minister you would get if you needed your house fitted out with CCTV and maybe a movie theatre system. You pick up a phone, phone Bosasa. They will send somebody over. You do not need to worry about paying for it.

CHAIRPERSON: Hm.

MR ANGELO AGRIZZI: But that debt remains forever.

CHAIRPERSON: Hm.

MR ANGELO AGRIZZI: So.

CHAIRPERSON: Hm.

MR ANGELO AGRIZZI: That is.

CHAIRPERSON: Hm.

MR ANGELO AGRIZZI: That is what was offered.

CHAIRPERSON: Yes.

10 **ADV PAUL PRETORIUS SC:** Detail in regard to the beneficiaries of this practice will
be given later in evidence?

MR ANGELO AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: By someone else?

MR ANGELO AGRIZZI: Yes that is correct.

ADV PAUL PRETORIUS SC: You say the recipient of the benefit did not pay for it. Did
the state pay?

MR ANGELO AGRIZZI: Well indirectly yes the state is paying, because if you are
paying for bribery money that is what I am.

ADV PAUL PRETORIUS SC: Well I am not asking you to extrapolate on.

MR ANGELO AGRIZZI: No the state never [intervenes].

20 **ADV PAUL PRETORIUS SC:** To that extent. The bill for the services

MR ANGELO AGRIZZI: No, no.

ADV PAUL PRETORIUS SC: Was that paid by the state?

MR ANGELO AGRIZZI: No it was not.

ADV PAUL PRETORIUS SC: [Intervenes].

CHAIRPERSON: And no invoices were, would be sent to the recipients of these

benefits?

MR ANGELO AGRIZZI: If there are invoices they have been backdated and sent.

There was never an invoice sent.

CHAIRPERSON: Yes.

ADV PAUL PRETORIUS SC: And how were these expenses catered for in the books of Bosasa?

MR ANGELO AGRIZZI: Just the operational costs.

ADV PAUL PRETORIUS SC: So they were actually deducted from income in the tax returns?

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

CHAIRPERSON: The Special Project existed from when if you are able to remember?

MR ANGELO AGRIZZI: Chair if I [intervenes].

CHAIRPERSON: Or a special team, Special Projects Team.

MR ANGELO AGRIZZI: If I remember correctly it was from 2013 and they were actually a Special Projects Team that I would use to go and do special projects, but then it just evolved and.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: People could use it and they, they started to abuse it.

20 **CHAIRPERSON:** And when you left Bosasa was the, was this Special Projects Team still in operation?

MR ANGELO AGRIZZI: It was for a short period of time then they dismissed everybody out of the team and reemployed new people in the team and the reason for that is they were concerned that the old people would uncover or unfold what was happening there and whose houses were being monitored that type of thing.

CHAIRPERSON: Okay.

ADV PAUL PRETORIUS SC: Paragraph 47, you deal with the issue of Black Economic Empowerment in relation to the Bosasa Group of Companies. Would you tell the Chair please briefly what you wish to say in that regard?

MR ANGELO AGRIZZI: Chair basically what has happened is BEE in South Africa is not being truly represented by many companies and we all guilty of it, but most importantly or most concerning was that if you set up a complex network of subsidiaries and various entities and trusts and you make it very complicated. The identification of the true BEE of a company is virtually impossible and this is what has been happening. I am not, I am not saying it was only endemic to Bosasa. What I am saying is I know
10 how it was done and basically you know that to move from a premise of where you were at BEE Level 4 to a BEE Level 2 or one unless you have the right credentials you cannot be there, but now what was happening was there was manufactured credentials. So I would manufacture a credential by putting somebody in that place giving them the shares, giving them full autonomy, shareholding but at the same time having an agreement on the side which basically said you do not own the shares until such time as you pay for them and maybe there is nothing illegal with that, but then surely you cannot rate yourself as BEE if you still have, yield, hold the shares behind and what started to happen was it would get worse and worse and worse. So there is an elaborate masking, fronting is the right word of BEE and it needs to be uncovered and it
20 needs to be fixed up.

ADV PAUL PRETORIUS SC: Right. Let me just ask you two questions in that regard.

MR ANGELO AGRIZZI: Yes.

ADV PAUL PRETORIUS SC: You say that the arrangements were complex.

MR ANGELO AGRIZZI: Yes.

ADV PAUL PRETORIUS SC: And detailed. Are you prepared to assist in any further

investigation in that regard?

MR ANGELO AGRIZZI: Most definitely.

ADV PAUL PRETORIUS SC: Alright. Secondly and as a question a broad summary in the tender documents that were presented by Bosasa to various Government departments was the true BEE status of the Bosasa Group of Companies represented?

MR ANGELO AGRIZZI: They were not Chair.

ADV PAUL PRETORIUS SC: I want to move to a.

CHAIRPERSON: I am sorry Mr Pretorius. It looks like there is nobody from the administration wing here. I gave permission at the beginning of the hearing in August
10 for only a certain number of TV cameras to be inside this hall, but I seem to see a number of cameras now. Somebody will just have to investigate, because I have not given permission for anymore cameras since then, because if there are any challenges there are channels for request to be made and things must not just be done anyhow.

ADV PAUL PRETORIUS SC: Chair I see there is a camera at the back. I am not sure whether that has been accredited.

CHAIRPERSON: Well.

ADV PAUL PRETORIUS SC: Or not.

CHAIRPERSON: There is a camera at the back that I believe has been there since the beginning or at least there has been a camera there. I do not know if it is the same that
20 has also been there, but there are others that I see other than those here at the front which there seems to be others in respect of which I have not given permission. The administration will have to investigate what is happening. Thank you. You may proceed Mr Pretorius.

ADV PAUL PRETORIUS SC: Thank you Chair. Can we move please Mr Agrizzi to your statement or affidavit page 40, at paragraph 48 page 93?

MR ANGELO AGRIZZI: [Background noise].

ADV PAUL PRETORIUS SC: Do you recall a meeting in 2010?

MR ANGELO AGRIZZI: I do.

ADV PAUL PRETORIUS SC: Is that the correct date?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: After your return from vacation you were requested or told to go to a meeting with the Watson Brothers at the Michelangelo Hotel.

MR ANGELO AGRIZZI: That is correct Chair.

ADV PAUL PRETORIUS SC: What was happening at the time in relation to Bosasa?

10 **MR ANGELO AGRIZZI:** Chair at the time we were at the pinnacle of the SIU investigation that had been presented I think in Government in Parliament at least and there was massive negative press going around and it was untenable and, and one of the reasons I am not having a go at the family or anything, but one of the reasons I put this into my statement is because plenty of people have asked me why did you not just leave sooner. Well it was not that easy. So I thought let me incorporate it here.

ADV PAUL PRETORIUS SC: What happened at the meeting?

MR ANGELO AGRIZZI: Well the meeting was very clear. There was endless press negativity. There was the investigation going on. There were the Hawks with their subpoenas to Mark and Sharon Taverner. There were all these things happening and
20 we were called in and I recall distinctly where the fishpond is one floor up. We went right to the end of the corridor where there is chair and that and, and basically the meeting involved myself, Andries van Tonder, Gavin Watson and we were told that listen you guys are in this pact with us. We are brothers now and you try break loose and there is going to be problems.

CHAIRPERSON: So how many people were in that meeting? Yourself.

MR ANGELO AGRIZZI: It was myself.

CHAIRPERSON: Andries van Tonder.

MR ANGELO AGRIZZI: Andries van Tonder, Valence Watson, I cannot recall if Ronnie was there or Cheeky was there and, and Gavin and we were in the middle of, of, of the probably the worse time ever for the group.

CHAIRPERSON: Thank you.

ADV PAUL PRETORIUS SC: At that time notwithstanding the negative press that Bosasa was receiving did visits to the Bosasa Office Park on the part of politicians and industry leaders continue?

10 **MR ANGELO AGRIZZI:** It was amazing, because we just had this continuous flow of high powered politicians who would arrive and be taken on tours. We spent the good part of a few months just doing tours every, never every day with politicians visiting and coming to see what it was all about.

ADV PAUL PRETORIUS SC: Let us go on then to paragraph 49. You there refer to matters relevant to the release of the Special Investigations Unit Report?

MR ANGELO AGRIZZI: Correct. [Intervenes].

ADV PAUL PRETORIUS SC: During 2009 was this a matter that was discussed internally at Bosasa?

20 **MR ANGELO AGRIZZI:** No. Well it was a morning occurrence Chair who would discuss the exposure of Bosasa and the press and the SIU and, and the probe and how everybody would try and get to us. So every morning we would take a walk in the park, literally and we would discuss the matter walking in the park, because then nobody could tape us, nobody could listen in on us and that type of thing and at that stage as well we were getting very edgy about all this happening. We were not used to it and it was then that Gavin Watson insisted that we go on holidays with him specifically.

ADV PAUL PRETORIUS SC: Who goes on holiday?

MR ANGELO AGRIZZI: Well normally the three of, the three guys would go on holiday together. So it would Andries, Gavin and myself.

ADV PAUL PRETORIUS SC: Right. Did you go on holiday?

MR ANGELO AGRIZZI: Yes, we did.

ADV PAUL PRETORIUS SC: And at that stage you say that Bosasa was receiving negative press publicity and there were investigations current?

MR ANGELO AGRIZZI: Ja and it was exasperated by the fact that that I was told to take the fall for, for Gavin Watson.

10 **ADV PAUL PRETORIUS SC:** Well did you speak to Mr Watson after he had suggested this holiday?

MR ANGELO AGRIZZI: Well I was up; sorry, I do not understand your question. Did I speak to him after we decided to have the holiday?

ADV PAUL PRETORIUS SC: Well you, in paragraph 49.2 you say Gavin Watson insist, insisted

MR ANGELO AGRIZZI: Yes.

ADV PAUL PRETORIUS SC: That he, van Tonder and yourself go on an overseas.

MR ANGELO AGRIZZI: That is right.

ADV PAUL PRETORIUS SC: Trip together. Right.

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

ADV PAUL PRETORIUS SC: You explain in that paragraph the context in which that suggestion was made. In other words what was happening to Bosasa at the time?

MR ANGELO AGRIZZI: That is right.

ADV PAUL PRETORIUS SC: Right, you then say in the same paragraph:

“I confronted Gavin Watson in the boardroom.”

Did you?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: At this time?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: What did you say to Mr Watson?

MR ANGELO AGRIZZI: Well I, I said to him I would resign.

ADV PAUL PRETORIUS SC: Sorry, firstly that is not what you say in your statement, but could you place that [intervenes].

MR ANGELO AGRIZZI: Sorry, I am just; I am a bit lightheaded at the moment. Is it
10 possible to reduce the air conditioning? It is very hot in here.

CHAIRPERSON: You would like it colder? You would like it to be a little cold?

MR ANGELO AGRIZZI: Chair I am not used to.

CHAIRPERSON: Cold.

MR ANGELO AGRIZZI: Ja.

CHAIRPERSON: Ja. Okay. They will do so. It must not be too cold.

MR ANGELO AGRIZZI: No, no.

CHAIRPERSON: I, I have a little bit of flu. So, but they will make it a little cooler.

ADV PAUL PRETORIUS SC: I must say the witness has informed me he suffers from
diabetes.

20 **CHAIRPERSON:** Yes.

ADV PAUL PRETORIUS SC: And at times it affects his blood sugar. I make no.

CHAIRPERSON: Yes.

ADV PAUL PRETORIUS SC: Excuses on his behalf or anything he might say or not
say, but he has expressed to me that he, he wants to tough it out as it were. I am not
sure that that is a good idea, but.

CHAIRPERSON: Oh.

ADV PAUL PRETORIUS SC: Maybe he can make up his mind.

CHAIRPERSON: Well, well Mr Agrizzi do tell us whenever you would like a break or when we are taking too long. You know, I was saying this morning we must make up for the time that we lost when there was a problem with, online. If, if.

MR ANGELO AGRIZZI: No, it is not a problem.

CHAIRPERSON: If, if there is any problem please let, let, let us know and we will try and accommodate you.

MR ANGELO AGRIZZI: Not a problem.

10 **CHAIRPERSON:** As far as we can, but I did want to take a few minutes break at this time. Can we take a break and we will resume at 25 to four?

ADV PAUL PRETORIUS SC: Thank you Chair.

CHAIRPERSON: Thank you.

MR ANGELO AGRIZZI: Thank you Chair.

CHAIRPERSON: We adjourn.

REGISTRAR: All rise.

HEARING ADJOURNS

HEARING RESUMES

CHAIRPERSON: Yes, Mr Pretorius.

20 **ADV PAUL PRETORIUS SC:** Mr Agrizzi we are at paragraph 49.2 of your statement and you have told the Chair of the first part of that paragraph. Just take a minute to refresh your memory in relation to the last four lines.

MR ANGELO AGRIZZI: Chair in, at that stage we were under a lot of pressure. Gavin insisted that we go on a holiday together, but the one, the one issue that I had was I actually confronted Gavin Watson in the boardroom one day when he made a

suggestion to me. He told he had received some advice and he said that we should take a, I should take a fall on behalf of the company and on behalf of Bosasa in the SIU investigation and I was annoyed. I voiced my discontent with him and I, I felt betrayed by him. I was very upset and that evening I actually left the office. That evening he called me numerous times and started to apologise and eventually I accepted his apology and although.

ADV PAUL PRETORIUS SC: Before you go on. Please, what did Gavin Watson mean, it may be obvious, but let us put it on record.

MR ANGELO AGRIZZI: Is it on record?

10 **ADV PAUL PRETORIUS SC:** By the words “take the fall”.

MR ANGELO AGRIZZI: On record, an attorney had advised him, some attorney had advised him that what should happen is that I should admit to absolutely everything. That I did all by myself. I, I corrupted Mti. I corrupted Gillingham and I should take the fall for it. He said to me what would happen will be that there would be a file of about 30 million that the company would pay, but I would have to have the criminal record for the rest of my life, but it would save the company. So.

ADV PAUL PRETORIUS SC: Before you go on I would like to ask you a question.

MR ANGELO AGRIZZI: Yes.

20 **ADV PAUL PRETORIUS SC:** About that. It is matter that the legal team may deal with. It is certainly a matter that people who get to cross-examine you in due course may arise, but one of the issues is what was the reason you decided to come forward and give the evidence that you have given and I want to ask you is one of the reasons or possibly one of the reasons that you knew that Mr Watson was going to lay all the blame on you and make you take responsibility for everything that happened and you decided to pre-empt him by coming clean?

MR ANGELO AGRIZZI: There are a couple of reasons.

ADV PAUL PRETORIUS SC: Well just let us deal with this reason for the moment.

MR ANGELO AGRIZZI: I would say that is one of the reasons, yes.

ADV PAUL PRETORIUS SC: You have given evidence regarding other reasons and we may deal with that at the conclusion of your evidence.

MR ANGELO AGRIZZI: Thank you.

ADV PAUL PRETORIUS SC: You say that evening after he had made the suggestion that you take the fall he had called you numerous times.

MR ANGELO AGRIZZI: That is correct.

10 **ADV PAUL PRETORIUS SC:** Apologised. You accepted his apology.

MR ANGELO AGRIZZI: Profusely. Would you like me to continue Chair explaining it?

ADV PAUL PRETORIUS SC: If you wish.

CHAIRPERSON: Mr Pretorius will ask you, will tell you.

ADV PAUL PRETORIUS SC: I am satisfied for the moment unless you want to raise anything.

MR ANGELO AGRIZZI: I think, you know what, what I want to raise Chair is what concerned me the most was that I went to the legal representative and I am not going to mention his name necessarily. It is in the papers, but I went to the legal representative of the company, the attorneys that I worked very closely with for 16
20 years and you know that every time I went to the person I said listen how are we going to sort this how. Should we not open this thing up, get the people in. Let us talk about it to the SIU. You know Chair what I was told by this brilliant legal mind shut up and just toe the line otherwise you are going to implicate everybody and that was perhaps an awakening moment for me that I realised that why would this person after all these years still indoctrinate me with it and that is what has happened to the other witnesses

who are following me right now. Is that you indoctrinated to believe that you cannot talk out. If you talk out you do not have money. You do not have an attorney. You know, you have got no protection and they will swing the whole thing against you.

CHAIRPERSON: Yes, thank you.

ADV PAUL PRETORIUS SC: Right. Let us go on then to paragraph 49.4. The overseas trip that Gavin Watson had suggested did it take place?

MR ANGELO AGRIZZI: That is correct. It did take place.

ADV PAUL PRETORIUS SC: Right and in relation to the relationship between Mr Watson on the one hand and yourself and Mr van Tonder on the other did, was this
10 issue discussed?

MR ANGELO AGRIZZI: The issue was discussed in depth. We, we discussed the issues. We got them all out on the table but the, the more one looks at it in retrospect it was all done just to appease.

ADV PAUL PRETORIUS SC: Right. You say at paragraph 49.3 if I can just go back, that the attorney of whom you spoken agreed with your concern about Gavin Watson's suggestion that you take the fall for Bosasa. Is that in fact correct?

MR ANGELO AGRIZZI: Yes, he did.

ADV PAUL PRETORIUS SC: Alright. Let us go on then. Very briefly what did Gavin Watson say to yourself and van Tonder in relation to the context within which you
20 are operating at the moment, the forthcoming or contemplated prosecution?

MR ANGELO AGRIZZI: He said that we have to remain inseparable. We have to be together otherwise what will happen is they will break up the team and the, everything will come out.

ADV PAUL PRETORIUS SC: And you say here if one went down what did he say would happen?

MR ANGELO AGRIZZI: Everybody would go down.

ADV PAUL PRETORIUS SC: And what was Mr Watson's attitude to whether matters were under control or otherwise?

MR ANGELO AGRIZZI: I think the, the attitude was that he believed that he had everything under control, politically.

ADV PAUL PRETORIUS SC: Did you believe that?

MR ANGELO AGRIZZI: At one stage I started doubting all of this.

ADV PAUL PRETORIUS SC: 49.7, you talk of the affect that the circumstances at the time were having on you. Could you explain that to the Chair please?

10 **MR ANGELO AGRIZZI:** Chair I have watch that company grow from when I started with 430 people to 6 500 and they all families and the biggest concern for me was always, you know, the families and what is going to happen to them and I am not, I am not; you can speak to anybody who is there or who was there, but I eventually started believing that there was no hope. I would be left to the wolves and the real threat of leaving Gavin was basically that you would have to go against him and I knew what he was capable of. I have, I have, I have felt it.

ADV PAUL PRETORIUS SC: So you say here in paragraph 49.7 that:

“The Bosasa Directors were of a certain view, were all of a certain view.”

20 What was that?

MR ANGELO AGRIZZI: The directors were, were all of the view that we have to fight this and not give up and, and just keep fighting the SIU case, fighting the NPA, fighting the Hawks. Just keep fighting, fighting, fighting until eventually it would go away. I remember Brian Biebuyck used to tell me this thing will never get to trial. He said to me the NPA is useless. The, they will never ever be able to prosecute.

ADV PAUL PRETORIUS SC: And your own belief as to whether you should stick with Gavin Watson or you should leave Gavin Watson and the consequences of that. You deal with that.

MR ANGELO AGRIZZI: Well.

ADV PAUL PRETORIUS SC: In paragraph 49.7

MR ANGELO AGRIZZI: Well Chair let me give you an example. One of the instructions I had received was to put 30 million in a trust account to protect us and a further 10 million in another trust account with another attorney to protect us as well. Now, and I was told categorically that that might not be enough. We might have to put
10 a little bit more in and so I started getting concerned, because if it is going to cost 40 million in the beginning to defend this how the heck can I come out, speak to people and fight this thing on my own and quite simply I have gone through the process now. Would I do it again? Yes, I would, but the fact of the matter is if you do not have a little bit of a war chest you are finished. So quite simply I mean we are now close on about 20 families who are looking to stop this. So it is taxing on all of us.

ADV PAUL PRETORIUS SC: While you were in Paris on holiday did you receive information about the release of the SIU Report?

MR ANGELO AGRIZZI: Accidentally the SIU Report had come out and it accidentally had been given to us which was sent through an associate. Gavin asked me to arrange
20 a meeting then to discuss with Brian Biebuyck on how we were going to handle this. So we had this meeting with Brian Biebuyck and we said.

ADV PAUL PRETORIUS SC: Well let us just; I do not want to go behind that meeting. As a result of that meeting were certain people given certain responsibilities?

MR ANGELO AGRIZZI: Yes.

ADV PAUL PRETORIUS SC: In relation to the proposed or contemplated prosecution?

MR ANGELO AGRIZZI: That is correct Chair.

ADV PAUL PRETORIUS SC: What, who got what responsibilities?

MR ANGELO AGRIZZI: Andries van Tonder's responsibility was to handle the banks, the financing and the cash flows of the business. To make sure there is enough money in the bank to be able to fight this. My responsibility was handle all the legal aspects in conjunction with Brian Biebuyck and Gavin Watson's responsibility was to handle the politics that was happening out there.

ADV PAUL PRETORIUS SC: Alright and then in paragraph 50.1 did Gavin Watson at this stage begin to say whether he was in fact involved in any irregularity or not?

10 **MR ANGELO AGRIZZI:** He started denying it and he started, he started saying well I just blame everybody else. My signature is nowhere to be found.

ADV PAUL PRETORIUS SC: What happened in August 2016?

MR ANGELO AGRIZZI: Chair in August 2016 I, I just could not take it anymore. I was tired of fighting. I had basically given up. I was, I was really annoyed about all of this and on my own, my own free will I sat down with Dr Jurgen Smith who was a kind of a mentor to me and he was a very old man and he, he said to me look I am concerned about you and he, and I just then thought to myself listen, I have given 19 years of my life. I was not feeling well. I was not sleeping at night and eventually I thought no it is not a life to live. I had also been offered something else to look at and I decided to
20 pack it up and go. So I did not make any demands. All I did Chair was I literally closed my laptop on my desk, took my keys of my car, got into my car and I went home and I switched off my cell phone.

CHAIRPERSON: Without saying you were leaving, without putting I a letter of resignation?

MR PAUL AGRIZZI: I had, no I did resign to Doctor Smith.

CHAIRPERSON: Oh you did?

MR PAUL AGRIZZI: Yes.

CHAIRPERSON: Verbally or in writing?

MR PAUL AGRIZZI: In writing.

CHAIRPERSON: Oh okay.

ADV PAUL PRETORIUS SC: Okay what was your state of health at this time?

MR PAUL AGRIZZI: I did not feel well. I was feeling – I was feeling as if – if I looked at people as if they blaming me now because they had been fired, they have been destroyed, families being destroyed. I just – it made me sick. I was – at that stage I did
10 not know I was sick but I was very sick.

CHAIRPERSON: Well just remind me again I have good recollection that Mr Mansell for example had been Mr Gavin Watson's partner from a long time previously and you have mentioned Doctor Smith from time to time but I think you have just said you resigned to him or you told him or you gave him the letter?

MR PAUL AGRIZZI: That is correct.

CHAIRPERSON: What was he at Bosasa?

MR PAUL AGRIZZI: Doctor Smith was one of the founder members and he was an elderly man. He is a professor and he had been from the onset – the start of Meritim Hostels which then was bought out and he was wise and I liked his – the way he dealt
20 with us.

CHAIRPERSON: Yes.

MR PAUL AGRIZZI: And even though I was senior than him I went to him for advice.

CHAIRPERSON: Yes okay.

MR PAUL AGRIZZI: So I just – because he was running the payroll I left my resignation with him and I said to him I am not – you will not see me again.

CHAIRPERSON: Yes okay. And what was his reaction?

MR PAUL AGRIZZI: Well he – he was – he is two minds. He says you know I want to see you happy and I want to see you go.

CHAIRPERSON: Okay thank you.

MR PAUL AGRIZZI: And the fact of the matter is that you know he was a bit concerned but he wanted to see me happy as well he told me that. And I – so I resigned and I switched off my phone for two weeks.

CHAIRPERSON: Thank you.

ADV PAUL PRETORIUS SC: The day after you had left Bosasa did you receive any
10 telephone calls?

MR PAUL AGRIZZI: My phone was off Chair but it was incessant. My wife would get calls. Then I put my phone on then all the messages come through so it was – it was just a barrage of interruptions and messages. You know you have been chosen by God to lead with me and all this stuff to try and get me back there.

ADV PAUL PRETORIUS SC: Did you accept a call after a period of two weeks?

MR PAUL AGRIZZI: After two weeks I did take a call probably the biggest mistake I ever made. But I refused to see Gavin Watson.

ADV PAUL PRETORIUS SC: From whom was this call?

MR PAUL AGRIZZI: It was from Brian Biebuyck, the attorney. Brian Biebuyck pleaded
20 with me to have a meeting with Gavin Watson. He wanted me to meet with him and to sort things out. And I said to him I said “I do not want to meet.” I was not interested in meeting. And he said “no I have to meet there are issues that we need to deal with.” And he cautioned me he said “listen you better stick together with Gavin Watson otherwise you are all going to end up in jail.” That was the threat that was always meted out to us. So I refused to meet with him. I just said “look I am not going to meet

with him.” The next minute Cheeky Watson, Daniel Cheeky Watson arrived at my house and started talking to me. Do you want me to carry on?

ADV PAUL PRETORIUS SC: Was that the conversation that you refer to in paragraph 51?

MR PAUL AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: Tell the Chair about that please?

MR PAUL AGRIZZI: In 51 let me explain Chair. That I was confronted by Cheeky. I was told “listen you better take the reins at Bosasa I want you back in the seat. There is a wellbeing of four a half thousand or five thousand employees that are dependent
10 on you. You better go and help. You better start working. Gavin has agreed that he will remedy his old ways.” This is as it happened. He says and he said “you know what you take over now alright Gavin is getting – he is an old dog” he said “and he needs to go home and as long as he is there there is going to be problem.” So he said “you come back and I am going to make sure that you are looked after.” So he made a substantial offer, a retainer and a shareholding agreement. So what the agreement entailed was a ten year retention agreement and it entailed probably earnings of about R12m per annum plus a lump sum payment, plus bonuses every year, plus shareholding in the company as well. So there was shareholding in one of the companies called Lamozezt which literally is where all the dividends go anyway.

20 **ADV PAUL PRETORIUS SC:** Just spell that please?

MR PAUL AGRIZZI: L-a-m-o-z-e-s-t.

ADV PAUL PRETORIUS SC: Just before you go on. You have resigned you then for two weeks refused to take calls despite many calls being made to you on behalf of the Watson brothers amongst others. You then receive a visit from Daniel or Cheeky Watson.

MR PAUL AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: You have a conversation with him and he makes certain offers to you which would involve your return to Bosasa and you have just stipulated some of the terms and conditions of that return encapsulated in the offer by Cheeky Watson, correct?

MR PAUL AGRIZZI: I – does – do I have to repeat them?

ADV PAUL PRETORIUS SC: No you do not. You just...

MR ANGELO AGRIZZI: Okay so basically [intervenes].

ADV PAUL PRETORIUS SC: Sorry I just want to ask you what was the approximate
10 value of the offer that was made to you, do you know?

CHAIRPERSON: Well before he says that I – he must just confirm – Mr Agrizzi you must confirm. I think Mr Pretorius skipped another event that you mentioned in that sequence namely the attorney's call to you before the visit by Mr Cheeky Watson.

MR PAUL AGRIZZI: That is correct.

CHAIRPERSON: Okay, alright.

MR PAUL AGRIZZI: I think the total value of the contract Chair was about quarter of a billion rand.

CHAIRPERSON: Per annum or?

MR PAUL AGRIZZI: For the ten years.

20 **CHAIRPERSON**: Over ten years?

MR PAUL AGRIZZI: Yes.

CHAIRPERSON: Okay. Now you mentioned here Mr Cheeky Watson and you may have mentioned him once or so earlier I am not sure in the statement.

MR PAUL AGRIZZI: Yes.

CHAIRPERSON: What was his position if any in Bosasa? I know from what you have

said that he was Mr Gavin Watson's brother but was he a director at Bosasa or what was he?

MR PAUL AGRIZZI: No. No he was just – me and him had a fair relationship and I did not want to see Gavin Watson at all and they sent him because of the – we had a fair relationship. I would not say it was a brilliant relationship. It was very business-like at the most of times but you know they sent him to negotiate with me. And it was a negotiation Chair. They literally put the offer on the table and said to me “do you want this or do you want to negotiate?” and I accepted it out of good faith. I did not negotiate.

10 **CHAIRPERSON**: Oh so this – this – he had no formal position or position in Bosasa as such?

MR PAUL AGRIZZI: Nothing.

CHAIRPERSON: But he came to you on this occasion.

MR PAUL AGRIZZI: Yes.

CHAIRPERSON: To – at the request of or on behalf of Mr Gavin Watson?

MR PAUL AGRIZZI: That is correct.

CHAIRPERSON: And he made the offer that you have told me about?

MR PAUL AGRIZZI: Brian Biebuyck actually did the offer.

CHAIRPERSON: Sorry?

20 **MR PAUL AGRIZZI**: Brian Biebuyck actually – the attorney.

CHAIRPERSON: Ja.

MR PAUL AGRIZZI: Did the offer with Gavin Watson.

CHAIRPERSON: Yes.

MR PAUL AGRIZZI: And they sent it via Cheeky to me.

CHAIRPERSON: Yes.

MR PAUL AGRIZZI: And I looked at it and I accepted it. I did not negotiate. I did not – I was not interested. You know Chair sometimes you can horse trade and that I am not like that. They put something in front of me and I signed it.

CHAIRPERSON: Yes.

MR PAUL AGRIZZI: Obviously I read it.

CHAIRPERSON: Yes.

MR PAUL AGRIZZI: But I could have probably said listen I want R300m for the contract.

CHAIRPERSON: Yes.

10 **MR PAUL AGRIZZI**: And they were happy with – I was happy with what they offered me in the contract. That is why it is not a secret to anybody.

CHAIRPERSON: Was it the attractive terms of the proposed agreement that made you change your mind about not wanting to continue at Bosasa or by the time they put the offer to you you had had second thoughts? What was the position?

MR PAUL AGRIZZI: You know what – you know what made me make the decision to go back? Was because I was told Gavin Watson would allow you to take the reins. We can get rid of this A political corruption that – this political corruption that is taken place and we can fix it up and we can become A Political as a company. Now that is what interested me. Because that is all I had been fighting for all those years.

20 **CHAIRPERSON**: Okay. Thank you.

ADV PAUL PRETORIUS SC: Well you may have been fighting for it you were doing the opposite though. You were participating in the what you term political activities of the company?

MR PAUL AGRIZZI: I do not dispute that.

ADV PAUL PRETORIUS SC: Alright. Let us just get back to this meeting with Cheeky

Watson because it is not clear at least to me from your statement. This meeting would have happened some time during August or shortly after the end of August 2016, is that correct?

MR PAUL AGRIZZI: No it happened – ja I need to check in the annexures. I think it was about the 12 August 2016.

ADV PAUL PRETORIUS SC: Alright. The meeting with Cheeky Watson was it a verbal offer involved in that meeting or did he present to you a written document to sign?

MR PAUL AGRIZZI: He presented me with a written document.

ADV PAUL PRETORIUS SC: And you say you signed it for amongst other reasons the
10 fact that Gavin Watson had apparently resolved to put an end to the old manner of operation of the Bosasa companies?

MR PAUL AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: It was in addition from a monetary point of view an attractive offer?

MR PAUL AGRIZZI: I think more attractive to me was the shareholding than the financial value because the shareholding would have given me rights.

ADV PAUL PRETORIUS SC: Alright okay. Did you return to Bosasa?

MR PAUL AGRIZZI: Yes.

ADV PAUL PRETORIUS SC: Pursuant to signature of this agreement?

20 **MR PAUL AGRIZZI**: Yes I did.

ADV PAUL PRETORIUS SC: Alright before you go on please. In the beginning of your statement – I must just find the paragraph. You refer to two agreements. Do you recall that?

MR PAUL AGRIZZI: I do.

ADV PAUL PRETORIUS SC: I just want to find it please. Just bear with me.

Paragraph 6.28 on page 8. You have told the Chair that on or about 25 August 2016 you entered into a settlement agreement which is Annexure B.

MR PAUL AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: That secured your re-employment with the business for a period of ten years after you had resigned?

MR PAUL AGRIZZI: Yes it was signed.

ADV PAUL PRETORIUS SC: Is that the agreement you are referring to?

MR PAUL AGRIZZI: That is the agreement, correct.

ADV PAUL PRETORIUS SC: And you signed that at the instance of Cheeky Watson?

10 **MR PAUL AGRIZZI**: Correct.

CHAIRPERSON: What page is that Mr Pretorius – the agreement?

ADV PAUL PRETORIUS SC: Page 8. The agreement itself is Annexure B but the reference to the agreement is at page 8 of the statement at paragraph 6.28.

CHAIRPERSON: Okay I just want the actual?

ADV PAUL PRETORIUS SC: The actual agreement.

CHAIRPERSON: Agreement because I did look for it.

ADV PAUL PRETORIUS SC: Chair is at page 116 to 135.

CHAIRPERSON: Thank you.

ADV PAUL PRETORIUS SC: Subsequent to signing the agreement did you return to
20 Bosasa?

MR ANGELO AGRIZZI: I did.

ADV PAUL PRETORIUS SC: Did you make any presentation pursuant to the agreement and your understanding of its terms?

MR PAUL AGRIZZI: Yes I did Chair. If I can explain to you what happened was I was given a Professor from Wharton University or a lecturer at Wharton University that

worked with me on doing a – on re-engineering and drafting a document to do a turnaround strategy.

ADV PAUL PRETORIUS SC: How was this presentation received?

MR PAUL AGRIZZI: It was exceptionally well received.

CHAIRPERSON: I am sorry you said you were given a professor?

MR PAUL AGRIZZI: From Wharton University to work with.

CHAIRPERSON: Yes to help you do what?

MR PAUL AGRIZZI: To restructure and re-engineer the company.

CHAIRPERSON: Oh pursuant to this agreement?

10 **MR PAUL AGRIZZI:** Yes.

CHAIRPERSON: Okay.

ADV PAUL PRETORIUS SC: Wharton is a university in the United States so I understand spelt W-h-a-r-t-o-n?

MR PAUL AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: You say your presentation was well received did that include Gavin Watson?

MR PAUL AGRIZZI: Most definitely he was over the moon by the strategy and the way we were going to take it forward.

ADV PAUL PRETORIUS SC: What happened subsequently in November 2016?

20 **CHAIRPERSON:** Maybe before that in terms of this presentation.

MR PAUL AGRIZZI: Yes Chair.

CHAIRPERSON: Or your proposal as to how to take Bosasa forward did that document contemplate that there would no longer be these payments of bribes and so on?

MR PAUL AGRIZZI: Correct Chair.

CHAIRPERSON: Okay alright. Thank you.

ADV PAUL PRETORIUS SC: You were telling the Chair about and?

MR PAUL AGRIZZI: Well Chair.

ADV PAUL PRETORIUS SC: November 2016.

MR PAUL AGRIZZI: Sorry I am just getting to my notes. Sorry. So in November 2016
[intervenes].

CHAIRPERSON: Or maybe before you get there again.

MR PAUL AGRIZZI: Yes Chair.

CHAIRPERSON: Around about when in the year was it when this presentation was
10 made?

MR PAUL AGRIZZI: It was in early September Chair.

CHAIRPERSON: Yes.

MR PAUL AGRIZZI: The first two weeks in September – the second two weeks in
September.

CHAIRPERSON: Yes and subsequent – or did this proposal that you made did it
contemplate that implementation would start soon or was implementation to start quite
sometime in the future?

MR PAUL AGRIZZI: The implementation would start happening from November,
December, January, February and various – I mean we had very high powered
20 individuals there who could assist us.

CHAIRPERSON: Okay.

MR PAUL AGRIZZI: Employees that were brilliant minds that could assist us.

CHAIRPERSON: Yes. Okay thank you.

ADV PAUL PRETORIUS SC: You were about to tell the Chair of what happened in
November 2016?

MR PAUL AGRIZZI: Well.

ADV PAUL PRETORIUS SC: We are at paragraph 51.4 of your statement.

MR PAUL AGRIZZI: Yes I am just – sorry I am looking for a reference point and something else. Sorry Chair. In November 2016 I just came to realise that he is not being sincere with me and what he promised.

CHAIRPERSON: That is Mr Gavin Watson?

MR PAUL AGRIZZI: That is correct. And there is something wrong because he was not happy as he knew that you know that I was making changes and I then demanded I said look it my son's wedding on the 27th I knew he was at the – going to be at the
10 wedding and I then the day after sent him a message and said "listen here we need to sort out this shareholding?"

ADV PAUL PRETORIUS SC: What shareholding?

MR PAUL AGRIZZI: That is shareholding that I was promised in terms of my agreement to come back on the retention.

ADV PAUL PRETORIUS SC: That was important to you, you told the Chair?

MR PAUL AGRIZZI: It was important Chair because once you have shareholding you know as well as I do that you then can call for reasons and you can make it a little bit more difficult to do these type of things. So you can start raising concerns.

CHAIRPERSON: Between – between your return to Bosasa in terms of that agreement
20 that you concluded with Mr Watson for going back to Bosasa.

MR PAUL AGRIZZI: Yes Chair.

CHAIRPERSON: Between your return to Bosasa and November 2016 other than the presentation that sought to show how you would take Bosasa forward were there any aspects of that agreement that were implemented or were contemplated would be implemented in the meantime during that period and were they implemented?

MR PAUL AGRIZZI: Chair everything was implemented except the shareholding. He held back on that.

CHAIRPERSON: Okay thank you.

ADV PAUL PRETORIUS SC: Thank you Chair. Did Mr Watson that is Mr Gavin Watson respond to your demand for the transfer of shares or the registration in your name of the shares he promised?

MR PAUL AGRIZZI: I am trying to – I am trying to put this nicely. He was not happy. He said you know it is turbulent times and that and he did not want to do it because he knew exactly where it was going Chair. He knew that if I had the shareholding that was
10 in the agreement basically there would not be much corruption that could take place. Because the cash and that type of thing you would not be able to get it out.

CHAIRPERSON: Did you think that at this stage after you had returned Mr Gavin Watson believed that you no longer wanted to be involved in corruption and you never – you no longer wanted the company to be involved in corruption?

MR PAUL AGRIZZI: Ja. Yes Chair he knew it. Because I tell you why I say that. Because myself and one of my colleagues were talking and I am sure somebody overheard it and told him that I was – I personally had had enough. And I know it is the easy way to say oh well now you saying this but I have not been caught. I did not need to come here. I did not need to open this thing up.

20 **CHAIRPERSON**: Thank you.

ADV PAUL PRETORIUS SC: Was anything said in your turnaround strategy and the presentation of that in the two sessions you have referred to a moment ago about a change in character of the manner in which the company did business and expressly about a cessation of corrupt activities?

MR PAUL AGRIZZI: Well I think the – the whole thing in the turnaround strategy was to make it more focussed on non-governmental business and get away from the governmental type business which indicates that you know you do not want to get involved with corruption. And quite simply because corruption does not really happen well I suppose it happens in every single entity but it is less so in the private sector. Where I thought there was opportunities was a sector where I believed that there would be minimised corruption allowed as well.

ADV PAUL PRETORIUS SC: Alright so you say as I understand it, it was not said expressly in your presentations it might have been implied?

10 **MR PAUL AGRIZZI**: It was implied. It was implied I can tell you what was implied that we become A political as a company.

ADV PAUL PRETORIUS SC: A political?

MR PAUL AGRIZZI: Correct.

CHAIRPERSON: Of course you did give evidence and you must tell me if my recollection of your evidence is not correct. You did say that in the early years after you had joined Bosasa or Jumbo as it was called.

MR PAUL AGRIZZI: Correct.

CHAIRPERSON: Initially the Jumbo had been involved in some corruption in regard to contracts that it had obtained from private companies, mining companies and so on or
20 did I misunderstand your evidence?

MR PAUL AGRIZZI: It was obtained through corrupting people, you are a hundred percent right.

CHAIRPERSON: Yes okay thank you.

ADV PAUL PRETORIUS SC: Leave aside your belief as to what was going on in Gavin Watson's mind that is something that will arise from an analysis of all the

evidence and probabilities and further questioning. If Mr Watson himself give evidence. His response to your demand for shareholding as I understand it was it to refuse to pay you or just to fudge the issue and delay payment?

MR PAUL AGRIZZI: It was not about payment of shares. It was about actually getting the shares certificates. I think that is the important part. And he just delayed and delayed and delayed and delayed.

ADV PAUL PRETORIUS SC: And that is the shareholding that you?

MR PAUL AGRIZZI: That is correct yes.

ADV PAUL PRETORIUS SC: You say at a stage and I am referring to 51.5 –
10 paragraph 51.5 of your affidavit. You were requested by Gavin Watson to make a payment.

MR PAUL AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: Do you – can you remember to whom this payment was to be made?

MR PAUL AGRIZZI: Well this was a normal delivery that needed to take place to a specific person that he would normally make the payment to. I cannot remember the exact person. What happened was I got sick then and I – I do not know who the person person was.

ADV PAUL PRETORIUS SC: Well let us – let us just deal with your statement step by
20 step. How much was involved?

MR PAUL AGRIZZI: R265 000,00.

ADV PAUL PRETORIUS SC: Again a cash payment?

MR PAUL AGRIZZI: Yes.

ADV PAUL PRETORIUS SC: In a security bag?

MR PAUL AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: Why did you not just say look that is over we are not making these payments anymore?

MR PAUL AGRIZZI: You know I did – I suppose maybe you get to a point where you do not want to confront people so you do not want to get into a confrontation. It is before Christmas. It is you know I was not feeling well at all. I did not want to get into an argument.

ADV PAUL PRETORIUS SC: Objectively speaking your acceptance of the money and presumably of the instruction and I will come to whether it was carried out. There is an objective fact indicating that really nothing had changed at all?

10 **MR PAUL AGRIZZI:** I cannot dispute that with you.

CHAIRPERSON: But also I see you remember the amount but you do not remember the name.

MR PAUL AGRIZZI: I do not.

CHAIRPERSON: But there are lots of amounts and names that you have remembered that you have told us about over the past what two weeks now?

MR PAUL AGRIZZI: Chair I was given the bag and I was told the person's name and I was – my mind was not there. I put it in the boot of my car. We were standing outside in the carpark and I was given the black bag, I threw it into the boot of my car. I was supposed to do a delivery on the 23rd or something because the person was away and I
20 cannot remember the guy's name now.

ADV PAUL PRETORIUS SC: 23rd of?

MR PAUL AGRIZZI: Of December.

ADV PAUL PRETORIUS SC: No it cannot be – are you sure 23 December?

MR PAUL AGRIZZI: I think it was the 23 December. I was supposed to do the delivery and I just never did the delivery.

ADV PAUL PRETORIUS SC: Alright. We will come to your state of health at this stage because it is relevant on your statement and your version to a later decision you made and its timing. Did you go on leave on the 15 December 2016?

MR PAUL AGRIZZI: I stopped working on the – yes that is correct.

ADV PAUL PRETORIUS SC: Right. Just one question before I ask the Chair to adjourn. Somewhere in the public domain and I do not have the press article to hand is an allegation that you stole money from the company? Could that allegation be related to the fate of this amount of R265 000,00 or not?

MR PAUL AGRIZZI: Chair I was thinking about it during the lunch break. I have to see
10 that allegation because if there is such an allegation I would like them to deal with it and bring it to me because I – it is the first time I have seen it. Secondly it is very easy to say I stole money because well in theory gee everything you have seen here or the black book I could have stolen. Not to say I paid it over to anybody so it is easy now to turn around and say I stole it. And the question I have is if you are running a credible business it has been now two years going that I am not there why did you not report me on a criminal matter?

ADV PAUL PRETORIUS SC: Alright perhaps that detail will emerge in due course. A straight forward question I want to ask you in relation to this money, this amount of R265 000,00. Did you keep it or did you return it?

20 **MR PAUL AGRIZZI:** It was locked in my safe. Gavin Watson collected it.

ADV PAUL PRETORIUS SC: Is this a convenient time. Chair we are at page 98 and the statement concludes in about seven or eight pages. If there are any matters that delay completion tomorrow may I suggest that we just sit until we finished tomorrow?

CHAIRPERSON: Ja no I am sure we will finish tomorrow. I had reservations whether we would finish tomorrow but seeing where we are now I am sure we will finish tomorrow with Mr Agrizzi.

ADV PAUL PRETORIUS SC: I will do my best to make sure it happens.

CHAIRPERSON: Your request is for tomorrow not for today hey? Your request for us to sit and finish?

ADV PAUL PRETORIUS SC: Yes tomorrow Chair because there are certain logistical matters that need to be dealt with.

CHAIRPERSON: Ja. Okay. Should we – should we not start earlier tomorrow?

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

CHAIRPERSON: Well let me say [intervenes].

ADV PAUL PRETORIUS SC: Obviously I am not entirely in control of proceedings as you know.

CHAIRPERSON: Yes. No, no. Well let me not [intervenes].

ADV PAUL PRETORIUS SC: But we will finish let us start at ten o'clock.

20 **CHAIRPERSON**: Let me not ask for your – a formal – for your response now but I am considering and I would like to hear from the legal team. I am considering that we should possibly begin to start earlier than ten o'clock and maybe finish at five instead of four. I am serious that we should try and as far as possible finish the hearing of evidence, oral evidence at some stage this year in regard to the work of this commission. There may be challenges but I would like us to try and do what we can. I know that sometimes we do need some time in the morning to deal with certain things and I will take that into account. Reflect on that and then we can talk in due course to see whether there would be any insurmountable challenges if we were to do that.

ADV PAUL PRETORIUS SC: Chair subject to one reservation we have an application set down for ten o'clock tomorrow. It should not take very long.

CHAIRPERSON: Yes, no what I have just said is more in general terms as opposed to tomorrow but I would like if possible to start early tomorrow if you say from the legal team particularly from yourself maybe half past nine that would be fine. Then we could – if we are able to start with that application and if – that is if the lawyers involved can be informed and they can make it earlier then we do it. If not we deal with it at some stage in the course of the morning. But if there are going to difficulties we stick to ten o'clock and we start with that application. When we finish we continue with Mr Agrizzi
10 but in relation to just generally the times for starting and the times for finishing please reflect on that and we can talk in due course. So what is your feeling as to whether half past nine might be fine tomorrow. As I said if it is going to be problematic especially coming as late as it is coming now then we can stay with ten o'clock.

ADV PAUL PRETORIUS SC: Chair we will try and contact the legal representatives concerned.

CHAIRPERSON: Might be problematic.

ADV PAUL PRETORIUS SC: To start early tomorrow, half past nine. If that is not possible.

CHAIRPERSON: Okay.

20 **ADV PAUL PRETORIUS SC:** Then we start at ten.

CHAIRPERSON: Okay alright.

ADV PAUL PRETORIUS SC: But we will continue until the completion at least of this witness' evidence and try and line up a further witness.

CHAIRPERSON: Ja that is – that is fine ja.

ADV PAUL PRETORIUS SC: And I am leading that witness so I am not mad – madly keen on going until five on the 10th day of evidence but.

CHAIRPERSON: I am sorry for I think the aircon – the noise of the aircon behind me is drowning your voice now.

ADV PAUL PRETORIUS SC: Well perhaps that is just as well Chair.

CHAIRPERSON: Okay alright.

ADV PAUL PRETORIUS SC: Can we adjourn tomorrow and we will notify you of the start time?

10 **CHAIRPERSON:** Well shall we say we will resume at ten tomorrow? Because the lawyers know about ten o'clock.

ADV PAUL PRETORIUS SC: They do know about ten o'clock Chair and I understand one lawyer travels to get here so perhaps we should just settle on ten? Perhaps we should just settle on ten o'clock.

CHAIRPERSON: Yes, yes, ja.

ADV PAUL PRETORIUS SC: Thank you Chair.

CHAIRPERSON: Okay we are going to adjourn now. We will resume at ten o'clock tomorrow morning. We adjourn.

ADV PAUL PRETORIUS SC: Thank you Chair.

MR PAUL AGRIZZI: Thank you Chair.

20 **MEETING ADJOURNS**