

COMMISSION OF INQUIRY INTO STATE CAPTURE

HELD AT

PARKTOWN, JOHANNESBURG

10

29 JANUARY 2019

DAY 42

20

PROCEEDINGS HELD ON 29 JANUARY 2019

CHAIRPERSON: Good morning everybody, good morning Mr Pretorius.

ADV PAUL PRETORIUS SC: Morning, Chair. Chair, before you is an application made on behalf of Mr H A Gupta. The application is to cross-examine Mr Trevor Manuel who is due to give evidence before the Commission in due course. Counsel will appear on behalf of the applicant Mr Hellens and on behalf of Mr Manuel Mr Budlender will appear. Then Ms Nxobashi will make legal submissions to the extent appropriate and necessary at the end of submissions.

CHAIRPERSON: That is fine thank you.

10 **ADV PAUL PRETORIUS SC:** Thank you, Chair.

CHAIRPERSON: Mr Hellens?

ADV MIKE HELLENS: Thank you, Chair. I have prepared some brief heads of argument which I might perhaps be given leave to hand up.

CHAIRPERSON: Yes, thank you.

ADV MIKE HELLENS: Just by way of introduction for those who do not have papers before them such as the public I will just briefly sketch the situation that brings me here and then get to the heart of the argument. On 31 October last year correspondence was addressed to Mr Abdul Gupta ...[indistinct] attorneys. It was indicated that due to the fact that you are or may be implicated by the evidence of Mr Manuel you are
20 entitled to attend the hearing at which that evidence would be presented.

And the allegation is essentially unlawfully interfered with the appointment of Mr Filile Mbalula as a Minister. The invitation is to Mr Abdul Gupta to give evidence and to apply to cross-examine. Mr Abdul Gupta did not so apply, but Mr Ajay Gupta applied because he is aware according to his evidence that he congratulated Mr Mbalula on his appointment as a Minister of State. He is aware that it was not his brother, but he does

not admit that – he congratulated him on, but he does not admit that he congratulated him on being appointed as Minister of Sport. We know from press reports that Mr Mbalula himself says it was not Mr Abdul it was Mr Ajay.

Now there is an argument that we may get to between the difference between Rule 3(4) and Rule 6, but representing Mr Ajay Gupta and as against a background of a ruling that you have already made I have to address you as to why I can go any further given your ruling.

CHAIRPERSON: Yes.

ADV MIKE HELLENS: Now the attitude of Mr Ajay Gupta which you previously found
10 to be not satisfactory was that and on our instructions he views the NPA and the police, the HAWKS as being less than competent and he drew to your attention the failed legal proceedings of an asset forfeiture nature where they completely misunderstood banking and the facts at their disposal and which launched a much publicised raid, arrest, stringent bail conditions for parties, much fan fair in the press, all very detrimental to the Gupta family and the so called Gupta companies and in effect we predicted through our clients that all of this would come to nothing and that would be demonstrated as to the accuracy according to our instructions of the abilities of the NPA and the HAWKS.

What has developed since then is that not with a bang, but a whimper that all came to an end with all those charges withdrawn, people's liberty interfered with for
20 nothing, opposition to them travelling overseas, all for nothing, the charges are gone. They are said to be gone provisionally, but we know that all charges are withdrawn provisionally so that is a meaningless statement.

Against that background and against this submission I am instructed to ask you, everyone has absorbed and observed the progress of the Commission. No one has yet been cross-examined. There has just been a – if you like a one sided

presentation of evidence. In order qualitatively to assess the validity of all of this evidence in particular just for example the dramatic evidence taking place at the moment someone will have to test the voracity of that evidence.

In relation to the Gupta's though pertinently he will be unassisted if there is no cross-examination on their part. Presumably the legal representatives if they appoint will have the skill to cross-examine, even in the narrow confines it may be imposed, but can only do so on instructions. You will not test that validity of that evidence and your finding at the end will be a limping one.

So what is the difference between when you last ruled and now? Our
10 prediction by our client that all of this will come to nothing, that those powers that can interfere with freedom of movement, possible imposition of temporary imprisonment for a short or long period by means of opposed bail application have been shown not to have the ability.

CHAIRPERSON: If I remember well Mr Hellens I said in my previous ruling in relation to the application for leave to cross-examine that Mr Ajay Gupta, Mr Abdul Gupta had brought, I said that I would have absolutely no hesitation in granting them leave to appeal to cross-examine if they overcame the hurdle that we had in that matter in that application. I think that is what I said in the light of the allegations against them.

So it is not a situation where in regard to them, it is not a situation where
20 there is doubt that I would grant them leave if that hurdle were to...[intervenes]

ADV MIKE HELLENS: The hurdle is their undertaking to come back here and give evidence in person. That hurdle remains.

CHAIRPERSON: Yes.

ADV MIKE HELLENS: We say that the hurdle is a much smaller hurdle which in your discretion you can hop over in the light of the fact that what they said would happen has

happened. There has been a completely incompetent prosecution of all of these people costing them enormous time, travel, financial cost, embarrassment all for nothing.

So that is essentially the position coupled with I am sure from the dawn of this Commission you have always realised that evidence would have to be tested in cross-examination, but as the Commission has ground on and as certain people have faulted perhaps even in-chief or looked dubious in the witness box we would urge upon you to recognise the valuable tool that cross-examine would be – cross-examination would be in the hands of someone with information with which to cross-examine, a
10 version and a tender of course again is made of the video conferencing evidence.

But their attitude remains and they say fortified by the demonstrating failing of the Astina dairy matter. So that is a starting point.

CHAIRPERSON: Yes.

ADV MIKE HELLENS: So from there we would go into the balance of the argument which involves Rule 3(4), 6, Mr Abdul Gupta not being here, Mr Ajay Gupta being here.

CHAIRPERSON: Yes.

ADV MIKE HELLENS: But it seems to me that this Commission has substantial work to do.

CHAIRPERSON: Yes.

20 **ADV MIKE HELLENS:** And if we do not pass this hurdle.

CHAIRPERSON: Yes.

ADV MIKE HELLENS: The rest is academic.

CHAIRPERSON: Yes. No, no, I think that would be certainly prudent use of our time. As we speak I do not see that there is anything that would make me go against the ruling that I have made. So I do not know whether in regard to that you have anything

further to say.

ADV MIKE HELLENS: No, Mr Chairperson, on that narrow and yet wide issue I have coupled today's argument with my previous argument with a brief analysis of your previous ruling.

CHAIRPERSON: Yes.

ADV MIKE HELLENS: And if your ruling remains the same...[intervenes]

CHAIRPERSON: Yes.

ADV MIKE HELLENS: Then I am debarred from addressing you further.

CHAIRPERSON: Yes, okay, alright, no thank you very much.

10 **ADV MIKE HELLENS**: Thank you, Mr Chair.

CHAIRPERSON: Thank you.

ADV GEOFF BUDLENDER: Chair, I do not know whether you wish to hear me. I will do it myself as to the matter that you discussed with my learned friend.

CHAIRPERSON: Well I wanted to say that you have heard what I just said. I have serious doubts that you want me to change that view.

ADV GEOFF BUDLENDER: May I just say one thing to reinforce that view, Chair?

CHAIRPERSON: Yes.

20 **ADV GEOFF BUDLENDER**: The only reason which our learned friend gives us as to why you should change your view is that the prosecution has been stopped whether temporarily or otherwise. With respect all that does is vindicate the correctness of what you said right on the outset that people who were arrested have the right to appear before the courts and the courts will do their job and people who are wrongly arrested will be released and so it is not a matter what Mr Gupta says has been vindicated by the events, what you said has been vindicated by the events and we submit that there is no reason at all for you to change your ruling.

In a case where unlike in a previous case Mr Gupta is not even implicated in the State evidence that was given and he actually has no personal knowledge of what happened at the meeting in question. This is a weaker application than the previous one and nothing we submit has changed, which ought to lead you to change your view. Thank you, Chair.

CHAIRPERSON: Thank you.

ADV LEAH GCABASHE: Thank you, Chair.

CHAIRPERSON: Yes, Ms Tabasha I guess you have nothing to say.

ADV LEAH GCABASHE: Absolutely I simply thought that I will come up and say that
10 we abide by that ruling.

RULING

CHAIRPERSON: Okay, no that is alright. I have heard the application by Mr R J Gupta for leave to cross-examine Mr Manuel. Mr Hellens who appeared on his behalf presented argument in relation to the basis on which I previously dismissed his application for leave to cross-examine in the ruling that I made in September last year. Having listened to him I am of the view that there is no basis for me to grant Mr R J Gupta leave to appeal to cross-examine, because the hurdle which stood in his way in terms of that judgment remains. Because of that it is unnecessary to deal with other arguments and Mr Hellens acknowledged this. In the circumstances the
20 application is **DISMISSED**.

ADV PAUL PRETORIUS SC: Thank you, Chair.

CHAIRPERSON: Thank you. You ask for a five minutes adjournment so that we can break?

ADV PAUL PRETORIUS SC: May we make it 10? There are one or two housekeeping matters to deal with and logistical matters to deal with before we resume, Chair.

CHAIRPERSON: Okay, it is now about 10:21 shall we resume at 10:30?

ADV PAUL PRETORIUS SC: Thank you, Chair.

CHAIRPERSON: We will adjourn and resume at 10:30.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Yes, Mr Pretorius?

ADV PAUL PRETORIUS SC: Thank you, Chair. If the, Chair, would bear with me one moment please.

CHAIRPERSON: Thank you. Good morning Mr Agrizzi.

10 **MR ANGELO AGRIZZI:** Good morning, Chair, are you well?

ADV PAUL PRETORIUS SC: Morning Mr Agrizzi.

MR ANGELO AGRIZZI: Morning adv Pretorius.

CHAIRPERSON: Thank you.

ADV PAUL PRETORIUS SC: You have told the, Chair, yesterday Mr Agrizzi that you went on leave on 15 December 2016?

MR ANGELO AGRIZZI: That is correct, Chair.

ADV PAUL PRETORIUS SC: Did you meet with Dr Jurgen Smith on 16 December 2016 and we are at paragraph 51.7 of your affidavit?

20 **MR ANGELO AGRIZZI:** Sorry, Chair, I just need to go back a bit. Chair, it is correct, I, what happened was I got a call from Dr Smith and he was – he had cancer of the lungs and he asked me to come around and see him, because he was like a mentor to me as well I decided I was going to go see him and we were sitting there and I recall vividly what he was discussing with me.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: And we were going through what he had achieved in life and

that, but more importantly reiterated to me a dream that he had and he was on clouds and he was explaining to me what he was looking down on and that, but his biggest concern and he asked me, he said you know Angelo, my biggest concern is – he was always a very – he had a doctoral in business administration, he was concerned about the people's business funds and the people's provident funds and on previous occasions people had tried to get involved with the pensions, the insurances and that type of thing.

So he asked me please that I need to check up, because he trusted me to make sure that everything went fine with the pension funds. He did not trust anybody
10 with it and even though there were trustees and that, the issue that he had was that he felt that the only thing that was standing between Gavin and getting to the pension funds and upsetting the people was myself, because I started standing up.

And he says that at that stage already although it was pleaded that I come back and sort out things it was not very sincere, he said there was an agenda behind everything and that is basically what happened there. What he did say to me and what he reiterated a few times was that the idea was also to pin all the corruption on myself and on a few individuals.

ADV PAUL PRETORIUS SC: And in respect of your own health what happened in the latter part of December 2016?

20 **MR ANGELO AGRIZZI:** Because it was my son's wedding and by the way I had a little granddaughter yesterday.

CHAIRPERSON: Oh, congratulation Mr Agrizzi.

MR ANGELO AGRIZZI: Yes, she is very healthy and very good.

ADV PAUL PRETORIUS SC: Congratulations.

MR ANGELO AGRIZZI: Thank you, I am very proud of her. I got – I did not feel well, it

was my son's wedding and I did not want to be a burden on anybody in my family. On the 25th after I had Christmas lunch I had planned it in my mind that I would book myself into Life hospital. I walked into Life hospital and they said to me that I have tumour on the heart and they had to do emergency procedure.

I actually had a meeting with all the Directors just before I went in, an hour before I went into surgery and they removed the tumour from my heart. They could not do normal surgery, but it was very serious. They actually called my family and said he is not going to make it. So I went through a coma, I was in a coma, I was on life support and it did not look very good.

10 But when I came out of the coma the doctor actually gave me a rendition and unfortunately he is not here, but it would need to come from him, but the doctor said that he was very concerned. He went to my wife and he said to her, do you not think it is a bit inappropriate right now? He is still in a coma to claim on his key man insurance?

And my wife said, but I have never done that. Then transpired from the broker that Gavin Watson had tried to claim on my life insurance while I was still in a coma. So I made up my mind then already to leave. I was not going to go. I just could not face somebody who would do something like that and I went on a family break to recover.

20 I went away, with myself and my family, went away on a break and on my return I received a call from Brian Biebuyck the attorney and basically he said that Watson wanted to terminate the ten year agreement and that he was making an offer for an alternative. And at that stage I was pretty chuffed, because I thought well at the end of the day I was worried about how am I going to now get out of this ten year agreement and one thing helped in the favour for me was that now that he offered me

another agreement.

Chair, I did not even debate, I did not even argue, I just said that is fine and I entered into a consultancy agreement which was maybe one tenth...[intervenes]

CHAIRPERSON: That is the same attitude you had adopted when Cheeky Watson came to make that offer on behalf of Mr Watson, is it not?

MR ANGELO AGRIZZI: Yes.

CHAIRPERSON: Okay.

MR ANGELO AGRIZZI: And as a matter of fact you know it is about a tenth of what the original agreement was and quite simply it has been used up by looking after 22 other
10 families that had been affected. Some of them you will see here in the upcoming days. There was a – you know the consultancy agreement has been cancelled now, there is nothing there, he did not adhere to the terms, he did not pay when he was supposed to and then I started receiving threats from...[intervenes]

CHAIRPERSON: Well you have not told...[intervenes]

ADV PAUL PRETORIUS SC: Before you go on...[intervenes]

CHAIRPERSON: You have not told us what the terms were of this new offer.

MR ANGELO AGRIZZI: The terms of the new offer were probably, you are looking for the value, Chair?

CHAIRPERSON: Yes.

20 **MR ANGELO AGRIZZI:** The value is about R10-million.

CHAIRPERSON: That being a lump sum?

MR ANGELO AGRIZZI: That was the value of the offer as it stands right now the total value is R10-million, he has not paid a cent since then.

CHAIRPERSON: Yes, but over what period or what?

MR ANGELO AGRIZZI: No, that was supposed to be over five years it was supposed

to be probably about 30 as opposed to quarter of a Billion.

CHAIRPERSON: And what were you supposed to do in return?

MR ANGELO AGRIZZI: No, it was just, sorry I do not understand?

CHAIRPERSON: He offered you something so that you could do something for him, what was that?

MR ANGELO AGRIZZI: Yes, I had to consult on business opportunities for them.

CHAIRPERSON: Oh, okay, thank you.

ADV PAUL PRETORIUS SC: If you go back please Mr Agrizzi to page 8 of your statement, affidavit, paragraph 6.28 and 6.29.

10 **MR ANGELO AGRIZZI**: Yes?

ADV PAUL PRETORIUS SC: What we referred to as the first agreement.

MR ANGELO AGRIZZI: The settlement?

ADV PAUL PRETORIUS SC: The settlement agreement.

MR ANGELO AGRIZZI: Yes.

ADV PAUL PRETORIUS SC: Is referred to and we have referred to in evidence yesterday in paragraph 6.28.

MR ANGELO AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: The full agreement is attached as Annexure B to your affidavit.

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

ADV PAUL PRETORIUS SC: The second agreement, what you have now referred to as the consultancy agreement is referred to in paragraph 6.29.

MR ANGELO AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: Its full terms are set out in Annexure C.

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: And it was an agreement concluded between yourself, Bosasa Operations Pty Limited and Concilium Business Consultants Pty Limited. Gavin Watson Leading Prospects Trading 111 were the parties.

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: And as I understand the agreement accepted your resignation from Bosasa Operations Pty Limited consequent upon your health issues and secured you as a consultant for Concilium Business Consultants Pty Limited and Leading Prospects Trading 111 Pty Limited.

MR ANGELO AGRIZZI: Correct.

10 **ADV PAUL PRETORIUS SC:** You told the, Chair, now that you started receiving threats and messages from unknown people. What was the content of these threats and messages or the import of those threats and messages?

MR ANGELO AGRIZZI: Let me just get to my notes please. In Annexure 7 I actually put in a complaint. There were two things that I wanted to do.

ADV PAUL PRETORIUS SC: Annexure Z?

MR ANGELO AGRIZZI: Z sorry, sorry. The two things I wanted to do, Chair, was number one highlight that I wanted to reveal everything and at the same time I wanted to make mention that I had threats. So I had threats from various people, various phone calls. Most destroying thing to anybody is getting phone calls that people are
20 going to look at your family and things like that in the middle of the night.

I put in a report to the HAWKS, apparently they investigate it, nobody ever came back to me and they apparently nollie prosecute it when I followed up. So you know there was nothing that I could do. As a matter of fact the day after I had seen the HAWKS I actually remember that day I also went to go see Mr Hofmeyr at the NPA to get his advice as well, but there is really, there is, there were unending threats. I do not

know if you want me to go through Annexure Z?

ADV PAUL PRETORIUS SC: It is not necessary to go through the detail of Annexure Z safe to confirm the fact that in fact these threats were made and messages were received from you, but I would just like you to summarise the period of time over which these threats were made?

MR ANGELO AGRIZZI: Okay.

ADV PAUL PRETORIUS SC: The content and whether anybody could be identified as having made the threat...[intervenes]

MR ANGELO AGRIZZI: Yes.

10 **ADV PAUL PRETORIUS SC:** Or whether you can help the, Chair, to know from where these threats came.

MR ANGELO AGRIZZI: Yes, Chair, the threats came directly from one of, well two of the Bosasa Directors, one of them being Jonas Gumede and there had always been animosity between myself and the other Director Papa Leshabane, but I accepted that. It was a bit of an issue with power play and that type of thing and I always had an issue with him, so I could understand a threat could come from him.

My concern with Joe Gumede one of the Chairpersons of Bosasa had turned and I was really concerned, because I could not understand how somebody could be like that. I mean he had eaten at my house, we had gone away on holidays together
20 overseas, we had spent time driving cars on the track together, will take him out with me to Clarence. His kids were always with us and I could not understand that he would turn around to Brian Biebuyck and say to Brian Biebuyck tell Agrizzi we do not want a funeral very soon, he knows what I am talking about.

And then I was given a recording of a meeting where openly he says, listen we will just open up the doors of Westville prison, let somebody out, let somebody take

him out and the recordings are there and the transcripts are there and you know he is gone or he will stop at the robot and they will throw petrol over his car and they will light it. These type of threats and it really worked me up, because I mean here is someone I worked with and developed a relationship for 19 years, so I was very annoyed with them. But none the less.

ADV PAUL PRETORIUS SC: Mr Agrizzi let us deal for present purposes with the threats. You may get an opportunity to later to deal with context and background. But for the moment you have mentioned two threats expressly, the first in relation to a contemplated funeral which should be avoided. Tell the, Chair, about that please?

10 **MR ANGELO AGRIZZI:** Well it was openly told in a meeting, the attorney was called one side and told listen just go and tell Angelo that we do not want an untimely funeral he better watch out what he says and who he talks to.

ADV PAUL PRETORIUS SC: How do you know that?

MR ANGELO AGRIZZI: Because it was told to me by the attorney number one, and number two is in one of the recordings that Gumede actually admits and he says in the recording, he says and I told Brian to tell Angelo that we do not want a funeral very soon. So he confirms exactly what I was told.

ADV PAUL PRETORIUS SC: And the second concerning the Westville prison?

20 **MR ANGELO AGRIZZI:** Well that was said, attendees in the meeting there was Jackie Leyds a Director of the company, there was Johan Aubrey the Human Resources Manager, Frans Vorster was there, Andries van Tonder, Leon van Tonder and Joe Gumede where it was openly said that we can be taken out at any time, there is ways and means and we have the resources.

In the meeting also he speaks about the HAWKS and his involvement with the HAWKS I do not know if you want me to go there.

ADV PAUL PRETORIUS SC: No, I just want you to detail how such a threat would be carried out in relation to inmates of the Westville prison.

MR ANGELO AGRIZZI: We well aware of the fact that at Westville for instance, prison they can open up the door, let out an inmate for the evening, give him an instruction of what to do, he goes and carries it out and he has got the perfect alibi, because he has been locked up all night. Nobody knows that he actually left. We have seen it so many times happening in our prison system at the moment, and that threat was made.

There was also various other threats made in terms of families and that type of thing....[intervenes]

10 **CHAIRPERSON:** Look you say you have seen it happen. Are you talking about personal knowledge or are you talking about things that you have heard that a prisoner or prisoners are let out from prison to go and deal with people?

MR ANGELO AGRIZZI: Well I have heard of it, I have not seen it happen, but I worked for quite a long time in the prison sector.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: And dealing with people and speaking to people that tell you these things. Whether they are stories or not...[intervenes]

CHAIRPERSON: Yes.

20 **MR ANGELO AGRIZZI:** They are pretty believable, because there are many unexplained murders where these things have happened. So I do not put it past anybody.

CHAIRPERSON: Thank you.

ADV PAUL PRETORIUS SC: Let us move on then to paragraph 51.14 please Mr Agrizzi. A meeting took place according to your statement at the beginning of November 2017, would you please relate that to the, Chair?

MR ANGELO AGRIZZI: In November 2017, Chair, I got a call from Brian Biebuyck to resolve a matter with people who were still within the group of companies. They had wanted to whistle blow and they had all left the employ of the company. There were four people that left initially that wanted to whistle blow and he said I better call them in and deal with them.

I said to him, but I do not want to get involved and he said to me no, no you do not understand. You are involved whether you like it or not and I said but Brian I really do not want to get involved in this anymore. I do not want to have anything to do with the Watsons. He said no, no, but you do not understand. If you do not stop them
10 from whistle blowing you are going to jail. So I said well what do you want me to do. He said I want you to speak to them. Gavin wants you to speak to them. He will pay you to do it, but do not worry about the money, because you are going to go to jail if you do not stop them from whistle blowing. So I have always had a lot of respect from the directorate, from the staff who worked with me, from colleagues. So I phoned up the guys and I asked them to come in, meet with me at my, my place and I thought well let them get everything off their chests and I sat with them for about four days discussing issues with them and, and they were adamant. They were going to whistle blow and I said well chaps then that is what is going to happen. So at the same time I started getting more threats now and I got messages and that and unfortunately you know we,
20 we spent so little time on this affidavit or so much time, but so little, there is so much more, but there were threats continuously. You better get those guys to sign. If they do not sign you know you got a bigger problem coming here. I had bouncers after me and all that type of thing. Not that I am scared Chair but it, you know, you have got a family. You try and look after them. Anyway so eventually with the assistance of a very good attorney and advocate they drafted a separation agreement so they could separate.

CHAIRPERSON: But before you get there.

MR ANGELO AGRIZZI: Yes Chair.

CHAIRPERSON: So Mr Watson's or Bosasa's attorney wanted you to speak to these four people from Bosasa who wanted to blow the whistle. He wanted you to speak to them to stop them from what they wanted to do?

MR ANGELO AGRIZZI: That is correct Chair.

CHAIRPERSON: And you had a meeting with them over four days. During that time did you try to dissuade them from whistling, from blowing the whistle or what happened?

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

CHAIRPERSON: You did?

MR ANGELO AGRIZZI: Yes, I did Chair.

CHAIRPERSON: But they, they were determined to blow the whistle?

MR ANGELO AGRIZZI: They were determined and it is, it was a process that continued.

CHAIRPERSON: Hm.

MR ANGELO AGRIZZI: [Intervenes].

CHAIRPERSON: And in, in the end you, how did that meeting or that process end?

20 **MR ANGELO AGRIZZI:** Okay. Chair what happened was they, they did not want money at one stage. They wanted to open a business or do something like that and there was an offer put in to look at some business within the group that they could take over, but eventually it was [indistinct]. Eventually it was a separation agreement drawn up, a quasi-retrenchment agreement.

CHAIRPERSON: Involving them and Bosasa?

MR ANGELO AGRIZZI: Involving them and Bosasa, ja and the attorney.

CHAIRPERSON: Okay.

MR ANGELO AGRIZZI: So that was drawn up. It was a quasi-retrenchment agreement. I insisted that they sign it. I said chaps just sign it. Just get these people off my back, because they were not on their backs. They were on my back.

CHAIRPERSON: Hm.

MR ANGELO AGRIZZI: So the witnesses will tell you exactly what threats were made. I mean there were photos of their kids taken.

CHAIRPERSON: Hm.

MR ANGELO AGRIZZI: The one little girl and that.

10 **CHAIRPERSON:** Hm.

MR ANGELO AGRIZZI: It was really bad.

CHAIRPERSON: Hm.

MR ANGELO AGRIZZI: So that is what happened. They signed the separation agreement, but in the back of our minds we, we knew that if, if we were subpoenaed we were going to testify.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: And they were going to testify.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: And that was the agreement all along.

20 **CHAIRPERSON:** Hm.

MR ANGELO AGRIZZI: And that is why today they, they are starting their testimony tomorrow.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: I do not know when.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: The fact of the matter is that there are more people out there.

I mean there is.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: There are 50/60 of them there.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: That we need to, to come out and speak, but people are scared Chair.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: Very.

10 **CHAIRPERSON:** Hm, hm.

MR ANGELO AGRIZZI: Very scared.

CHAIRPERSON: Ja.

ADV PAUL PRETORIUS SC: Alright you in fact know of a quite a serious threat that has been related to this week that your life was in danger.

MR ANGELO AGRIZZI: That is right Chair.

CHAIRPERSON: That means either Sunday or yesterday or today?

MR ANGELO AGRIZZI: You know Chair I will rather not you know I do not want to go into it, because I am not going to give, I am not going to warrant the...

CHAIRPERSON: Ja, okay.

20 **MR ANGELO AGRIZZI:** These threats anymore. I.

CHAIRPERSON: No that is fine.

MR ANGELO AGRIZZI: You know what, it is like I said to one of the gangsters. I said you know here I am shoot me. You missed four times on your previous hit. Try hit me first time.

CHAIRPERSON: Thank you.

ADV PAUL PRETORIUS SC: There may be separate evidence regarding the incident to which I have referred Chair.

CHAIRPERSON: Thank you.

ADV PAUL PRETORIUS SC: I would like to try and understand the sequence of events in their proper context Mr Agrizzi.

MR ANGELO AGRIZZI: Yes.

ADV PAUL PRETORIUS SC: Arising from what you have just told the Chair. At the beginning of November 2017 and after entering into the second agreement.

MR ANGELO AGRIZZI: Yes.

10 **ADV PAUL PRETORIUS SC:** Had you then made up your mind whether to speak to law enforcement agencies or not?

MR ANGELO AGRIZZI: I had, I had made up mind already prior to November 2017, but because of the threats and that I had to be careful on how I did it.

ADV PAUL PRETORIUS SC: Alright.

MR ANGELO AGRIZZI: And I needed the backup.

ADV PAUL PRETORIUS SC: Alright. In relation to the other gentlemen you had a four day meeting with and you persuaded them to sign a separation agreement was there anything in that agreement that precluded them from reporting on the activities at Bosasa?

20 **MR ANGELO AGRIZZI:** Chair they could not report on the activities of Bosasa, but I do not think it precluded them from being subpoenaed and having to give testimony in a court of law.

ADV PAUL PRETORIUS SC: Alright and what was the understanding between yourself and these gentlemen during the four day meeting in relation to the principle and reporting to law enforcement agencies? You said to the Chair that it was your job

to persuade them not to speak?

MR ANGELO AGRIZZI: That is correct Chair.

ADV PAUL PRETORIUS SC: Just explain that. Was there a reservation, a qualification? Did you have a, a plan that you withheld or was it a clean decision not to whistle blow?

MR ANGELO AGRIZZI: Chair it was not a clean decision not to whistle blow. The first thing was family safety. There had been another family who had lost a brother through this. They say it is unrelated, but I also know that they can cover up 101 things with a little bit of money and if I can just quickly give you an overview of it. There was a
10 gentleman who worked for me for many, many years. He worked for me for about 15 years. He did all the special projects which he will give you information on and that was CCTV cameras and all that for Ministers homes and things like that. He will, he will testify to that. I do not want to explain what he did, but basically he had a brother who was jobless and had been living with him for about 20 years. So Bosasa approached this person and said look we want you to start writing up false statements and give us a report on what Richard is doing with Angelo. If there is any conversations and that and you will stay in the house. You will get paid R6 500 in cash and he was then taken out of the house and put in a lodge in Krugersdorp paid for by the company. About three weeks four weeks later he, he was found dead in the hotel room. Nobody bothered
20 investigating. We went to the police station. We open, they opened up cases, dockets, everything was just closed down and Bosasa offered to pay the cremation fees, but he had to be cremated that Monday. They have got all the proof. They, they can provide all the proof. So do you understand the threats that we were under? So what we did, what I planned with these guys is to say guys let us just get the threats away so that the families are safe. They can, they can videotape us. They can mark our movements

that is fine, but let us must sure the families are safe first. Second objective is we need to report this. This is going to create a problem because in terms of the POCA Act as I was informed, I, I never knew about this. The person who informed me about this was actually Glynnis Breytenbach who I actually invited to my house to, to ask for help and she then told us about it and then we realised that the time would eventually come when we have to open up and whistle blow, but safety for the families and the kids were, were critical for us.

ADV PAUL PRETORIUS SC: I am still trying to understand and I am sure the Chair is as well, at the time you met with the gentlemen over the four days at the instance of the attorneys for Bosasa.

MR ANGELO AGRIZZI: Yes.

ADV PAUL PRETORIUS SC: In order to secure separation agreements.

MR ANGELO AGRIZZI: Yes, Chair.

ADV PAUL PRETORIUS SC: And to persuade them not to whistle blow at that time I understand that you had decided for security, personal security and perhaps other reasons not to whistle blow. Is that correct?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: When did you change your mind? When did you decide well I am now going to speak?

MR ANGELO AGRIZZI: Chair I was going to speak all along. I want to clarify my answer there. I had in the back of my mind and knew that I was going to whistle blow. As a matter of fact the advocates who dealt with the matter will tell you that I actually refused to be part of signature of that agreement of their separation agreement so that I could open up this thing and I knew that they would then be subjected to subpoenas and be called in. So I did not think it is correct for me to or to take the point of view that

I decided not to whistle blow. In my mind I had always intended to whistle blow. However I had to protect the families first and I needed everybody off my back. We have not even printed out all the SMS' where threats are, you will sign that agreement you better sign that agreement.

CHAIRPERSON: I am sure that at some stage the, those threats or I do not know how many there are there, but at least the most serious ones will be brought to the attention of the Commission.

ADV PAUL PRETORIUS SC: Well.

CHAIRPERSON: Thank you.

10 **ADV PAUL PRETORIUS SC:** At least the important threats contained in Annexure Z?

MR ANGELO AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: That is the report to the Hawks. Is it?

MR ANGELO AGRIZZI: That is correct.

CHAIRPERSON: Hm.

ADV PAUL PRETORIUS SC: Please.

CHAIRPERSON: Okay. Now you say you were always going to blow the whistle, whistle. That would be from when was that the case?

MR ANGELO AGRIZZI: Chair that was.

CHAIRPERSON: From the time you, ja maybe you should just answer that.

20 **MR ANGELO AGRIZZI:** Chair that was from the time when I got back from holiday after recovering. So it was early March 2017.

CHAIRPERSON: Okay, thank you.

ADV PAUL PRETORIUS SC: Nevertheless you asked the gentlemen to whom you have referred over the four day to sign a separation agreement which you did not want to sign, because you wanted to whistle blow?

MR ANGELO AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: So is it correct to infer that you persuaded them not to blow the whistle?

MR ANGELO AGRIZZI: Chair it is correct to say that. He is 100 percent right. I, I did in my way persuade them not to whistle blow, but I did know that if I had gone for, if I had whistle blown they would be subpoenaed into it and that is exactly what happened.

CHAIRPERSON: Hm.

ADV PAUL PRETORIUS SC: So...

CHAIRPERSON: Yes.

10 **ADV PAUL PRETORIUS SC:** They have since changed their minds and we will learn about that over this week?

MR ANGELO AGRIZZI: Correct.

CHAIRPERSON: At the time that you persuaded them to sign the agreement did they know of your plan or he plan in your mind? Had you shared it with them that although you were saying they must not, they must sign the agreement and undertake not to blow the whistle at some stage in the future you, you would, you intended blowing the whistle?

MR ANGELO AGRIZZI: Yes, Chair.

CHAIRPERSON: They knew that?

20 **MR ANGELO AGRIZZI:** They knew it.

CHAIRPERSON: Okay, alright.

ADV PAUL PRETORIUS SC: In, in these circumstances and against the background of what you have now told the Chair, did you decide to take advice?

MR ANGELO AGRIZZI: Yes Chair. I did take advice.

ADV PAUL PRETORIUS SC: Who did you approach?

MR ANGELO AGRIZZI: Chair at first I approached Mr Hofmeyr. Then I approached Glynnis Breytenbach. Then I approached, then I was referred to Advocate Barry Roux and an attorney who I do not even want to mention his name, because they really messed up. So I approached, I approached them and I started.

ADV PAUL PRETORIUS SC: [Intervenes]. Before you go on I just wanted to establish the fact that you did seek advice.

MR ANGELO AGRIZZI: Yes.

ADV PAUL PRETORIUS SC: From various persons including Mr Hofmeyr or Advocate Hofmeyr, Advocate Breytenbach and your own attorney and advocate?

10 **MR ANGELO AGRIZZI:** Correct.

ADV PAUL PRETORIUS SC: Right.

MR ANGELO AGRIZZI: And I was working through and can I, sorry.

ADV PAUL PRETORIUS SC: Yes, go on.

MR ANGELO AGRIZZI: Can I carry on?

ADV PAUL PRETORIUS SC: Yes please.

MR ANGELO AGRIZZI: During this time I was working through everything and the threats just kept coming, kept coming. You cannot talk to anybody. You better do this, you better do that. It was a, I was out there, but I was still there.

CHAIRPERSON: This was now roundabout when? I assume in 2017.

20 **MR ANGELO AGRIZZI:** This is in August 2017.

CHAIRPERSON: Okay, alright.

MR ANGELO AGRIZZI: So eventually Chair I had spoken to somebody in the media and they said to me, they gave me some advice and said listen what you need to do is tell everybody the story then you are safe and Chair it is not about me, please. It is not about me and it is, it is about the people out there and, and really the plight of people

who want to tell the story. It is not that easy out there. Trust me. It is financially a massive burden. These attorneys do not come cheap and you know it is expensive and, but anyway. So the evening of 21 August it was about 5 o' clock. I could not even eat my supper with my family. I, I was off my food. I said now I cannot, I cannot continue like this and I sat the family down and I phoned up my brother. It is only me and my brother in this country and my kids and I had a chat with the family and I got them all around the table and I said I did not go through what I have gone through for this and I explained everything to them and that is when I decided to put out a press release to open this thing up. I put out a press release and I basically said listen I am
10 coming clean.

ADV PAUL PRETORIUS SC: Alright. Before you go on would you look at Annexure AA please? That is in Bundle S2 and it is at page 790, 791 of Bundle S2.

MR ANGELO AGRIZZI: I need some time. Where is it?

ADV PAUL PRETORIUS SC: If you would just bear with me a moment Chair. Chair it seems that although the index speaks of the press statement. It is really correspondence concerning the press statement.

MR ANGELO AGRIZZI: 793.

ADV PAUL PRETORIUS SC: If we go to page 793, is that the press statement you released to the addressees on the email dated 21 August 2018?

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

ADV PAUL PRETORIUS SC: It is not very long I think. You can read it please into the record.

MR ANGELO AGRIZZI: It says:

“Public announcement prepress release notification.”

So the whole intention of this was to have a press release and actually just give

everything out.

10 “I have decided pursuant to grateful prayer and consideration to provide comprehensive details on all the activities that Bosasa Group of Companies and myself whilst I was employed there. I have tried not to report on the activities in an attempt to potentially save the jobs there. I have tried not to report on the activities to potentially the jobs of the people concerned. It is however in the best interest to disclose the matters to all involved and I think a most appropriate platform would be the Judiciary and the free press which I will be using. I am also fully aware that I have been fully aware of the wrongdoings, but will tender my full cooperation in resolving the matter and bringing both clarity and truth to the matter regarding racketeering, corruption, money laundering that I have been involved with over the last 18 years.”

ADV PAUL PRETORIUS SC: Greater aware of.

MR ANGELO AGRIZZI: Aware of, sorry.

ADV PAUL PRETORIUS SC: The last 18 years.

20 **MR ANGELO AGRIZZI:** “The extent of the disclosures involves various high level people, Government officials as well as public office bearers currently in Government positions, parastatals and state owned enterprises. I will be requesting that you will allow me the patience and whilst I process the various information and make same available to all. I will also liaise with the relevant stakeholders in due course as to a press conference

and an open forum discussion that will be hosted. You will understand that I have been the subject of numerous threats and thus we have made the requisite arrangements with the various other sources. I understand that my decision impacts on numerous people, but in the interest of our nation it is imperative to clarify the points and make full disclosure.”

ADV PAUL PRETORIUS SC: That then as I understand it is the expression of your final decision to blow the whistle and come clean?

MR ANGELO AGRIZZI: I knew that there would be pressure on me. So I knew that if I
10 put it out in the open then I could not turn back. I have always kept my word. If I say I am going to do something I do it and if I put something like that in the open there was no turning back.

ADV PAUL PRETORIUS SC: You released that statement and distributed that email on the evening of 21 August 2018?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: Did you receive any threats that evening subsequent to the release of that statement?

MR ANGELO AGRIZZI: Chair I did, just did not take calls, because I knew it was coming.

20 **CHAIRPERSON:** I am sorry just repeat that.

MR ANGELO AGRIZZI: I did not take calls, because I knew the threats were going to come.

CHAIRPERSON: Hm.

MR ANGELO AGRIZZI: So I actually just put my phone on silent and let it in my office downstairs and I went upstairs with the family.

ADV PAUL PRETORIUS SC: Alright and prior the release of the statement had you received threats?

MR ANGELO AGRIZZI: Well there were threats that evening that afternoon.

ADV PAUL PRETORIUS SC: Right.

CHAIRPERSON: Did you get the impression that certain people were getting information or were observing you as you spoke to certain people and would get to know you are about to do something or something like that?

MR ANGELO AGRIZZI: No, they were well aware. Everybody was well aware that I was being followed. I had been checked up on. They had employed a security, a
10 private security guy to check up on me. They used a company that is involved with security, but was involved in the nightclub scene and all and what happened Chair was I, in my affidavit to the Hawks I got calls from internal staff to say hey we have just processed an invoice for R450 000 and this is a very suspect company and somebody says that this is for you, to check up on you and I got all those invoices. So there was like a hit taken out on me.

CHAIRPERSON: Hm.

MR ANGELO AGRIZZI: So to speak.

CHAIRPERSON: Hm.

MR ANGELO AGRIZZI: I was given all the invoices. They actually faxed the invoices
20 through to me.

CHAIRPERSON: Hm, hm.

MR ANGELO AGRIZZI: I am sitting with people in hospital. A family in hospital at the moment under stress.

CHAIRPERSON: Hm.

MR ANGELO AGRIZZI: For a year, Chair. Not for now, for a year.

CHAIRPERSON: Hm.

MR ANGELO AGRIZZI: They have been in hospital.

CHAIRPERSON: Hm.

MR ANGELO AGRIZZI: I do not think people realise the magnitude and the, the cesspool that this is about.

CHAIRPERSON: Hm.

MR ANGELO AGRIZZI: So yes my answer is I got many a threats.

CHAIRPERSON: Yes.

ADV PAUL PRETORIUS SC: After the release of the press statement did you receive
10 any calls from persons within Bosasa or representing Bosasa?

MR ANGELO AGRIZZI: Chair my phone did not stop ringing. Then I started getting messages one after the other.

ADV PAUL PRETORIUS SC: From who?

MR ANGELO AGRIZZI: I got messages from Gavin Watson, Brian Biebuyck. I got messages from his children, from the nephews from everybody.

ADV PAUL PRETORIUS SC: Did you take these calls?

MR ANGELO AGRIZZI: No, I did not.

ADV PAUL PRETORIUS SC: Did you receive a visit at your house on
22 August 2018?

20 **MR ANGELO AGRIZZI:** I received a visit at my house Chair on 22 August at about 09:30 in the evening. They were Ronnie Watson, Valence Watson and Brian Biebuyck and Jared Watson were at my house with Andries van Tonder and they were extremely apologetic and they were saying that they knew nothing of what their brother had been doing. So I told them about everything. I told them exactly what had happened. Where the threats were coming from. Who they had employed and all that and I said

look guys am coming clean and they left at about 20 past one that morning on 23 August.

ADV PAUL PRETORIUS SC: Right, was there a further meeting?

MR ANGELO AGRIZZI: Yes.

ADV PAUL PRETORIUS SC: On 23 August?

MR ANGELO AGRIZZI: There was.

ADV PAUL PRETORIUS SC: Who was present at that meeting?

MR ANGELO AGRIZZI: On the 20-.

CHAIRPERSON: Before you go to the further meeting what was the purpose of that
10 visit to you by the two Watsons and Mr Brian or was it three Watsons?

MR ANGELO AGRIZZI: Three Watsons.

CHAIRPERSON: Ja, three Watsons and Mister.

MR ANGELO AGRIZZI: Brian Biebuyck.

CHAIRPERSON: Ja. What was the purpose of that visit so late in the evening?

MR ANGELO AGRIZZI: The first purpose of the visit was to try and soften me up just
to keep me calm so that I do not react and that is why strategically as well they used
Andries because they knew Andries had just come through this with me and, and they
spoke to him. He is a bit, sometimes a bit level headed more level headed than I am
Chair. I am Italian and I get emotional. Well I am South African, but I have Italian blood
20 and Italian spirit. So I get very emotional. Okay and I lose my temper most of the time.
Chair what happened.

CHAIRPERSON: So was, was Andries, Mr Andries van Tonder there at that meeting as
well?

MR ANGELO AGRIZZI: That is correct Chair.

CHAIRPERSON: Oh, because I do not think your paragraph 51.23 mentions him.

MR ANGELO AGRIZZI: I think you are correct Chair. It does not mention him.

CHAIRPERSON: But he was there?

MR ANGELO AGRIZZI: It is an oversight.

CHAIRPERSON: But he was there you say?

MR ANGELO AGRIZZI: He was there.

CHAIRPERSON: So, so it was Ronnie Watson, Valence Watson, Jared, Jared Watson, Mr Brian Biebuyck and yourself and Mr Andries van Tonder?

MR ANGELO AGRIZZI: And my wife.

CHAIRPERSON: Sorry.

10 **MR ANGELO AGRIZZI:** My wife was there as well.

CHAIRPERSON: And your wife was there?

MR ANGELO AGRIZZI: Correct.

CHAIRPERSON: Okay. So the purpose you say of that visit was that they wanted to calm you down?

MR ANGELO AGRIZZI: That is what they; they came in there and said we knew nothing about this and I actually believed them at one stage. They said they knew nothing. The; that Gavin Watson had gone on a tirade and I remember Valence Watson actually said that this is all because of his close associate Lindi Gouws. That she has, they have, they have been anti this woman for years and this is what has poisoned his,
20 my brain. So I kind of believed the sincerity at one stage.

CHAIRPERSON: And so, so that that is, that is basically; so it was a visit in terms of which they told you that they did not know about these activities and you just told them you know whatever you wanted to tell them about what you knew within the time available until they left after 01:00 am?

MR ANGELO AGRIZZI: That is correct Chair.

CHAIRPERSON: Okay. I think you may be in a position to move to the, to the further visit, but I think it is time for the short break.

ADV PAUL PRETORIUS SC: Is this a convenient time Chair? I need to discuss a matter with the investigators.

CHAIRPERSON: Yes. We will take the short adjournment and we will resume at half past 11. We adjourn.

REGISTRAR: All rise.

INQUIRY ADJOURNS

INQUIRY RESUMES

10 **MR ANGELO AGRIZZI:** Had it. He just mentioned it to me briefly that the Sunday Times wanted to publish a story that I am a liar.

ADV PAUL PRETORIUS SC: Right, alright. Let; I want to clarify that one way or the other, but firstly to place the Sunday Times version before the Commission and then to give you an opportunity to deal with it should you deem it necessary. So before we go on Mr Agrizzi with your evidence it is necessary to just place on record the communication received by the Commission from the Sunday Times and to the extent that it is possibly to clarify to clarify.

MR ANGELO AGRIZZI: Sure.

ADV PAUL PRETORIUS SC: I would like to read the Sunday Times communication
20 into the record Chair. I am sorry we do not have copies as yet, but we will place copies before you.

CHAIRPERSON: Okay.

ADV PAUL PRETORIUS SC: It is dated Tuesday 29 January at 10:51 and it reads: It is addressed to Mr Stimela of the Commission and it reads as follows:

“Pursuant to our discussion between SANAF and the commission leadership

wherein we agreed to work closely together I wish to bring to your attention it reads that we intend to publish a story which will show that Mr Agrizzi lied under oath yesterday. You will remember that he told the commission that he was never contacted by the Sunday Times in relation to its page 3 story about his house being on the market. As you can see from the email conversation between him and the reporter detailed questions were sent to him on Friday and he responded saying he will answer the questions on Sunday afternoon. We intend to publish this story, release the email conversation and embed the video of his testimony from yesterday. We will also be asking the commission to respond to this.”

10

If I may take you to the email on the second last page of this small bundle Mr Agrizzi. It is an email from Bongani Fuzile addressed to yourself dated Friday 25 January 2019 at 14:57. Do you see that?

MR ANGELO AGRIZZI: I do.

ADV PAUL PRETORIUS SC: It says:

“Hi Mr Agrizzi sorry to bother you today. I am working on a story about you selling your house in Fourways and your Ferraris while your daughter-in-law Nakita has posted a number of your memorabilia at websites where people have shown interests. Again I read what I see. Following are a few questions that I want you to assist with.”

20

Then there is a list of eight questions that deal with issues concerning the Ferrari memorabilia, your red Ferrari is being sold, your houses being posted for sale. The withdrawal of your house from these – being on the market from the relevant sites; the fact that contractors were working on site; a question about whether you were officially moving out of the house and a question about whether you were moving out of the

country to stay in Italy and whether you were going to return to the country. In other words a series of questions about the content of the article that appeared on page 3 of the Sunday Times.

MR PAUL AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: Then there also appears on the previous page because the email trail goes backwards as we know. An email from yourself to Mr Fuzile dated 25 January 2019 at 15:44 copied to certain other people. The Citizen and News 24 amongst others. Subject: Media Inquiry Sunday Times. And then the text reads: As per the arrangement with your editor I will respond in 48 hours from receiving your mail
10 that being Sunday 27 January at 14:57. Should you wish to publish anything you are contravening the commission regulations as well as the journalistic code of conduct. Once more not affording me the right to reply. As with your previous articles which were proven to be false and fabricated of which you are aware and I have already lodged a complaint to the press ombudsman for no less than two contraventions by your publication already. I have taken the liberty of copying in all the press that have previously published articles in this respect so that they have an overview of my responses. Furthermore you are well aware of the Chair Judge Zondo's request that the media do not publish at this stage. Let me just ask you firstly, did you receive the email from Bongani Fuzile on Friday 25 January 2019>

20 **MR PAUL AGRIZZI**: Yes I did.

ADV PAUL PRETORIUS SC: Did you respond to it in the manner that has just been placed on record on the same day at 15:44?

MR PAUL AGRIZZI: I would like to just say yes I did I responded that is my email.

ADV PAUL PRETORIUS SC: Alright and did you tell the commission yesterday that you had had no opportunity to respond to the issues that were to be raised in the report?

MR PAUL AGRIZZI: But he is misconstruing it Chair.

ADV PAUL PRETORIUS SC: Well let us just take it step by step.

MR PAUL AGRIZZI: Yes.

ADV PAUL PRETORIUS SC: You will have an opportunity to explain in due course.

MR PAUL AGRIZZI: Okay.

ADV PAUL PRETORIUS SC: Your evidence yesterday as I understood it. It may have
10 been evidence in summary form but I asked you whether you had had an opportunity to respond to the issues raised and you said no you had not, is that correct?

MR PAUL AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: Right. Your opportunity to explain Mr Agrizzi.

MR PAUL AGRIZZI: Thank you. Chair

CHAIRPERSON: Yes.

MR PAUL AGRIZZI: I would like them to show me where they approached me. On two other articles that I have now registered – I am busy with the applications. I sent the ombudsman letters. Two other articles I would like them to prove because number 1 when you are sitting here.

20 **CHAIRPERSON:** I think we should start with the latest one.

MR PAUL AGRIZZI: Yes.

CHAIRPERSON: Ja and then we can talk about the – you can talk about the others if necessary.

ADV PAUL PRETORIUS SC: Mr Agrizzi if I could just clarify.

CHAIRPERSON: Let us talk about the latest one.

MR PAUL AGRIZZI: Sure.

ADV PAUL PRETORIUS SC: So that your answers deal with the issue at present at hand. If you wish to expand later by reference to other incidents you will get an opportunity to do so.

MR PAUL AGRIZZI: Thank you.

ADV PAUL PRETORIUS SC: But let us deal first please with the answer that you gave to the commission yesterday where you said you had not had an opportunity to respond. And I am talking only of an opportunity to respond. And that is what the Sunday Times raised in their email to the commission. Let us deal with that issue first.

10 **MR PAUL AGRIZZI**: My answer is simply yes you are right if you look at it in that but you are not putting it in context Chair. It needs to be looked in context.

ADV PAUL PRETORIUS SC: Well firstly your answer was incorrect. You had had an opportunity. Whether you made use of the opportunity is another questions. Your reasons for not making use of the opportunity is another question and you will get an opportunity to deal with both those issues. But the first issue that perhaps requires clarification and in fairness to the Chair because he has got to assess your evidence at the end of the day let us just deal with that issue. The simple truth is that you were given an opportunity to respond and you did not make use of that opportunity and any evidence to the contrary is incorrect or false.

20 **CHAIRPERSON**: So maybe let us put it this way. You gave a certain answer yesterday.

MR PAUL AGRIZZI: Correct.

CHAIRPERSON: What is your answer as of today?

MR PAUL AGRIZZI: Chair my answer.

MR PAUL AGRIZZI: To the question whether you were afforded an opportunity by the publication to respond or comment on the article they propose to write. What is your answer today?

MR PAUL AGRIZZI: Chair my answer is if you say to me did I have an opportunity to respond to the press yes I did. On this is the first opportunity I have had to respond to them on the matter.

CHAIRPERSON: Yes, yes okay. Now do you accept that the answer you give is different from the answer you gave yesterday to the same question?

MR PAUL AGRIZZI: I accept that.

10 **CHAIRPERSON**: Yes have you got any explanation for giving the answer you gave yesterday to the question?

MR PAUL AGRIZZI: Yes I do Chair.

CHAIRPERSON: Yes what is the explanation?

MR PAUL AGRIZZI: Number 1 – well number 1 is I knew that I had questions from the press because I responded to it. I was actually very annoyed that they had even gone into my own private life and questioned why I was selling things. If you remember I said that there. I said it yesterday openly. But then I was also accused of sending out an email on a previous publication where they never contacted me and a previous publication as well. So in my mind I was not given opportunity by especially the Times
20 to respond to anything. And why I say so Chair is you need put this whole thing into context. They publish an article that I sponsored the journalist 8 that were fired. It turns out they based their whole article on one piece of paper that was fabricated. That even SANAF came up against them and said you cannot publish that kind of stuff we never received the donation that you eluded that Agrizzi made. With all this – I am quite simply shocked because at the end of the day yes you are a hundred percent right

Chair that I did have an opportunity to respond but this is one out of three and I have not even responded because they have published anyway on it.

CHAIRPERSON: But the fact that they may in the past have failed to give you an opportunity is that a good enough reason for you to have said yesterday they did not give you the opportunity in regard to the latest article?

MR PAUL AGRIZZI: Chair I have never had to sit through one of these commissions before. Quite simply it is tiring. You have to have your wits about you. You have to think. You have to answer. You have to put everything aside for nine days and I mess up on one question. You know Chair to be frank with you they can publish what they like and they do not have to answer for it. The Times and now it starts making sense to me why there is a fight. You can call me a racist, you can call me a liar Chair in this commission I have provided you with the facts and the people following me will provide you with the facts. That is all I would like you to rule on is the facts that are provided to you. There is a campaign out there Chair second to none to try and dent my credibility in this commission. I am happy Chair you can rule I am a racist, you can rule I am a liar, you can rule that I am fat and ugly it really, really just what I am asking the commission to do is to rule on the facts that I have presented and quite simply Chair yes there is a conceited effort. They are welcome to. It now starts to make sense to me why names, full names were not given to me by Mr Leshabane. It now makes sense.

CHAIRPERSON: Thank you. Mr Pretorius.

ADV PAUL PRETORIUS SC: Thank you Mr Agrizzi. We will be making submissions in due course to the Chair but you are quite correct that the Chair will obviously hear what the legal team has to say, hear what other lawyers have to say and assess the evidence at the end of the day and you can be assured he will do so in a fair and

objective manner.

MR PAUL AGRIZZI: Thank you.

ADV PAUL PRETORIUS SC: Chair may I hand up Annexures EE and FF which are respectively the Sunday Times article and question and the query from the Sunday Times with its attachments?

CHAIRPERSON: The one I have is it a copy of any one you are – any of the ones you are giving me?

ADV PAUL PRETORIUS SC: That copy can come back to us. I want to hand up a copy which is properly paginated.

10 **CHAIRPERSON**: Thank you.

ADV PAUL PRETORIUS SC: For inclusion in the bundle. Right Mr Agrizzi can we go.

CHAIRPERSON: Thank you.

ADV PAUL PRETORIUS SC: Back to your evidence at page 101.

MR PAUL AGRIZZI: Sorry Chair can I just ask for clarity

CHAIRPERSON: Yes.

MR PAUL AGRIZZI: The article that I have not been watching all these articles but the article that they have just handed you is that from the Sunday Times? So they actually published on Sunday already?

CHAIRPERSON: Well Mr Pretorius will know.

20 **ADV PAUL PRETORIUS SC**: Yes it is as far as I understand but I have not checked it word for word.

MR PAUL AGRIZZI: I would just like to ask Chair. I asked for 48 hours to respond. I want to – I just want to paint you the picture. 48 hours from the 25th that was what date it was published was on Sunday. That is not even 40 hours. If they published that article on Sunday I ask you where the integrity is.

CHAIRPERSON: Well as Mr Pretorius said I have not read the documentation that has been given to me. I have simply listened to what he has read and asked questions based on what he read and you gave the answers that you gave. If you ask for 48 hours and they did not say they would not give you 48 hours it may well be that they published before the expiry of that time I do not know.

MR PAUL AGRIZZI: Chair I have not seen – I have not even read the articles.

CHAIRPERSON: Yes.

MR PAUL AGRIZZI: One was put here yesterday I just – I tore it up and I threw it there.

10 **CHAIRPERSON**: Ja you have not had time.

MR PAUL AGRIZZI: I do not want you upset. I am worried about giving you the facts here.

CHAIRPERSON: Ja.

MR PAUL AGRIZZI: Not about biased.

CHAIRPERSON: Well maybe what we should do Mr Pretorius is that maybe if Mr Agrizzi finishes his evidence before lunch then he could have time to have a look at the documentation and then if he wishes to say anything further he can come back at some stage today or if he has not finished by lunch time then during the lunch time he could have a look and then after lunch he could clarify anything he wishes to clarify.

20 **ADV PAUL PRETORIUS SC**: Yes just perhaps by way of clarification the Sunday Times on the 25 January at 14:57 that was Friday set out a series of questions and it was those questions to which a response was requested, not the article. And then the email Mr Agrizzi and perhaps you wish to comment. You say on the 25 January at 15:44 as per the arrangement with your editor I will respond in 48 hours from receiving your mail that being Sunday 27 January at 14:57. The evidence that you gave was

evidence on Monday and although it may have been evidence that did not take as much time as might have been appropriate or you might have desired we did ask you about the contents of that article.

MR PAUL AGRIZZI: Mr – Chair if I may ask? What date and what time was that article printed in the press?

CHAIRPERSON: Ja I think, I think Mr Pretorius what will be more helpful is to leave this issue for now. Let Mr Agrizzi get the proper opportunity to look at the documentation and then later on we can deal with – he can clarify.

ADV PAUL PRETORIUS SC: He can deal with it as he pleases after – and after
10 receiving legal advice about at two o'clock.

CHAIRPERSON: Ja that is fine ja.

ADV PAUL PRETORIUS SC: Okay Mr Agrizzi you must just get an opportunity to look at the documentation that you need to look at in relation to this whole issue and if you need to clarify anything you will be given an opportunity.

MR PAUL AGRIZZI: Chair thank you. I just wanted to know if they gave me the 48 hours and if they did not well that shows you their credibility.

CHAIRPERSON: Ja. Ja. Okay thank you.

ADV PAUL PRETORIUS SC: Alright. Mr Agrizzi can we go back to your statement please at page 101 paragraph 51.24.

20 **MR PAUL AGRIZZI**: Correct I am there.

ADV PAUL PRETORIUS SC: You refer there to a meeting between two Watson brothers, their attorney and yourself at your house that meeting taking place on the 23 August 2018?

MR PAUL AGRIZZI: Yes.

ADV PAUL PRETORIUS SC: Would you tell the Chair about the contents of that

meeting please?

MR PAUL AGRIZZI: Chair on the 23 August Ronnie Watson, Valence Watson and Jared Watson came to my house. It was about six o'clock in the evening I recall because I still prepared supper for everybody.

CHAIRPERSON: It was effectively the same group in terms of the Watson brothers that had left after one am same day?

MR PAUL AGRIZZI: That is the twenty past one that morning.

CHAIRPERSON: Ja.

MR PAUL AGRIZZI: I had been working on a tender with a colleague, a *bona fide*
10 tender by the way, so I had to get up early, early. And I was up at about three o'clock working on the tender and I had worked right through until about six o'clock. And when I wanted to go off to sleep they then phoned and said oh we coming through to meet with you.

CHAIRPERSON: Ja. Okay.

MR PAUL AGRIZZI: So they arrived at my house at about I think it was six o'clock that evening. And basically they said that they had confronted Gavin Watson who denied the allegations of his affair and he denied his allegations about the corruption and the allegations that there were threats on me. He denied absolutely everything. But they said that they were mandated by Gavin Watson to make an offer to me to market their
20 property called Royalston Estate. It is a wildlife residential resort in Port Elizabeth that they wanted me – because I have started various property companies they wanted me to get involved with. Quite simply they said that I – I must start a business and they would fund it. I refused it point blank. I said what are you trying to do, why are you coming here? Did you come here to make amends and apologise and let us despite the whistle blowing and that let us at least have it cordial or did you come here to try

and bribe me? And then it was a big debate and at one stage it got very heated with the attorney. And eventually I let them go at about I think it was one o'clock in the morning on the 24th. So the next morning.

ADV PAUL PRETORIUS SC: Sorry before you leave the content of that meeting. Was any arrangement made between persons present at that meeting that an agreement should be drafted?

MR PAUL AGRIZZI: They wanted to draft an agreement from their side but they wanted parameters from me.

ADV PAUL PRETORIUS SC: So your statement reads: I said that Brian Biebiyck
10 should draft an agreement which he agreed to. I was requested to draft the parameters of the offer?

MR PAUL AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: In this offer I specified that the signed offer should be sent to myself?

MR PAUL AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: You see what is not clear from your statement is on the one hand you say that you wanted to cut all ties with the Watsons, you wanted nothing more to deal for – you wanted nothing more to have with them.

MR PAUL AGRIZZI: That is right.

20 **ADV PAUL PRETORIUS SC:** You in fact say you refused an offer in relation to the Royalston Wildlife Residential Estate?

MR PAUL AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: On the other hand during the course of the meeting it is apparent from your statement that you asked Brian Biebuyck to draft an agreement which he agreed to and to set out the parameters of the offer.

MR PAUL AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: So it is not clear to us what was happening?

MR PAUL AGRIZZI: Let me give you clarity Chair. Angelo we want you to marked Royalston and we will pay you for that. No I am not interested guys I want nothing to do with the Watsons. That is what I said to them. No but we need to something, come on, come on, you know. Eventually I said to – I thought to myself Chair how am I going to prove – how am I going to one day prove that they paying me for my silence or trying to pay me for my silence. How do I prove it? There are three of them there is two of us. So I said to Brian Biebuyck, I said draft something for us. Draft it, why not let us
10 see what you going to come up with. And if you look at the various annexures and how it was done you will see that what actually happened was they sent me a draft. So at one o'clock in the morning they left. The next morning I think it was about ten o'clock the morning Mr Watson and his son arrived back at my house.

ADV PAUL PRETORIUS SC: Which Watson?

MR PAUL AGRIZZI: Valence Watson and Jared Watson.

CHAIRPERSON: So on the 22 August last year.

MR PAUL AGRIZZI: Yes.

CHAIRPERSON: The three Watsons plus the attorney arrived and there was a meeting which involved the four plus yourself, your wife and Mr Andries Van Tonder.

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

CHAIRPERSON: And the Watsons left after – at twenty past one on the 23rd?

MR PAUL AGRIZZI: That is correct.

CHAIRPERSON: Of August in the morning. And you went to sleep but you woke up at three am did you say? So you had about an hour or two hours sleep.

MR PAUL AGRIZZI: That is right.

CHAIRPERSON: And then you worked on a certain tender?

MR PAUL AGRIZZI: That is right.

CHAIRPERSON: From then the whole day and after six pm the Watsons arrived again? This is now on the 24th?

MR PAUL AGRIZZI: That is correct.

CHAIRPERSON: You had a meeting with them and they left after one am on the 25th?

MR PAUL AGRIZZI: That is correct.

CHAIRPERSON: And then at about ten am that same day then Mr Gavin Watson came?

10 **MR PAUL AGRIZZI**: Not Mr Gavin Mr Valence.

CHAIRPERSON: Oh Mr Valence Watson came, with whom?

MR PAUL AGRIZZI: With Jared Watson.

CHAIRPERSON: Yes the two of them?

MR PAUL AGRIZZI: Yes.

CHAIRPERSON: Yes how much sleep had you had then?

20 **MR PAUL AGRIZZI**: Three hours we finished the tender – maybe three, four hours because we finished the tender then I had to do a presentation which I sent out and it was done. It was actually – I – when they got there at ten o'clock it was when actually when I wanted to go and sleep. So then what happens Chair is they sit there from ten o'clock in the morning and a proposal gets put in front of me. And all the emails a trail of emails are there and I get told you know what is wrong, how are you going – how do we fix up the company and all this. I get asked these questions and I answer them but I tell them Listen chaps I am trying to work here. But Chair they just imposing themselves on me. So I do not want to be nasty. So eventually at about five o'clock Jared Watson says to me. He says you know we friends now again. So I said ja we

friends. He says but I want to bring the two children with for supper tonight.

CHAIRPERSON: I am sorry I think I missed something. The ten o'clock meeting they arrived at ten o'clock.

MR PAUL AGRIZZI: In the morning.

CHAIRPERSON: In the morning ja.

MR PAUL AGRIZZI: Yes.

CHAIRPERSON: What was the purpose of that visit now?

MR PAUL AGRIZZI: Because they were trying to make me agree to an agreement.

CHAIRPERSON: Oh had an agreement been drafted in the meantime?

10 **MR PAUL AGRIZZI**: Yes they had drafted a proposed agreement.

CHAIRPERSON: Oh okay alright and did you agree?

MR PAUL AGRIZZI: No Chair I did not agree.

CHAIRPERSON: Yes okay. Alright continue I just missed some part of your evidence.

MR PAUL AGRIZZI: So now Chair now I am realising that they playing games with me. So I am realising that and I am not – I look a bit stupid but I am not that stupid. But anyway so I thought well you know what they trying to tire me out or something. So at six o'clock.

CHAIRPERSON: In the afternoon now?

MR PAUL AGRIZZI: In the afternoon, in the evening. No sorry.

20 **CHAIRPERSON**: On the 25th?

MR PAUL AGRIZZI: No sorry Chair it was four, five o'clock I think they left.

CHAIRPERSON: On 25 August?

MR PAUL AGRIZZI: On 25 August – on the 24 August. I think it is the 24th ja because they only – it is the 24 August.

CHAIRPERSON: Oh it was still 24th okay.

MR PAUL AGRIZZI: 24 August.

CHAIRPERSON: Ja.

MR PAUL AGRIZZI: So from ten o'clock until about say three o'clock they were there.

So then Jared Watson is walking out and I think I have got rid of them for the evening now I am trying to keep up appearances as well with them. So there is no-one at home. I am all alone and the person who was with me was falling asleep and he needed to go home and sleep because he had been up as much as I had. And what then happened was I said to him am go they are not going to come back here, go home it is fine I am alright. So I took off my shoes and I do not drink because I am diabetic

10 and I am on heavy insulin. So I thought you know what I feel like a drink it has been rough. So I pour myself a Gin and Tonic. I have two, three Gin and Tonics. Chair I get a call at six o'clock. No, no this is Jared Watson. Angelo I have got Lindsey and Roth can we quickly pop in. You do not need to worry about food I will bring Pizzas.

MR PAUL AGRIZZI: Yes.

ADV PAUL PRETORIUS SC: Alright before you go on please. I am not sure if the sound is still working.

CHAIRPERSON: Well I am – I may have touched something here. Ja. If you touch the wrong button then.

ADV PAUL PRETORIUS SC: Alright Chair. It is now working thank you. Please just
20 go back to paragraph 51.26 and deal with what you say in that paragraph concerning the offer and your response to the offer and whether any changes were made to the offer before the meeting ended. What happened there?

MR PAUL AGRIZZI: Okay Chair sorry I was not reading off my notes I was going off my memory. At ten am Mr Valence Watson and his son Jared arrived at my house requesting that I look at the offer in the presence of Mr Andries Van Tonder. I looked at

the offer and I suggested changes. So they brought an offer I made some changes on it, because we knew exactly where we were going with this. The response from Valence Watson was that they would accept any change I would make in the offer. So I made changes accordingly. I never changed any financials, any figures. I only changed terms. So we changed – I would be pedantic and change one or two terms and then give it back to them just to play for time. Okay.

ADV PAUL PRETORIUS SC: You say you even sent it to your attorney to peruse the offer made?

MR ANGELO AGRIZZI: Yes, that was on the late afternoon, I said so.

10 **ADV PAUL PRETORIUS SC:** Just to clarify at this stage or to give you an opportunity to clarify, because again it is not entirely clear what you were doing at this stage, you say that you were going along with them in order to obtain proof that you were being bought out as it were?

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

ADV PAUL PRETORIUS SC: Why was it necessary then to send firstly to amend the offer and secondly to send it to your attorney to peruse the offer and the changes?

MR ANGELO AGRIZZI: Because I have dealt with the Watsons for 19 years. They are shroud and cunning and I wanted to make sure that my attorneys also were aware of what was happening with them.

20 **ADV PAUL PRETORIUS SC:** But why do you not say that in your statement?

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

CHAIRPERSON: Well, maybe, Mr Pretorius before we go so far about this I want to know what the features, main features of the offer were? What were the main features of the offer?

MR ANGELO AGRIZZI: Chair, the main features of the offer were that it would be

about R15-million over five years.

CHAIRPERSON: Per year, per month?

MR ANGELO AGRIZZI: No that was paid R5-million per annum. Between 5 and R10-million per annum providing that I could prove how good I was.

CHAIRPERSON: And what were you supposed to do? What were you supposed to perform, what work? Or what were you supposed to deliver?

MR ANGELO AGRIZZI: Keep quiet.

CHAIRPERSON: And this offer – how did this offer deal with your part as to what you are supposed to do?

10 **MR ANGELO AGRIZZI**: Just said I must not bring the – I must not mention anything that would make the company look bad.

CHAIRPERSON: Okay, so you would be paid about R5-million a year for three years you said?

MR ANGELO AGRIZZI: Five years.

CHAIRPERSON: For five years?

MR ANGELO AGRIZZI: It was between 5 and R10-million per annum, minimum was R5-million per annum.

CHAIRPERSON: Yes, so what was guaranteed was R5-million?

MR ANGELO AGRIZZI: That is correct.

20 **CHAIRPERSON**: Per year?

MR ANGELO AGRIZZI: That is correct.

CHAIRPERSON: And if you proved yourself quite good then you could get more up to 10-million?

MR ANGELO AGRIZZI: That is correct, Chair.

CHAIRPERSON: I wonder how do you become very good at silence? If you are silent

and you do not say things how do you become better?

MR ANGELO AGRIZZI: You run away to Italy, Chair.

CHAIRPERSON: Hmm?

MR ANGELO AGRIZZI: You run away with all the information to Italy. That is how you be good I suppose.

CHAIRPERSON: Okay, okay.

MR ANGELO AGRIZZI: Chair, it also included I think R250 000 per month.

CHAIRPERSON: Yes?

10 **MR ANGELO AGRIZZI**: Just so that I could have some money to keep me happy as well.

CHAIRPERSON: That is apart from the R5-million a year?

MR ANGELO AGRIZZI: That is correct, Chair.

CHAIRPERSON: Okay, thank you. Okay, Mr Pretorius you had a question but I wanted to hear the main features of the offer first.

20 **ADV PAUL PRETORIUS SC**: Thank you, Chair. The information that you are giving to the Commission as set out in paragraph 51.26 appears to indicate that you were taking the offer seriously. You went to the extent of suggesting changes and you raised the issue of changes, or the issue of changes was raised with you by Watson and you then took the trouble to make the changes and to send it onto your attorney. That statement in paragraph 51.26 appears to indicate that you were taking this negotiation seriously that it was not a pretence.

If it was a pretence, if it was a pretence, simply asked why did you not say so here?

MR ANGELO AGRIZZI: Because I was dealing with a very shroud attorney on the other side and I needed to make it look authentic to get Mr Watson to sign it.

ADV PAUL PRETORIUS SC: Alright but I am sorry, maybe I am not making myself clear and let me try again. We are now dealing with the present. There is no need to be cautious in relation to attorneys and Mr Watson anymore. We simply want to know the real story and so when you made the statement in 51.26 the issues concerning Mr Watson and his conduct not relevant, it is what the correct position was and my question is, now today, 2019, January why did you not say that there that this was all a rouge you were playing along?

MR ANGELO AGRIZZI: Because I did not have much time to prepare this statement, Chair. If I had more time I would have used another 100 pages on this statement.

10 **ADV PAUL PRETORIUS SC:** But as a matter of fact this is what happened here in paragraph 51.26 as you relate it? Your motives and other things you say you did not have time to put in?

MR ANGELO AGRIZZI: Chair, I think that the best answer for that would be number one to hear the other witnesses' comments before a decision is made and what the approach was mutually. I do not see...[intervenes]

CHAIRPERSON: Yes, but Mr Agrizzi, Mr Pretorius is simply asking you to confirm that what you wrote here is factually correct.

MR ANGELO AGRIZZI: Yes.

20 **CHAIRPERSON:** *Ja, ja.* I wanted to say, Mr Pretorius and Mr Agrizzi that we do know of course that since Mr Agrizzi started giving evidence before this Commission he has mentioned it quite a number of times that this affidavit was prepared in – with some degree of haste, as I understood to the position. He has mentioned that there are a number of other things that he would have liked to put it, which I even said at some stage there should be an opportunity for him to supplement it if he wants to.

So I just thought...[intervenes]

ADV PAUL PRETORIUS SC: Yes, Chair, I will address that issue in conclusion of the evidence.

CHAIRPERSON: Ja.

ADV PAUL PRETORIUS SC: There are a number of issues that require some preparation.

CHAIRPERSON: Yes.

ADV PAUL PRETORIUS SC: And some detail.

CHAIRPERSON: Okay.

ADV PAUL PRETORIUS SC: And of course the investigations are continuing, but I will
10 deal with a number of issues in that regard if I may at the conclusion of the evidence of Mr Agrizzi.

CHAIRPERSON: No, no that is fine. That is fine. But that offer that we are talking about is it in the bundle? Or that agreement or is it not?

MR ANGELO AGRIZZI: Chair, I did ask for it to be in the bundle. I did ask.

CHAIRPERSON: Mr Pretorius?

ADV PAUL PRETORIUS SC: Is it available?

MR ANGELO AGRIZZI: Yes, it is available.

ADV PAUL PRETORIUS SC: Yes, we will place it in the bundle.

CHAIRPERSON: Yes, okay, alright.

20 **MR ANGELO AGRIZZI:** Because it is a critical part of the...[intervenes]

CHAIRPERSON: I think it is very important.

MR ANGELO AGRIZZI: And the emails between myself...[intervenes]

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: And the Watsons.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: Later on and, Chair, even if it means that I have got to break for five minutes and get it off my computer and put it on the screen, I am more than willing to.

CHAIRPERSON: Yes.

ADV PAUL PRETORIUS SC: Well perhaps we could obtain that and include it in the bundle and deal with it at 14:00, Chair.

CHAIRPERSON: Yes, that is fine, *ja*. And your recollection Mr Agrizzi are quite clear that in terms of what you were supposed to do it reflects that you would keep quiet about activities and so on at Bosasa?

10 **MR ANGELO AGRIZZI:** Chair, if it means, if it means, sorry, if it means I have to postpone my trip by a day or two I am prepared to do it, but I do want everything to come out and I think that we cannot be selective in this.

CHAIRPERSON: *Ja*. No, no, no that is fine, I think Mr Pretorius has indicated that we could deal with it at 14:00 so in the meantime you would be able to obtain it and it will be placed before me. Thank you.

ADV PAUL PRETORIUS SC: Can we go please Mr Agrizzi to page 102 of your affidavit paragraph 52.

MR ANGELO AGRIZZI: Yes.

20 **ADV PAUL PRETORIUS SC:** According to your affidavit there was a meeting at 15:00 in the afternoon of 24 August 2018.

MR ANGELO AGRIZZI: That was the meeting that Mr Valensen, Jared Watson had departed at 15:00 they left my house.

ADV PAUL PRETORIUS SC: Alright, what happened then?

MR ANGELO AGRIZZI: Well, when they left my house that is when I sat back and I had a piece of carrot cake and a couple of Gin and Tonics which I do not normally drink,

Chair, but I just had enough, I was tired, and I was overtired, I actually could not fall asleep. I tried reading my books, just nothing. So I had a Gin and Tonic and then I got the call and then I had to think well what am I going to arrange for supper?

Because I do not like people coming to my house and there is nothing to eat. So I got a hold of my daughter. I said to my daughter please will you buy some, I remember it was Tika Chicken Curry from Holy Cow and it was Breyani. Pick it up on the way when you come home, because my wife was not there. Because of all of this I had sent her away. So she went on her little break.

So I should not have had it, I should not have had my Gin and Tonic. I was
10 agitated, I was so fed up, Chair, that it was, it just got to me. And even worse than that I should have known that you know to say no sometimes is okay, but I thought I always try and be the nice guy. So I said, no it is fine come around. So they arrived there.

ADV PAUL PRETORIUS SC: What time?

MR ANGELO AGRIZZI: I think it must have been 19:30 in the evening.

CHAIRPERSON: At this stage the offer that you have talked about that draft agreement you have sent it to your attorney and it was unsigned as yet? At that stage.

MR ANGELO AGRIZZI: Chair, I was not even waiting for a response from the attorney.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: I just sent the changes and the proposed changes were small
20 little things that I sent straight through to Brian Biebuyck.

CHAIRPERSON: Okay, no I just want to get the sequence.

MR ANGELO AGRIZZI: Yes.

CHAIRPERSON: As to where both sides were with regard to the agreement when this latest visit occurred was the position that the draft agreement had been sent to your attorney, you were waiting for – he was still to come back to you or was the position

that you had told them of your position and in regard to it?

MR ANGELO AGRIZZI: Chair, I have told them about my position they had sent me a draft. I made changes to it and I sent it back. Bear in mind that in the back of my head and that of my colleague Andries we wanted to get a signature of Gavin Watson on that piece of paper.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: So we played them. We sent a copy to my attorney as well.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: But we still sent a copy with the changes to Biebuyck as well
10 because we were not going to even sign it.

CHAIRPERSON: Okay, yes.

MR ANGELO AGRIZZI: So it was a case of playing them for time.

CHAIRPERSON: Okay.

MR ANGELO AGRIZZI: We knew that the longer we played them for time the more urgent Gavin Watson would sign it and that is what we wanted. We wanted that signature on that piece of paper.

CHAIRPERSON: Yes, thank you.

ADV PAUL PRETORIUS SC: Did a meeting eventually take place, although not at
15:00 that evening?

20 **MR ANGELO AGRIZZI:** It did take place, yes.

CHAIRPERSON: Who was present?

MR ANGELO AGRIZZI: Initially my daughter came in and she gave me the food and she set up the table for everybody and she had something to eat with all of us and then she went to her room.

ADV PAUL PRETORIUS SC: Alright, who else was present?

MR ANGELO AGRIZZI: It was only myself, Jared Watson, Lindsey Watson, Roth Watson it was the only people who were present.

ADV PAUL PRETORIUS SC: Did you know at that stage whether the proceedings or the contents of that meeting were being recorded?

MR ANGELO AGRIZZI: I noticed that there was a lot of fiddling around in the pockets and I presumed that they had recorded, they were recording the meeting, but you know I think in hindsight, Chair, I should not even have had the meeting, because I was not myself, you see some afternoons I actually fall asleep here, I actually want to fall asleep or I get confused. So in hindsight yes I knew they were taping me.

10 **ADV PAUL PRETORIUS SC:** Did you know at the time the meeting took place that they were recording the meeting?

MR ANGELO AGRIZZI: I knew they were recording me.

CHAIRPERSON: From the beginning or from only at a certain stage during the meeting?

MR ANGELO AGRIZZI: They were recording me from the beginning, from when they walked in the door he disappeared a few times to the toilet. What they forget is I have got mirrors on my stairway and if we are sitting in the dining room you can actually see from what is someone is busy with when they go to the toilet.

CHAIRPERSON: Yes, but what I mean is whether your awareness that they were
20 recording what was being said at the meeting, whether you heard that awareness that knowledge from the time the meeting commenced?

MR ANGELO AGRIZZI: From when we sat down for supper I knew they were recording me.

CHAIRPERSON: Okay.

ADV PAUL PRETORIUS SC: Well, it is important that you take care concerning your

answer Mr Agrizzi. Your awareness or otherwise of the meeting being recorded could have been a reconstruction on your part. You could have thought later well if I put all these facts together in my memory I now conclude later after the meeting that it was being recorded or you could have said what you said at the meeting with the knowledge that it was being recorded.

MR ANGELO AGRIZZI: I agree.

ADV PAUL PRETORIUS SC: So what is the case?

MR ANGELO AGRIZZI: The case is I knew they were recording me, Chair. I knew that they were coming there to try and set me up. I knew it. In my gut I knew it.

- 10 **CHAIRPERSON:** So is your final answer that as the meeting started you knew in your mind – you knew that you were recording you or is your final answer that as the meeting started you suspected that they were recording you or is the position that subsequent to the meeting when you had regard to a number of things you concluded that they had been recording you? Which of the three is the correct one?

MR ANGELO AGRIZZI: Afterwards...[intervenes]

CHAIRPERSON: Or is there a fourth one that you can tell me?

MR ANGELO AGRIZZI: As a matter of fact after this whole thing my daughter came to me and said you know dad that you have been recorded. Even my daughter knew that there were recordings taking place.

- 20 **CHAIRPERSON:** Yes, but that does not help me with the question's answer.

MR ANGELO AGRIZZI: Oh with the current, I knew myself that they recorded and then my daughter told me as well. She said, dad they have recorded you even though she was not in the whole meeting.

CHAIRPERSON: Okay, thank you.

MR ANGELO AGRIZZI: I do not know if that explains I do not know how to explain

that, I knew as I knew that there was fishy stuff going on.

CHAIRPERSON: Okay.

ADV PAUL PRETORIUS SC: Well it is important, because of a number of reasons and that will become clear in a moment Mr Agrizzi, but as I understand your evidence after several questions both from the Chair and from myself, at the time the meeting was taking place and from the inception of the meeting you knew it was being recorded, is that correct?

MR ANGELO AGRIZZI: Yes.

ADV PAUL PRETORIUS SC: And that is not an afterthought it is what you knew at the
10 time of the meeting, correct?

MR ANGELO AGRIZZI: Yes.

ADV PAUL PRETORIUS SC: And you allowed the meeting to continue notwithstanding the fact that it was being recorded, you did not stop them. You did not say Mr Watson or whoever else please stop recording. You allowed the meeting to continue with the recording taking place?

MR ANGELO AGRIZZI: I thought I could control it, Chair, evidently I could not.

ADV PAUL PRETORIUS SC: Alright.

MR ANGELO AGRIZZI: Evidently I could not. I do not think...[intervenes]

CHAIRPERSON: What do you mean you thought you would control it?

20 **MR ANGELO AGRIZZI:** I thought I would manage this whole meeting with them.

CHAIRPERSON: Okay.

MR ANGELO AGRIZZI: I thought maybe, you know if I know they are doing something I can manage it.

CHAIRPERSON: Okay.

MR ANGELO AGRIZZI: I did not realise the impact that having carrot cake and a Gin

and all that would have on me, but anyway, it is not an excuse.

CHAIRPERSON: Thank you.

ADV PAUL PRETORIUS SC: Be that as it may Mr Agrizzi how long did this meeting last?

MR ANGELO AGRIZZI: Gee, until late at night I think it was 23:00/00:00.

ADV PAUL PRETORIUS SC: Alright several hours?

MR ANGELO AGRIZZI: Yes.

ADV PAUL PRETORIUS SC: And what was discussed?

MR ANGELO AGRIZZI: Well at first we sat at the dining room table and we were
10 discussing the world and we were discussing the race and religious issues and that and
then later on we went into my TV room which is where I relax and I put my feet up and
relax. So after that we went and we actually sat and we were chatting and then they
showed me a video and then I showed them a video and you know what happens? Is
that I actually showed them a video that their father sent me and we were discussing all
these things.

We discussed from woman from the name of Lindy Gouws right the way
through to the Ministry then we spoke about affairs and in families and we spoke about
things that I used to speak to the kids previously about.

CHAIRPERSON: And so now it was yourself, Jared Watson, Roth Watson and
20 Lindsey Watson only?

MR ANGELO AGRIZZI: Yes.

CHAIRPERSON: Or plus your wife?

MR ANGELO AGRIZZI: No my wife had gone away. My wife and my daughter had
gone. My wife was at a friend and my daughter was upstairs in her room.

CHAIRPERSON: Yes, so it was just the four of you?

MR ANGELO AGRIZZI: That is correct, Chair.

CHAIRPERSON: Okay, thank you.

ADV PAUL PRETORIUS SC: Part of the contents of that meeting were indeed recorded and later published further on social media?

MR ANGELO AGRIZZI: That is correct, Chair.

ADV PAUL PRETORIUS SC: I will give you an opportunity to deal with that, but I must play that for you and for the, Chair.

MR ANGELO AGRIZZI: I appreciate the fact that we have to open and transparent, Chair, but also you need to play the whole three hours, because you need to hear what
10 started it. I am not finding excuses. Listen, I am embarrassed of myself. I am ashamed of myself for ever doing that, but please just understand the context. No sleep, I was beside myself and I am not going to make excuses. You can even hear me slur. I have not made an excuse about this, but once again, Chair, I am a racist I agree. Judge me on that that is fine. You may play it.

ADV PAUL PRETORIUS SC: Right we are going to play the exert which appeared or was heard on public media. It was accompanied by...[intervenes]

MR ANGELO AGRIZZI: Why do you not play the whole three hours? That is fair.

ADV PAUL PRETORIUS SC: Mr Agrizzi we are leading the evidence. We do not have the whole three hours. We may be able to obtain it through the powers that the, Chair,
20 has and we certainly at your instance will ask for it and examine it, but for the moment we are placing the short clip on record and you will have a full opportunity to deal with it.

MR ANGELO AGRIZZI: Thank you. Once more my apologies for this, Chair.

CHAIRPERSON: No, that is fine.

[LISTENING TO AUDIO]

CHAIRPERSON: Mr Pretorius he must wait until he is told to start.

ADV PAUL PRETORIUS SC: Yes.

CHAIRPERSON: Or had you said he must?

ADV PAUL PRETORIUS SC: I had not, but I cannot control everything behind me, Chair.

CHAIRPERSON: Yes, he must wait until you say so. Is that where we go now?

ADV PAUL PRETORIUS SC: So would you just go back to the beginning please of the clip and you can press play now.

[LISTENING TO AUDIO]

10 **ADV PAUL PRETORIUS SC:** Alright that is the clip and I will give you a moment to consider the implications for your evidence, but I would like to ask you one or two questions about that clip please.

MR ANGELO AGRIZZI: Yes, Chair.

ADV PAUL PRETORIUS SC: Mr Agrizzi. First of all the legal team must place on record that it is nakedly racist, grossly offensive, it is difficult to find words actually to describe what was said on there without any accuracy, but it is for the, Chair, to assess what the implications are for the assessment of the veracity of your evidence and to deal with it.

20 You will concede as I understand it that your comments are nakedly racist and grossly offensive both to the individuals that you refer to and to the country at large?

MR ANGELO AGRIZZI: I have admitted it, Chair, and I am sorry.

ADV PAUL PRETORIUS SC: Yes.

MR ANGELO AGRIZZI: That is all I can say.

ADV PAUL PRETORIUS SC: But there is a further question. It will in all probability be

put to you by various instances that, that conversation exhibiting racism in an extreme form is part of the motivation for you giving evidence. In other words that your evidence is motivated by racism. What do you say to that?

MR ANGELO AGRIZZI: My answer to that is, Chair, just basically work off the facts please.

ADV PAUL PRETORIUS SC: Right.

MR ANGELO AGRIZZI: Let other people see and other whistle-blowers see that you work off the facts, I made a mistake, a big mistake. I shamed my family, my kids could not even go to Varsity they had to do work from home. I am paying the price for it do
10 you not worry. All I am saying is I do not see how somebody can say that I am being racist when I am pointing out the facts that Mr Watson corrupted people that is all I am pointing out. He is not black and if you – that is why it is important, Chair, to listen to the context of what I was saying.

Do you realise in the beginning of the video clip or the sound clip it says he used to, he, he, he, he. Perhaps I was referring to Mr Watson there. The two people that I referred to using the "K" word is Johannes Gumede and Papa Leshabane. Those are the two and the reason for that is quite simply, because I was wrong and there is no excuse, but you know, Chair, when people threaten you and the evidence has not been brought before you yet about the threats that were made to me except for what I told
20 you, but the transcripts are not ready yet, or they have not been presented.

When people threaten you, you do do stupid things. I am not making excuses, Chair, but it was directed at them. It was in the privacy of my home, in the privacy of my own home.

CHAIRPERSON: Well I do not know about what difference it makes if it is in the privacy of your home. Does it make a difference?

MR ANGELO AGRIZZI: It does not.

CHAIRPERSON: Is one allowed? Is the position that one is allowed – is not allowed to be racist outside one's house, but in one's house one is entitled to be racist?

MR ANGELO AGRIZZI: Chair, there is no excuse, let me leave it at that. There is no excuse whatsoever for what happened.

ADV PAUL PRETORIUS SC: Thank you. So there are two issues. One, Mr Agrizzi is the content of that conversation.

MR ANGELO AGRIZZI: Yes.

ADV PAUL PRETORIUS SC: And its implications for those to whom you referred and
10 for South Africa as a whole. That is one set of issues.

MR ANGELO AGRIZZI: Yes.

ADV PAUL PRETORIUS SC: We have made it clear that from the legal team's point of view at least we can have no truck with such conduct and we have led it in order to be fair to everyone involved in this inquiry and in fact including yourself.

MR ANGELO AGRIZZI: I accept that Chair.

ADV PAUL PRETORIUS SC: The second point is the matter that you have now had an opportunity to deal with is whether your evidence here has been motivated by racism and secondly whether your evidence should still be assessed on its merits in the light of what we have heard amongst other things. Do you have any further comment in that
20 regard?

MR ANGELO AGRIZZI: Chair have a look at the facts. Just base, just bear in mind when you, when you decide not; I have done what, what I set out to do. It is now in the court's hands. It is in your hands. I cannot do anything about your decision. I cannot influence Advocate Pretorius. I cannot influence the legal team, but what I can do is I can ask you please to make it more accessible for whistle blowers to come out so that

we fix up this country, because Chair quite simply if whistle blowers see what I have had to go through they would not want to whistle blow.

CHAIRPERSON: Well Mr Agrizzi I can say this to you that what I have heard you say there is extremely offensive.

MR ANGELO AGRIZZI: Yes.

CHAIRPERSON: It is totally unacceptable, but that does not mean that I will not examine your evidence and see where you may be speaking the truth and where you may not be speaking the truth. I will still examine your evidence, consider it properly, consider the evidence of those who will come and give evidence about what you have
10 said and deal with it in the way a Judge should deal with it.

MR ANGELO AGRIZZI: That is all I want Chair.

ADV PAUL PRETORIUS SC: Thank you Mr Agrizzi. Can we go then to paragraph 53 of your statement?

MR ANGELO AGRIZZI: Yes Chair [intervenes].

ADV PAUL PRETORIUS SC: What happened on Saturday 25 August 2018?

MR ANGELO AGRIZZI: On 25 August Chair I received a draft agreement again. It offered, this new agreement was from Brian Biebuyck and it offered in excess of R50 million to comply with the Watsons requests. I responded by saying I was not happy with the fact that there was no signed suretyships. So I added something extra. I
20 wanted signed surety.

ADV PAUL PRETORIUS SC: Before you go on was the agreement signed?

MR ANGELO AGRIZZI: No, it was not.

ADV PAUL PRETORIUS SC: Right. Carry on please.

MR ANGELO AGRIZZI: And I said to them specifically I was not happy I wanted signed suretyships from them standing for that agreement. I was then told by

Brian Biebuyck in an email that he sent to me after I, because I made sure everything was in writing Chair and I actually provided it to the, to the team already, but I will provide it again. That I said to him in writing that you know I wanted suretyship. So he responded by saying yes the family will sign surety, but then he added in the mail as well he says but please I need this done now, please Angelo. I need it done now and then I need your bank account please so I can deposit R10 million into it, in the email that I had.

CHAIRPERSON: This is now who talking to you sir?

MR ANGELO AGRIZZI: This is Brian Biebuyck.

10 **CHAIRPERSON:** Okay.

MR ANGELO AGRIZZI: Their attorney.

CHAIRPERSON: Hm.

ADV PAUL PRETORIUS SC: And the good faith payment you refer to, what happened there?

MR ANGELO AGRIZZI: In terms of?

ADV PAUL PRETORIUS SC: Was it ever paid?

MR ANGELO AGRIZZI: Never.

ADV PAUL PRETORIUS SC: Right and what was the condition attached to the making of that payment?

20 **MR ANGELO AGRIZZI:** That I would have to sign the agreement.

ADV PAUL PRETORIUS SC: Right. Before it was signed by anyone else?

MR ANGELO AGRIZZI: I will get to that if you, you asked me to give my response. Let me explain it.

ADV PAUL PRETORIUS SC: Alright go ahead please.

MR ANGELO AGRIZZI: And then 53.2 says:

“I was not about to sign anything or agree to any payment.”

This I had caucused with Andries van Tonder and I; if I remember correctly my attorney. I said I am not going to sign anything. This was about three, 4 o' clock in the afternoon on Saturday.

CHAIRPERSON: Was that the 25th?

MR ANGELO AGRIZZI: That is the 25th Chair.

CHAIRPERSON: Ja, huh-uh. Ja.

MR ANGELO AGRIZZI: On the Saturday. Was it or a Sunday. I cannot remember now Chair. Knowing the Watsons and what I was up against I knew we wanted a
10 signature. If it was a surety we were quite happy with that, because that we could have proved was part of the agreement on that proposed agreement. Brian Biebuyck countered me by saying no, no it can be signed in counterpart. I think he knew where I was going with it. I was not interested in any offer to sign them to, to buy my silence and I was advised by the Watsons and advised the Watsons and Biebuyck in writing.

ADV PAUL PRETORIUS SC: Did you send an email to that effect?

MR ANGELO AGRIZZI: Yes, I did.

ADV PAUL PRETORIUS SC: And have you provided the investigators with that email as well?

MR ANGELO AGRIZZI: Yes, I did.

20 **ADV PAUL PRETORIUS SC:** Chair what we will do is we will compile a bundle of the relevant correspondence.

CHAIRPERSON: Okay.

MR ANGELO AGRIZZI: And I can actually read you the email. I do not know if I have got a copy with me.

CHAIRPERSON: Have you got it there?

MR ANGELO AGRIZZI: I will have it on my laptop. It is literally a minute.

CHAIRPERSON: Hm.

ADV PAUL PRETORIUS SC: Well perhaps we can deal with that at 2 o' clock.

CHAIRPERSON: At two, at 2 o' clock.

MR ANGELO AGRIZZI: Okay.

CHAIRPERSON: Ja.

MR ANGELO AGRIZZI: So basically in the email it says you know it was lovely, because sometimes I like a bit of humour even in those situations. I said it was lovely meeting you guys again and you know it is wonderful. I just want to confirm what the
10 discussions were about and I put in there exactly what the discussions were and at the bottom I said to her, I said to them I said but I want you to understand something. It was all nice meeting you, but you are not going to buy my silence. That I made very clear and I said you must think I am an idiot, because now I had the offer from Brian Biebuyck. I knew I was not going to get Watson's signature, but I reckoned I had enough evidence with me. If you think I am going to sign an agreement and ever get involved with the Watsons again you have got another thing coming. That is what I said to them. Lindsay Watson then sends me a message. She says oh, I thought last night was wonderful. What is wrong with the agreement and I have got all the WhatsApp's. I have sent it to the investigators. They have got it. What is wrong with the agreement?
20 I get another message from Brian Biebuyck an email saying no, no Gavin is going to fly up now to come sign that agreement and can we arrange another meeting with the brothers so that we can sort it out. Put off my phone. That evening at about 9 o' clock, half past seven to 9 o' clock Chair I am not reading off my notes. So it.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: I understand Mr Pretorius refers me back to my notes, but I

tell you.

CHAIRPERSON: Ja.

MR ANGELO AGRIZZI: I talk off the cuff. It is better for me.

CHAIRPERSON: Hm.

MR ANGELO AGRIZZI: About 19:00/20:00 I get the security guys phone me from the gate. Now I know they have got a very upset two gentlemen here who want to come through. Now security are very good. They realise look these people are looking very agitated and that. Let me rather just double check with the owner and he said to me. He says they are agitated but I, I did not answer the phone sorry. My wife answered
10 the phone. She said to him are they agitated. She said they are not allowed in. My brother was with me in my house. We said no we do not want to see anybody, but now they have been trying to phone me harassing me with phone calls as well. So that was on 25 August Chair.

CHAIRPERSON: Ja.

MR ANGELO AGRIZZI: That evening. So that is it. I am now dealing with the Hawks and I am dealing with, with the police on this alright and that is that. So Chair what I think is important now is to show you what, what I had to deal with. So that is on the 25th. On 31 August.

CHAIRPERSON: August.

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

CHAIRPERSON: August 2017.

MR ANGELO AGRIZZI: Six days away. I get a.

ADV PAUL PRETORIUS SC: 2018?

MR ANGELO AGRIZZI: 2018.

CHAIRPERSON: I am sorry.

ADV PAUL PRETORIUS SC: 2018.

CHAIRPERSON: 2018?

MR ANGELO AGRIZZI: Yes.

CHAIRPERSON: Oh, we are in, we are in August 2018?

MR ANGELO AGRIZZI: Yes.

CHAIRPERSON: Okay, alright.

MR ANGELO AGRIZZI: 53.9. I get a call. This is on 31 August 2018 I get a call in the afternoon from City Press. They have just had a meeting with Joe Gumede and Papa Leshabane. They have just had a meeting with Joe Gumede and
10 Papa Leshabane and they want to send me comments, questions. Chair I did not even know that they had opened up a police case against me Joe Gumede and Papa Leshabane at Douglasdale Police Station. I did not even know. City Press told me. They had opened up the case earlier at the police station. So I said well it is very strange you know why would you, what is the intention to go to the City Press have a meeting with them, Papa and Joe Gumede and then hand over the recording to them from their side. So, but even worse City Press knew that there was a police case. I did not even know. Nobody phoned me. I eventually phoned up the inspecting officer and went and saw them to, so that they do not think anything funny, but I am trying to say is that this case had been opened up and it is pending or I do not, actually do not know
20 what is happening with it. I have been too focussed on this. On 1 September I mean that is literally August/September this lady starts putting out things on social media on me and all that type of thing.

CHAIRPERSON: Which lady now?

MR ANGELO AGRIZZI: It is one of the ladies who are complaining, one of the three press; puts our article on the very next day.

CHAIRPERSON: Is it a journalist from City Press?

MR ANGELO AGRIZZI: No, not from City Press. From, it is a lady who used to be with Sunday Times that I know of her when she was at Sunday Times, puts out questions to me and starts publishing them on social media the very next day. Chair what can I do? It is just an attempt to discredit me. Yes, I make mistakes. I admit it. Gee, I will do whatever I have to do to fix it. I will do whatever I have to do, but you know then this whole thing gets blown up. Why Chair, because if they can discredit me they will discredit the information as well and that is basically what happened in a nutshell and that Chair quite simply has been the story all along. It does not include everything.

10 **CHAIRPERSON:** Yes.

MR ANGELO AGRIZZI: And I need to add quite a lot to it.

CHAIRPERSON: Ja, ja. No, thank you.

ADV PAUL PRETORIUS SC: The lady you refer to do, would you take a moment to think of the name whether you can recall the name?

MR ANGELO AGRIZZI: It is one of those journalists. The lady's name is Pinky Khoabane.

ADV PAUL PRETORIUS SC: Right. Thank you. I want to take you back please to the meeting at which you made the remarks which have just been played to you.

MR ANGELO AGRIZZI: Yes.

20 **ADV PAUL PRETORIUS SC:** Paragraph 52.4 on page 102. Now you were given an opportunity at some length today to recall whether you were aware of the meeting being recorded at the time took place or whether this was an afterthought on your part.

MR ANGELO AGRIZZI: Sure.

ADV PAUL PRETORIUS SC: In paragraph 52.4 in the fifth line you say:

“I at the time was unaware that the Watson children had

planned to entrap me in a heated discussion.”

Do you stand by that statement?

MR ANGELO AGRIZZI: Yes, I actually; in my gut I knew they were recording me, but I was not aware that they were trying to entrap me.

ADV PAUL PRETORIUS SC: And what is the conclusion that you have reached.

MR ANGELO AGRIZZI: Sorry.

ADV PAUL PRETORIUS SC: As a matter of afterthought.

MR ANGELO AGRIZZI: Sorry, I just want to clarify something. You asked me the question did I know that they were recording me. Yes, I knew they were recording me,

10 but I did not know they wanted to entrap me.

ADV PAUL PRETORIUS SC: Yes. No, I hear that and you have now explained what might otherwise have been seen as [intervenes].

MR ANGELO AGRIZZI: If I can just add there Chair. That is why I would like as bad as it is, because the part you have is the bad part for me. I would love you to hear the bad part, the preceding three hours. Why is that never ever being played?

ADV PAUL PRETORIUS SC: Yes. Well.

CHAIRPERSON: Yes.

ADV PAUL PRETORIUS SC: We will attempt to obtain it. You understand it is not in our possession.

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

CHAIRPERSON: You have sought to make a distinction between being aware that they were recording you and being aware that they intended or they were planning to entrap you. What is it that you had in mind they were trying to do to entrap you?

MR ANGELO AGRIZZI: Chair that stage what we wanted to was to entrap them with the agreement.

CHAIRPERSON: Oh, I am sorry. I must have confused you. You said you were unaware that they were planning to entrap you?

MR ANGELO AGRIZZI: Correct.

CHAIRPERSON: Okay. Did you subsequently become aware of that?

MR ANGELO AGRIZZI: Well afterwards when we found out that they recorded us. We realised we were stupid well I realised I was stupid. I was the only one there.

CHAIRPERSON: Yes, but you told us that you were aware from the commencement of the meeting that they were recording you.

MR ANGELO AGRIZZI: That is right.

10 **CHAIRPERSON:** I would imagine that that should have said to you they are onto something that they would use against me.

MR ANGELO AGRIZZI: In a way you are right.

CHAIRPERSON: Ja.

MR ANGELO AGRIZZI: But at 9 o' clock at night, 10 o' clock at night you forget these things as well.

CHAIRPERSON: Ja, but.

MR ANGELO AGRIZZI: And then you start saying.

CHAIRPERSON: Is that not, is that not being aware that they were seeking to entrap you when you are aware that they are [intervenes].

20 **MR ANGELO AGRIZZI:** No, I thought they were just being protective of themselves and I did not, I actually did not realise Chair. You know I was not in the right state of mind as well at the time.

CHAIRPERSON: Hm, but when you deposed to the affidavit.

MR ANGELO AGRIZZI: Yes.

CHAIRPERSON: That was a different time the atmosphere was different.

MR ANGELO AGRIZZI: Yes.

CHAIRPERSON: So I am, I am, I am just wondering why if you were aware that they were secretly recording you why it would be that you would not have thought that they were intending to entrap you.

MR ANGELO AGRIZZI: I think Chair, I think they were more worried about; I knew they were recording me. I do not think, I think that they recorded me for their protection. I do not think, because I would have picked up the phone and phoned their uncle and said this is what they said to me. So I think they were, I do not think they were trying to; I do not Chair. I was half asleep there. I cannot even remember.

10 **CHAIRPERSON:** Mr Pretorius.

ADV PAUL PRETORIUS SC: Thank you Chair. Chair we are at paragraph 54. There are a number of issues that we have to deal with over the long adjournment and the evidence is almost complete. There are a number of outstanding issues and we have an idea of how to deal with them. There is also perhaps an order that we would like you to make. The witness has expressed full cooperation and surrendering devices for analysis by the investigation team and this will however confirm or not confirm his evidence, but he is shown full cooperation in this regard and will surrender all his devices. We would like to confirm that in an order. An order has been prepared, but may we take the long adjournment to deal with all these issues and resume at 2 o'clock?

20

CHAIRPERSON: Okay, alright. We will take the lunch adjournment now and we will resume at 2 o'clock. We adjourn.

ADV PAUL PRETORIUS SC: Thank you.

REGISTRAR: All rise.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Yes Mr Pretorius.

ADV PAUL PRETORIUS SC: Mr Agrizzi I understand that there is an issue that you wish to revert to and clarify?

MR ANGELO AGRIZZI: Yes.

ADV PAUL PRETORIUS SC: In relation to you evidence this morning. Please go ahead.

MR PAUL AGRIZZI: If I may Chair?

CHAIRPERSON: Yes.

10 **MR PAUL AGRIZZI:** Chair in terms of the Sunday Times' letter I just wish to notify the Chair that the email only got to me literally five minutes before we started. I passed it over to Advocate Witz. I did not even have time to read it properly.

CHAIRPERSON: Yes that is before the tea break you mean today?

MR PAUL AGRIZZI: No before [intervenes].

CHAIRPERSON: What are you talking about?

MR PAUL AGRIZZI: The email from the Sunday Times.

CHAIRPERSON: Ja but what I am asking is whether you say you got it about five minutes before something and I am asking whether you are talking about this morning?

20 **MR PAUL AGRIZZI:** This morning. I got this email at about eleven – I see it was sent at 11:19 this morning and I got it for two minutes and I passed it straight onto Advocate Witz.

CHAIRPERSON: Yes.

MR PAUL AGRIZZI: So I did not even read through it.

CHAIRPERSON: Yes, yes. But you have had time to read it now?

MR PAUL AGRIZZI: Now I have had time to read it yes.

CHAIRPERSON: Yes.

MR PAUL AGRIZZI: And what I meant is I never lied to the commission. What I said quite clearly as it worked out. Number 1 I did not have the opportunity to deal with this complaint. It was put in front of me which is also a bit unfair but given that. Chair I responded to the press. Correct. But I responded to the email I did not respond to the questions and that is what I meant. And maybe I did not express myself properly but because it was just handed to me and I have got to answer this question out of a sudden. I responded to the press. Yes I did. I did a response but in my response I said to them I am not responding to these questions. So I was not lying. If that is how
10 it is perceived well that is how it is. I was not going to respond. I did not need to respond. I knew that they were going to publish without my response anyway.

CHAIRPERSON: I still have not read them – the documents that were handed up this morning in relation to the Sunday Times. But what is – what is the effect of your request that they give you 48 hours to respond? What is the effect if any on the answer you gave?

MR PAUL AGRIZZI: Chair the effect is that on the 25th I think it was – on the 25th they sent me questions at – they sent me questions at – I will tell you now. So just to get the chronology right.

CHAIRPERSON: Ja.

20 **MR PAUL AGRIZZI:** They sent me questions Bongani Fuzile sent me questions on Friday the 25 January at three o'clock.

CHAIRPERSON: Yes.

MR PAUL AGRIZZI: I am just going to round off the numerals. At three o'clock. I only got home I think at about four.

CHAIRPERSON: Yes.

MR PAUL AGRIZZI: I responded to him and I responded to everybody because that is what I told everybody I am going to do because if I – if someone asks me questions I would rather respond to everybody so that they have the truth. I responded at four o'clock, call it four o'clock on the same day. My response says very clearly that please as I have arranged with the editor and everybody else I will respond in 48 hours. Now if you take 48 hours Chair that takes you up to Sunday afternoon.

CHAIRPERSON: Yes.

MR PAUL AGRIZZI: At three o'clock.

CHAIRPERSON: Ja.

- 10 **MR PAUL AGRIZZI**: Three o'clock Sunday afternoon they had already published the story.

CHAIRPERSON: Yes, yes.

MR PAUL AGRIZZI: Without my response.

CHAIRPERSON: Yes.

MR PAUL AGRIZZI: Because I had not given a response yet.

CHAIRPERSON: Yes.

MR PAUL AGRIZZI: I do not know if that explains it Chair?

CHAIRPERSON: You – as I understand it you must just confirm this.

MR PAUL AGRIZZI: Yes.

- 20 **CHAIRPERSON**: You did give some answers in your response but you said you would give more or further answers in 48 hours. I am trying to understand because earlier on I understood that you did respond to some questions or did I misunderstand?

MR PAUL AGRIZZI: No you misunderstood Chair.

CHAIRPERSON: Yes.

MR PAUL AGRIZZI: With all the respect.

CHAIRPERSON: Yes.

MR PAUL AGRIZZI: I responded to the email which is correct. I did respond but I said I am not going to respond to the questions.

CHAIRPERSON: Yes.

MR PAUL AGRIZZI: Until the agreement of 48 hours and the reason for that would be to make sure that I comply with the regulations set by the commission which I did not even know at that stage. I only read about them on the Saturday.

CHAIRPERSON: Yes, yes.

MR PAUL AGRIZZI: So I never answered their questions.

10 **CHAIRPERSON**: So you never answered the questions?

MR PAUL AGRIZZI: No Chair.

CHAIRPERSON: That they put to you?

MR PAUL AGRIZZI: No Chair.

CHAIRPERSON: Oh I had misunderstood that earlier ja.

MR PAUL AGRIZZI: You see Chair and I think that is why I need to clarify it.

CHAIRPERSON: Yes.

MR PAUL AGRIZZI: Because ...

20 **CHAIRPERSON**: So you said you would only be able to respond after 48 hours and did they respond – did they say anything to you to say no that is too long for us or anything – they did not respond?

MR PAUL AGRIZZI: No.

CHAIRPERSON: And you sent your email to them around what time on Friday afternoon?

MR PAUL AGRIZZI: On Friday at quarter – exactly 15:54.

CHAIRPERSON: Yes.

MR PAUL AGRIZZI: And I will read my email to them. This is the response. As per the arrangement with your editors I will respond in 48 hours from receiving your mail. That being Sunday 27 January at 14:57. Should you wish to publish anything you are contravening the commission regulations as well the journalistic code of conduct. Once more not affording me the right to reply. Because there has two other incidents Chair where I have not even been asked questions. So as per – and I want to finish this. As with your previous articles which were proven to be false and fabricated of which you are aware that I have already lodged a complaint to the press ombudsman for no less than two of the contraventions by your publication already. I have taken the liberty of
10 copying in all the press that have previously published articles in this respect so that they have an overview of my response. And I finish off by saying: furthermore you are aware of Chief Zondo's I say here Chair Judge Zondo's request that media do not publish anything that – but you see Chair what I am trying to explain is that I was not lying. And this is mischievous. Because why was it brought to me five minutes before the questions get asked of me. I had not had time to peruse this. Does it not – Chair I did not lie to you. What I have given you here is the truth.

CHAIRPERSON: Oh thank you very much.

MR PAUL AGRIZZI: And I think this should clarify it up.

CHAIRPERSON: Yes. Mr Pretorius I do not know if there is anything you want to say,
20 ask rather in connection with this?

ADV PAUL PRETORIUS SC: Save to say Chair that what is on the record is sufficient in order to clarify and put both sides of the story. That has been done. Let me just ask the witness? You have had an opportunity now to look at the documentation over the long adjournment?

MR PAUL AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: And you have had an opportunity to consult your counsel in respect of the contents?

MR PAUL AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: Are you happy that you have been able to give a full explanation?

MR PAUL AGRIZZI: Chair I am happy. I have given you the explanation I hope you understand my – what I said.

CHAIRPERSON: Yes. No thank you. But I think explanation might – might give the impression that your position as we stand now is that you admit that you gave a wrong
10 answer at some stage therefore here is the explanation. There is inconsistency between two answers that you have given whereas your position might be different as I understand the position. So maybe I should ask the position to the extent that the Sunday Tribune might be saying

MR PAUL AGRIZZI: Sunday Times.

CHAIRPERSON: Sunday Times I am sorry. Sunday Times might be saying or suggesting that you lied when you said that you were not given an opportunity to respond before they wrote their article. To the extent that that is what they say in terms of your evidence yesterday, what do you say?

MR PAUL AGRIZZI: Chair I did not lie. Perhaps when I mean the word respond I did
20 not understand that question and quite simply previously articles as well I was never even told about. So in my mind I was telling you the truth.

CHAIRPERSON: But you have calculated even the hours you say you asked them to give you 48 hours to respond and you say they published before the expiry of 48 hours?

MR PAUL AGRIZZI: That is right Chair.

CHAIRPERSON: Yes okay alright. Thank you.

ADV PAUL PRETORIUS SC: So do I understand you correctly Mr [intervenues].

CHAIRPERSON: Sorry Mr Pretorius. I am not going to certainly not at this stage determine anything in regard to this issue. I just say what is in the public domain that on Tuesday last week when I expressed concern about certain conduct on the part of certain journalists, newspapers and editors one of the things I raised was that sometimes journalists get a lot of time to investigate matters and when they want to write they give people about whom they are about to write very short time. And I appealed to journalists to please give people a fair opportunity to comment or respond
10 to matters that they are going to write about. And on Tuesday I did say it had happened to this commission two times that a journalist gave the commission a few hours to comment and before the commission could comment went ahead and published. And I said it is unfair we – I did not say then I am saying now it would be important that journalists observe this basic principle of fairness. When something like that happens it gives rise to the perception that the journalists or the media are not so – or may not be so interested in the other person's version and that is not good for professional and good journalism. Thank you. Mr Pretorius.

ADV PAUL PRETORIUS SC: Perhaps we can conclude this aspect of the evidence Mr Agrizzi. I do not want to enter into a debate about the semantics of opportunity to
20 respond and what response actually means but do I understand your evidence correctly that whatever the complaint of the Sunday Times which is now on record you stand by your evidence that you were not given a fair and adequate opportunity to respond to the issues raised in the Sunday Times report?

MR PAUL AGRIZZI: Most definitely not.

ADV PAUL PRETORIUS SC: Okay. Alright. Just to conclude then I will deal with

logistic matters in a moment Chair but the legal team is aware Mr Agrizzi of the risks that you face and have faced of the time you have spent in preparation of evidence, assisting the investigators and the many days you have given evidence. The expenses that you have incurred and the cost to you and your family but I am afraid that the process is yet over. There is still a lengthy and detailed investigation to be conducted by the Commissions Investigators. We have to hear the versions of persons you have implicated and there will be cross-examination and I understand that you have undertaken to make yourself for all those processes?

MR PAUL AGRIZZI: Most definitely.

- 10 **ADV PAUL PRETORIUS SC**: There is also the matter of the devices, the computers, cell phones and other electronic recordal devices in your possession. You have undertaken to make them available to the investigators so that they can examine contents and compare that to the evidence you have given?

MR PAUL AGRIZZI: That is correct.

- ADV PAUL PRETORIUS SC**: Chair we have asked you to make a draft order in that regard. It does not have to be made now formally because the undertaking is there and the co-operation has been given but I have asked a member of the legal team to compile an order that you may consider making and your registrar may have handed you a copy or is about to hand you a copy. But I do not want to – I am not sure that this
- 20 wording would be suitable for any order that you may make but that can be made at a later stage. We do not have to detain you for the moment. Would you look at paragraph 54.

CHAIRPERSON: I am sorry I am just looking at this I know that you are saying it is not something to be made now.

ADV PAUL PRETORIUS SC: Not necessarily.

CHAIRPERSON: It is just that I want to understand so that I can ask if I need to ask now any question.

ADV PAUL PRETORIUS SC: There may be an issue in relation to the last sentence of paragraph 3. So perhaps we should consider its contents and revert.

CHAIRPERSON: Well this does not tell me what gives rise to the request so – so it may well be that some – something would need to be done to tell me what gives rise to the need as well?

ADV PAUL PRETORIUS SC: Well I thought that was in paragraphs 1 and 2.

CHAIRPERSON: Sorry.

10 **ADV PAUL PRETORIUS SC**: Paragraphs 1 and 2.

CHAIRPERSON: Of the same document?

ADV PAUL PRETORIUS SC: Yes Chair.

CHAIRPERSON: No it does not tell me what gives rise to it?

ADV PAUL PRETORIUS SC: Well it says to you Chair that Mr Agrizzi has testified in relation to information documents images that were captured on his cell phone, computer equipment. Certain investigations are being undertaken and consequently an order may be made to surrender the computers, laptops, external hard drives and cell phones. But Chair if...

20 **CHAIRPERSON**: Ja but why do you need an order for that? Is he not volunteering that?

ADV PAUL PRETORIUS SC: Well Chair the investigators have asked me to obtain an order.

CHAIRPERSON: Okay alright. Well you can see I need more than just this before I can make the order.

ADV PAUL PRETORIUS SC: Well Chair there may be private information.

CHAIRPERSON: Well there must be something that tells me.

ADV PAUL PRETORIUS SC: Confidential information.

CHAIRPERSON: Well that is why there needs to be a basis. There should be maybe an affidavit that says the need for this order rises from the following. The mere fact that he has given evidence about this cannot on its own be the basis.

ADV PAUL PRETORIUS SC: Chair that is precisely why I have suggested that we do not do it now. We do it later.

CHAIRPERSON: But now you know what I am thinking.

ADV PAUL PRETORIUS SC: Yes I do Chair.

10 **CHAIRPERSON**: Ja okay.

MR PAUL AGRIZZI: Chair if I can also just say something. I am committed. I have given them absolutely everything that I have got.

CHAIRPERSON: Yes. Thank you.

MR PAUL AGRIZZI: I cannot understand this I really cannot but anyway.

CHAIRPERSON: No thank you. Thank you Mr Agrizzi. I am sure Mr Agrizzi it is things that of a legal nature that the legal team and the investigators are looking at but they will deal with those in due course.

ADV PAUL PRETORIUS SC: Mr Agrizzi I do not want to go into the legal issues now but it is not in any sense being suggested that your commitment should be called into
20 question. On the contrary.

MR PAUL AGRIZZI: Okay.

ADV PAUL PRETORIUS SC: The fact that you doing so in terms of an order that has been made may well protect you.

MR PAUL AGRIZZI: It is fine.

ADV PAUL PRETORIUS SC: In relation to for example any potential deformation

action or the like that may be – may arise.

MR PAUL AGRIZZI: Okay it is just – sorry Chair I get the impression that you know I know I am wrong and I know I have made mistakes and I know I have said things but I get the impression that you know maybe I am being charged here now or criminalised even further than I have been.

CHAIRPERSON: No, no Mr Agrizzi I think Mr Pretorius has started off by telling you how much the legal team appreciates your co-operation and the trouble you have taken to be able to be here to give evidence and so on so do not think about.

MR PAUL AGRIZZI: Chair I accept that and I think and I know this might not be right in
10 the sense that it should not be entertained but you must remember where I am coming from Chair. There is a certain publication out there that will – that I can tell you now that is being purposefully and they will take now what has been said and they will publish it as there was an order to seize his computers and that. A certain publication will do that.

CHAIRPERSON: Well I might not know some of the things that you know already about it but you have seen that if they – they ask me to make an order.

MR PAUL AGRIZZI: Yes.

CHAIRPERSON: I want to satisfy myself why it is necessary and so on.

MR PAUL AGRIZZI: Correct and I appreciate that.

20 **CHAIRPERSON**: But as I said it is I think it is matters of a legal nature that they may be concerned about and they will – we will deal with them.

MR PAUL AGRIZZI: Not a problem.

CHAIRPERSON: Thank you.

ADV PAUL PRETORIUS SC: Mr Agrizzi you have legal representation. We will communicate with your legal representatives and to the extent necessary they will

explain the position to you. Let me make it very clear that we do not in any way at all question your undertaking to co-operate with the commission including your undertaking to supply us with the necessary information that has been requested. So let that be very clear. The need for an order will be explained to the Chair in due course but it has got nothing to do with the issues you have just raised.

MR PAUL AGRIZZI: I am well aware of that. I was not referring to the legal team I was referring to you know who.

CHAIRPERSON: Thank you Mr Agrizzi.

ADV PAUL PRETORIUS SC: Alright Mr Agrizzi I will after your evidence in paragraph
10 54 address the Chair in relation to certain further matters. [intervenes]

CHAIRPERSON: I am sorry Mr Pretorius. Can I return this until I need to consider it?

ADV PAUL PRETORIUS SC: Yes we will shred it Chair and start again.

CHAIRPERSON: Until I need to consider it. Yes.

ADV PAUL PRETORIUS SC: In paragraph 54 you record certain issues that you want to communicate to the commission. Would you perhaps read that onto the record.

MR PAUL AGRIZZI: In terms of – sorry?

ADV PAUL PRETORIUS SC: Just read paragraph 54 if you will please.

CHAIRPERSON: The last paragraph of your affidavit.

MR PAUL AGRIZZI: Yes but in terms of – oh yes. Having reviewed the statement I
20 realise that I have not included all the facts and all the records at my disposal. This was entirely due to the time pressures under which this statement was prepared. The event of the past twenty years are too voluminous to have been recorded in the statement in the circumstance in which it has been prepared. I have no intention of withholding any information and I think my conduct has proven that from the commission and for this reason I will co-operate with the commission's investigators in further investigations

regarding my conduct. And I have also tendered my assistance to law enforcement agencies in their investigations. I see omitted here is SARS as well. I have handed all relevant documentation in my possession relating to the above matters to the commissions investigators already. And I think Chair for clarity purposes what I – if I could add onto that.

CHAIRPERSON: Yes.

MR PAUL AGRIZZI: I have tendered my fullest co-operation and the people that will be following the witness's will I can tell you now only but tell you the truth as I have.

CHAIRPERSON: Thank you.

10 **MR PAUL AGRIZZI**: I think the one point Chair that we have not covered is that offer for silence.

CHAIRPERSON: Oh yes. Yes.

MR PAUL AGRIZZI: Which I would like to cover. I see it has just arrived.

CHAIRPERSON: Okay.

ADV PAUL PRETORIUS SC: My apologies Chair I was not aware that it was coming at this late stage.

CHAIRPERSON: Yes. No that is fine.

ADV PAUL PRETORIUS SC: You know we had asked for it from the investigators.

20 **MR PAUL AGRIZZI**: I am sorry about this Chair but this will clear up the offer to silence.

ADV PAUL PRETORIUS SC: Chair rather than have you sit there watch this perhaps we could take five minutes and sort this documentation out.

CHAIRPERSON: Yes it would give you a chance to see – to see it as well.

ADV PAUL PRETORIUS SC: Thank you Chair.

CHAIRPERSON: Okay we will take – did you say five minutes?

ADV PAUL PRETORIUS SC: Maybe ten Chair.

CHAIRPERSON: Okay we will adjourn until and resume at twenty five to three.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Yes, Mr Pretorius?

ADV PAUL PRETORIUS SC: These documents that we are about to hand up are documents that Mr Agrizzi has asked be presented to the, Chair, as part of his evidence, so may I hand up a bundle of documents which will be paginated in due course, but each document has an exhibit number.

10 **CHAIRPERSON:** Okay.

ADV PAUL PRETORIUS SC: I have not had an opportunity to discuss these with Mr Agrizzi, but we will invite him to speak to these documents as he wishes to do so before the conclusion of his evidence.

CHAIRPERSON: Thank you.

ADV PAUL PRETORIUS SC: Mr Agrizzi you have in front of you at your request a bundle of documents marked Annexures GG to KK?

MR ANGELO AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: Would you please tell the, Chair, what you wish to tell him about these documents and their contents?

20 **MR ANGELO AGRIZZI:** Thank you very much, Chair, for allowing me to present these documents to you and to explain them to you, because I think it will give you context of exactly what happened the evening after with the signing of the agreement and that.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: And I have always, you know I thought this was in the bundle.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: And it was not.

CHAIRPERSON: Okay.

MR ANGELO AGRIZZI: And I was concerned, because this here corroborates my affidavit.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: Alright, Chair, I would like you to start off by going to the messages which are marked KK.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: These are text messages that were downloaded from the
10 phone which had been sent between Valent Watson and myself.

CHAIRPERSON: Okay, thank you.

MR ANGELO AGRIZZI: And I might just add that Valent Watson is Valent Watson's son and we have called him Kosie Watson. That is how everybody knows him.

CHAIRPERSON: Oh, okay.

MR ANGELO AGRIZZI: Okay.

CHAIRPERSON: So how are you going to make the distinction?

MR ANGELO AGRIZZI: Because you will see if you carry on flipping through you will see Valent Watson and Kosie Watson.

CHAIRPERSON: Okay.

20 **MR ANGELO AGRIZZI:** So I just want to make sure that you understand the two different Watsons.

CHAIRPERSON: So when you speak about the one you were saying Kosie Watson, when you speak about the other you say?

MR ANGELO AGRIZZI: Valent Watson.

CHAIRPERSON: Okay, alright.

MR ANGELO AGRIZZI: Alright. Chair, what I would like to bring to your attention is also document, and I am just taking you through the documents first. Document GG which is the original letter that I put out as a whistle-blower.

CHAIRPERSON: Yes, I have got GG. It is dated or reflects that it was sent on 27 January 2019.

MR ANGELO AGRIZZI: Correct, but if you go down you will see it was actually sent out at 18:30 on 21 August.

ADV PAUL PRETORIUS SC: Alright, you have read this document onto the record already.

10 **MR ANGELO AGRIZZI:** Yes.

ADV PAUL PRETORIUS SC: And it is in the bundle.

MR ANGELO AGRIZZI: Yes, so I am not going to read it onto the record again.

CHAIRPERSON: Yes, okay, I am sorry, I think I was referring to...[intervenes]

MR ANGELO AGRIZZI: I just wanted to have that document so that you could see it with, in context. Okay, Chair, then I would like you to have a look at the document marked II.

CHAIRPERSON: Yes?

MR ANGELO AGRIZZI: Chair, this is a document that was sent via email from Jared Watson to myself. Sorry from Jared Watson to Andries van Tonder.

20 **CHAIRPERSON:** Yes?

MR ANGELO AGRIZZI: This was the first draft of a proposed agreement that Jared Watson had drafted.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: Okay, if you look at the second page I actually refer to the attorneys as well.

CHAIRPERSON: Yes, second page? Is that the one that says Daniel?

MR ANGELO AGRIZZI: That is correct. Okay that was sent to him on 7 September.

CHAIRPERSON: You sent this one to Mr Daniel Witts?

MR ANGELO AGRIZZI: That is right on 7 September for information.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: Okay.

CHAIRPERSON: Do you want to read what you said there or not now?

MR ANGELO AGRIZZI: I do not think it is really necessary now, Chair.

CHAIRPERSON: Okay, alright.

10 **MR ANGELO AGRIZZI:** Alright. Chair if you go to the document marked HH and this is the crux of everything.

CHAIRPERSON: Yes, I have got HH.

MR ANGELO AGRIZZI: Alright. HH and I want to start off with the actual agreement itself so if you flip past to where you get the agreement itself.

CHAIRPERSON: Memorandum of agreement between Gavin Joseph Watson identification number that and Angelo Agrizzi identification number that. That is the agreement?

MR ANGELO AGRIZZI: Correct.

CHAIRPERSON: That is the draft agreement?

20 **MR ANGELO AGRIZZI:** Correct.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: Now attached to this document is the actual email and we need to start, Chair, if you do not mind at page 5. Well actually page 4 of the email.

CHAIRPERSON: I am sorry. Page 4 of the agreement or page 4 of another document?

MR ANGELO AGRIZZI: Page 4 of that pile of documents the emails.

CHAIRPERSON: Before the agreement?

ADV PAUL PRETORIUS SC: I think he means page 4 of the actual agreement?

MR ANGELO AGRIZZI: No, not the actual agreement, sorry, Chair.

CHAIRPERSON: Okay is that the page starting with from the onset at the top?

MR ANGELO AGRIZZI: Let me just check.

CHAIRPERSON: I have got page 4 that starts at the top with from the onset I specifically made mention?

MR ANGELO AGRIZZI: Chair, yes sorry, we need to actually read from page 3 which
10 is an email that I sent.

CHAIRPERSON: My page 3 starts with an email addressed to Angelo by Brian Biebuyck.

MR ANGELO AGRIZZI: That is right.

CHAIRPERSON: Is that the one?

MR ANGELO AGRIZZI: That is right, but we need to read the one below that, which says it is an email from myself to Brian, Gavin, Ronnie, Valens, Jared, Lindsey and Roth.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: And in that as I said earlier I said it was wonderful to see you
20 again. I refer and what I am trying to encapsulate here is the timeline so that I have record of it when I knew this would eventually go to court.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: It was wonderful to see you all again. I refer to the initial meeting held with Ronnie Watson, Valent Watson, Jared Watson and yourself at my home pursuant to the request to meet with myself and Andries van Tonder on

Wednesday 22 August at 21:30. Post my release of the press release where my intentions were noble, honourable and as I believe that it was imperative to clarify the truth as I have been labelled publicly by the Watsons as a liar, a thief and a criminal. Let us take a look at some of the facts as that present themselves.

This is after I refused to sign any agreements, this is before I – sorry, before I told them, I sent them an email.

CHAIRPERSON: Yes?

MR ANGELO AGRIZZI: I said from the onset I specifically made mention of the fact that Gavin Watson has reneged on no less than four other contracts including the most recent contract which was summary terminated unilaterally by yourselves and which is
10 in our opinion still to be challenged.

Pursuant to the unlawful cancellation after the first meeting with myself it was then agreed unilaterally once more that it would be reinstated and a reward for complying to the Watsons' demands. Why I put that in there, Chair, is because I wanted the courts to see exactly how they worked. A proposal was made by Ronnie Watson as follows.

I had acknowledged that I trusted Ronnie Watson and he was shocked that he was never aware of the occurrences. In fact he stated Gavin was absolutely ludicrous for not being willing to comply with the pact. That Gavin was a scoundrel that
20 he would be dealt with severely. Ronnie Watson would personally underwrite the guarantees in terms of the new contract. That a ...[indistinct] committee be established to manage the process. That a new agreement be formulated that would benefit myself and would be able to take care of the various families that had their lives ruined by Gavin Watson and others.

Ronnie Watson acknowledged that what Gavin had done was despicable

and agreed that this was as a direct result of the fact that Gavin had certain moral issues that affected his decision making. It was agreed that the initial agreement would be drafted between myself and Brian Biebuyck with strict instructions that the correspondence would be kept strictly between us until such time as I was fully content that it was with the replacement agreement.

On 23 August at 18:30 a further meeting was held until 01:20 the following morning where it was mentioned that everything had been sorted out and that Gavin had instructed Brian to draft a new agreement. And, Chair, the reason I am reading this out is, because this is like minutes of the meeting.

10 **CHAIRPERSON:** Yes.

MR ANGELO AGRIZZI: Okay. On 24 August Brian responded with a draft agreement that was drawn up with the conditions decided at the meeting with the brothers. The agreement pursuant to be drafted as a replacement agreement at first included numerous restrictive clauses, which were never included in the first agreement and included the following aspects. The establishment of a new car, which did not make sense at all. Provision of a committee, who would govern the new co-planned business and where Angelo Agrizzi would have to motivate business plans in order to receive funding.

And it goes on. It says this was supposedly to satisfy the requirements and
20 show empowerment. Yet, the agreement was made in Watson and Agrizzi. The agreement has no provision for suretyships and it is common knowledge that Gavin Watson is 70 years old and has moved all his assets into various trusts. This concern was mentioned from the onset of the discussion when Brian spoke to me.

My current agreement has proper, full and proper related suretyships. Lastly and this is where, let us call it I do the revelation. I became somewhat perturbed at the

way the matter was handled, especially on the insistence that I retract the press release making special mention that in terms of the agreement I will be constrained, however, what became evident to me on 23 August 2018 was that the intentions were in fact not noble as Ronnie Watson had put it.

If the intention were in fact to look after the affected families and ensure the relationships would be mended a concerted effort would have been to make to have had the new agreement model on the existing agreement with the appropriate warranties in place.

It became evident that the sole – that at the various meetings that the sole
10 intent was to allow myself to vent and the attitude in which the real problems were dealt with were both false and superficial. Fortunately I have worked with Gavin Watson for 18 years to understand the tactic that would be eventually used on me and so I have played the game as it present it.

I then say, evidently the agreement is nothing more than to achieve a retraction and create a situation where even if I did try and enforce my rights it would serve little or no purpose. I then go on to say, it is quite disappointing that in order to calm the storm everyone contemplated their own resolve at my expense once more and therefore I have no option but to refuse the attempt to purchase my silence.

Once more I would like to reiterate that I find it despicable that you would
20 insult my intelligence, take care and God bless. And I want to bring you to the response from the attorney to that email.

CHAIRPERSON: Yes?

MR ANGELO AGRIZZI: And the response from Brian Biebuyck is dated 17:58.

CHAIRPERSON: What page is it?

MR ANGELO AGRIZZI: It starts on page 2, Chair.

CHAIRPERSON: 2?

MR ANGELO AGRIZZI: Correct, Chair.

CHAIRPERSON: Yes?

MR ANGELO AGRIZZI: And it starts off by saying, and I am not a legal person so please understand that you know this was sent to all the brothers and it is very clear. He said to me Brian Biebuyck writes:

"I have no idea what has caused this change of attitude but suffice to say that you have agreed...[intervenes]"

CHAIRPERSON: No, I am sorry, I am sorry I think it is on page 3.

10 **MR ANGELO AGRIZZI:** I am sorry, I read onto page 3.

CHAIRPERSON: Okay.

MR ANGELO AGRIZZI: "I have no idea what has caused this change of attitude, but suffice to say that you have agreed to refer your concerns to the oversight committee who are happy to hear you out. That said I have just spoken to Gavin who is in PE, but who is happy to fly up tomorrow and sign the agreement in its current format. Gavin has no communication with Fourie de Jager. Fourie or de Jager who is in ICU and facing amputation of his leg."

That were the private investigators that were put onto us, Chair.

CHAIRPERSON: Yes.

20 **MR ANGELO AGRIZZI:** Any communication between them relates to labour union action currently going on at the airport. Now I want to refer you, Chair, to the actual SMS's.

CHAIRPERSON: I am sorry I just want to mention the email that you read to us earlier on from you.

MR ANGELO AGRIZZI: Yes.

CHAIRPERSON: Was sent off on 25 August 2018.

MR ANGELO AGRIZZI: That is correct.

CHAIRPERSON: At 16:40.

MR ANGELO AGRIZZI: Yes, Chair.

CHAIRPERSON: Okay and this response from Mr Biebuyck was on the same day is that right?

MR ANGELO AGRIZZI: Later.

CHAIRPERSON: Does it show when it was sent to you, I cannot see.

MR ANGELO AGRIZZI: Chair, it shows...[intervenes]

10 **ADV PAUL PRETORIUS SC:** 17:58 at the bottom of page 2. Chair.

CHAIRPERSON: Oh, okay.

MR ANGELO AGRIZZI: On page 2 it is 17:58.

CHAIRPERSON: On the same day?

MR ANGELO AGRIZZI: On the same day just a bit later.

CHAIRPERSON: Yes, okay.

MR ANGELO AGRIZZI: That is response to my email saying I am not going to be bought.

CHAIRPERSON: Thank you.

MR ANGELO AGRIZZI: Chair, then I want to refer you to KK.

20 **CHAIRPERSON:** Again 25 August was the day when you had a meeting with Mr Gavin Watson's children is that right?

MR ANGELO AGRIZZI: It was the day prior.

CHAIRPERSON: In the evening.

MR ANGELO AGRIZZI: It was the 24th.

CHAIRPERSON: So this was the following day?

MR ANGELO AGRIZZI: Yes.

CHAIRPERSON: Okay, alright. Continue.

MR ANGELO AGRIZZI: Chair, I would like you to go to the SMS's KK.

CHAIRPERSON: Did you say page 10?

MR ANGELO AGRIZZI: 10, KK.

CHAIRPERSON: Okay.

MR ANGELO AGRIZZI: Saturday if you go to the last page, sorry, Chair, it is a bit mixed up, but you have got to bear with me.

CHAIRPERSON: Well I do not have page 10 unless you are talking about the
10 agreement?

MR ANGELO AGRIZZI: No, no, I am talking about Annexure KK, Chair, this one over here.

CHAIRPERSON: Okay. Page 10 of KK?

MR ANGELO AGRIZZI: The last page, Chair, I have not paginated mine.

CHAIRPERSON: Yes, I have got it.

MR ANGELO AGRIZZI: This is a SMS, Chair, that was taken off my phone and I want to refer you to it, at the top there you will see Lindsey Watson.

CHAIRPERSON: Yes?

MR ANGELO AGRIZZI: It is dated 21:20 on my phone when I would have taken the
20 screenshot.

CHAIRPERSON: Yes

MR ANGELO AGRIZZI: Saturday 25 August at 01:13 there is a message that comes to me that says:

"Hi Angelo. Thank you so much again for last night I had a good time. I am really glad that we managed to chat and hope

our families can resolve this."

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: Just to say thank you, because I had welcomed them into my house and we had the discussion. I want to refer you to 17:14, Chair, the time.

CHAIRPERSON: That is the email just immediately below that one?

MR ANGELO AGRIZZI: The message below that is at 17:14. She acknowledges that she got my emails and she asks a question:

"Hi Angelo. Am I missing something regarding the emails? I thought we are all getting somewhere."

10 That is when I refused to sign their offer.

CHAIRPERSON: Yes, okay.

MR ANGELO AGRIZZI: Okay, Chair, I want to refer you now to the page thereafter which is the page of a SMS that was sent by...[intervenes]

CHAIRPERSON: I am sorry, same Annexure?

MR ANGELO AGRIZZI: Same Annexure the page before you were on.

CHAIRPERSON: You mean the page before that one that you have just dealt with?

MR ANGELO AGRIZZI: That is correct, Chair.

CHAIRPERSON: Okay, I have got it, it is written Jared Watson at the top.

20 **MR ANGELO AGRIZZI:** Correct. This is a screenshot that was sent to Andries van Tonder and the screenshot says yes the problem I believe is that Brian was drawing stuff up, because we only get what he has done. They then sent a screenshot confirming that they, this is discussions between Roth Watson and Jared Watson, that they sent a copy of this to Andries van Tonder. He says here, he says:

"I generally do not think it is a bad contract I will explain when I see you."

Okay? So that confirms that they are busy with this and then I would like you, Chair, to go to Jared Watson's SMS that came through that I screenshot at 19:10 so you see Jared Watson on top and it says:

"Morning, I will phone you back in a while, Angelo is in meeting with the attorneys."

CHAIRPERSON: I am sorry.

MR ANGELO AGRIZZI: The next page.

CHAIRPERSON: The page before that?

MR ANGELO AGRIZZI: Correct.

10 **CHAIRPERSON:** Next when you are travelling backwards towards the front?

MR ANGELO AGRIZZI: Sorry, Chair.

CHAIRPERSON: Okay, alright, is that the page also written Jared Watson at the top?

MR ANGELO AGRIZZI: Yes, morning, it is written at the top and it says:

"Morning I will phone you back in a while Angelo is in a meeting with the attorney."

This is messages sent from Andries van Tonder to Jared Watson.

CHAIRPERSON: Oh, okay and in the page that we dealt with before this current one those messages were from who to who?

MR ANGELO AGRIZZI: Those messages were from Jared to Roth Watson.

20 **CHAIRPERSON:** Okay. Thank you.

MR ANGELO AGRIZZI: Okay, Chair. He says to Andries, Andries says to him:

"I am sorry Angelo is in a meeting with his attorney."

He then responds to Andries:

"No problem Andries, honestly I just want to say thank you from the bottom of my heart for all your help in this. It is the only

thing that has given me a bit of peace knowing that you are mediating."

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: And why I am raising that, Chair, is because the intention was to silence me. I would like you to go, Chair, sorry I am messing you around. Chair, if you go to the message thereafter.

ADV PAUL PRETORIUS SC: On the previous page?

MR ANGELO AGRIZZI: The previous page, sorry, Chair.

CHAIRPERSON: The page before this one?

10 **MR ANGELO AGRIZZI:** Correct.

CHAIRPERSON: Yes?

MR ANGELO AGRIZZI: Sunday 26 August.

CHAIRPERSON: It is written Jarrod Watson at the top as well?

MR ANGELO AGRIZZI: Correct, Chair.

CHAIRPERSON: Yes?

MR ANGELO AGRIZZI: And write:

"Hey my man let me know when we can chat again."

Jarrod Watson on Sunday 26 August writes, this is after the refusal, Chair, he writes:

20 "Morning my man, please give me a call when you see this.

Did not sleep at all last night, just want to pick your brains for a few minutes."

And then he writes again he says:

"Andries, Gavin is getting back from PE sometime today do you think there is value in letting us all get together when he lands?

Hey my man Gavin arrived at my place have you got any advice on the way forward."

I am not even going to bother to dwell on the Monday 27 August, Chair. I just want, Chair, if you can and I know it is bad to do it like this, but you need to go to another page now just so that I can get to the sequence.

CHAIRPERSON: Okay.

MR ANGELO AGRIZZI: So it is page number...[intervenes]

CHAIRPERSON: Starting from the front of the Annexure now?

MR ANGELO AGRIZZI: We are doing it the proper way from the front.

10 **CHAIRPERSON:** Yes, okay.

MR ANGELO AGRIZZI: One, two, three, four, five, okay page 5 it says Valents Watson on top.

CHAIRPERSON: My page 5 says is written Kosie Valents and Watson.

MR ANGELO AGRIZZI: Sorry then it is page 6, Chair, on the next one.

CHAIRPERSON: Yes, this one is written Valents Watson at the top yes.

MR ANGELO AGRIZZI: Alright, I want to take you through this, Chair, this was on Saturday 25 August. If you look at the time, the time is at 20:13 and 20:14, that is after we had rejected their offer. Andries actually was on the line with me and he said I will phone you back now. And these are screenshots of what he sent him. The forwarded
20 message is very clear after I had spoken to Andries over the phone. He then forwarded that message to Valents Watson. It was my message.

"Brother, the fact is simple no honour, no respect and quite simply the intent tells me the calibre of man. They can have their money. You have half of mine anyway so what is the issue? I will not sit with men who have no honour anymore.

For me and you to go through this where they call the tune
please let them be. Do not talk and waste your time. Even this
we can resolve that issue with a board. That what is that board
not a board anyway."

Intellect, Chair, there, I do not know, I do not know what I was trying to
explain. On Monday 27 August, on the following page, Chair, it says, I got called to
another meeting, it says:

"No brother, I do not think I will be at any Watson meeting
soon. It serves no purpose to negotiate anything. We stay
10 clear of anything dirty and God will continue to bless us."

Chair.

CHAIRPERSON: Yes?

MR ANGELO AGRIZZI: I would like to also mention that I said very clearly to them, to
the Watsons there is an alternative we all come clean together. We fix this up. I
respond to Andries after he has been barraged with messages on 27 August, I said,
Andries brother, at that stage I was also using Barry Roux. We have Barry Roux at
11:30, thereafter we have done application, we have to run with it. We have a duty to
report corruption and abuse and I most definitely not going to be involved with Gavin
any longer. So I am sorry I am going ahead, I have given them enough chances to
20 come with an alternative and that meant to come clean.

I also want to submit the latest offer of the Watsons as a reflection of how
they tried to cover up corruption. That is my take on it and I am sure Manny, Danny,
Gerhard and Barry will agree. If you please turn over, Chair, to the next page?

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: This is the message, it was sent to Gavin Watson by

Andries van Tonder as well, but at the bottom it is exactly the same message, at the bottom you see another one and this is one that he had forwarded to Valents and forwarded it to Gavin.

"Sorry guys. Pointless. I think the decision is made in the message I got from Angelo Agrizzi. He seems to say that he has enough of the issue and wants to stick with his conscience to make a full disclosure. Sleep well. Best regards."

Chair,...[intervenes]

CHAIRPERSON: Who sent this one and to whom?

10 **MR ANGELO AGRIZZI:** Andries van Tonder sent it to Gavin Watson himself.

CHAIRPERSON: Oh, okay. Okay.

MR ANGELO AGRIZZI: Okay, Chair, I do not need to go through all of them. I think based on this I think you know what my intentions were right from the onset here, Chair. And I do not know...[intervenes]

CHAIRPERSON: Well I just want us to go to the agreement.

MR ANGELO AGRIZZI: Yes, Chair.

CHAIRPERSON: If you are able to I would like you to pinpoint the clause that said what you were going to deliver, but if you are not able to put your hand on it immediately that is fine, one can read the agreement later.

20 **MR ANGELO AGRIZZI:** Sorry, Chair, I just realised now this is not the agreement that I should be putting here, but it is similar, but the last one that Brian Biebuyck sent me was execution copy on top.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: Which I have, but you know I am so annoyed when I got to.

CHAIRPERSON: Oh, oh.

MR ANGELO AGRIZZI: I did not, I might have sent him the wrong email. I am not too sure.

CHAIRPERSON: Oh, okay. So this one that is here is not.

MR ANGELO AGRIZZI: This is, it is not that one.

CHAIRPERSON: The right one?

MR ANGELO AGRIZZI: It is similar.

CHAIRPERSON: Ja.

ADV PAUL PRETORIUS SC: If I may interrupt. If you look at HH.

MR ANGELO AGRIZZI: Page?

10 **ADV PAUL PRETORIUS SC:** At the end of that little bundle is an agreement with the heading at the top in the right corner, execution version.

UNKNOWN PERSON: Annexure HH.

CHAIRPERSON: Annexure HH.

MR ANGELO AGRIZZI: Oh, sorry. Then it is here. Thank God for that. HH, I am sorry. I did not see. Yes, Chair.

CHAIRPERSON: Hm.

MR ANGELO AGRIZZI: This was the final.

CHAIRPERSON: This was the final agreement?

MR ANGELO AGRIZZI: Yes, this is the one. This is the one.

20 **CHAIRPERSON:** Yes.

MR ANGELO AGRIZZI: Sorry I did not, but it says there execution version and if you look at the email trial this was sent at, it was early in the morning I think. I cannot remember now, but I can answer questions off this Chair where possible.

CHAIRPERSON: Yes. I just, I just wanted to look at the clause that said what was expected of you in terms of this agreement.

MR ANGELO AGRIZZI: Chair you know I am being very frank with you. I did not even read this agreement properly.

CHAIRPERSON: If, if it is.

ADV PAUL PRETORIUS SC: Go to paragraph 5.5.

MR ANGELO AGRIZZI: Yes. You want me to read it for the record?

CHAIRPERSON: Yes, read it.

MR ANGELO AGRIZZI: “In order to ensure the harmonious relationship between the parties in executing the terms of this agreement the administration and the running of Newco in to assisting the endeavour to rebuild prior trust relationships the Oversight Committee will hold themselves responsible and available to meet with the parties at short notice to resolve a concern complainant disagreement difference dispute that may arise between the parties in issue. It is recorded that this that it is a material term of the agreement that neither party shall denigrate or malign another party which if breached may result in the termination of the agreement.”

CHAIRPERSON: No, I think, I think it may be Clause 5.1. It reads:

“Angelo will serve as Gavin’s personal consultant to advise him personally in relation to his business dealings generally and to this end the parties will meet regularly to discuss and exchange ideas beneficial to Gavin’s business interests.”

Is that not the one that says what you were supposed to do?

MR ANGELO AGRIZZI: No. Chair.

CHAIRPERSON: It is not this one.

MR ANGELO AGRIZZI: This was to keep me quiet.

CHAIRPERSON: No, no I, I understand that.

MR ANGELO AGRIZZI: Yes.

CHAIRPERSON: But, but I am saying.

MR ANGELO AGRIZZI: [Intervenes].

CHAIRPERSON: Other than this clause.

MR ANGELO AGRIZZI: Yes.

CHAIRPERSON: This clause tells the reader what you were going to do or what was expected of you in terms of this agreement and it says you were going to be

10 Mr Gavin Watson's personal consultant to advise him personally in relation to his business dealings generally and that the two of you would meet regularly and exchange ideas and so on and so on.

MR ANGELO AGRIZZI: So it was not a full time job. It was only regularly.

ADV PAUL PRETORIUS SC:

CHAIRPERSON: Sorry.

MR ANGELO AGRIZZI: It was not full time. It was only regularly.

ADV PAUL PRETORIUS SC:

CHAIRPERSON: Ja. No, no that that is fine. So, but I just wanted confirmation that confirmation that this is what in terms of the agreement you were supposed to deliver,

20 in terms of the agreement?

MR ANGELO AGRIZZI: Yes.

CHAIRPERSON: In terms of what is written here?

MR ANGELO AGRIZZI: Yes.

CHAIRPERSON: Ja, but what do you say about, does it reflect the reality of what was going to happen?

MR ANGELO AGRIZZI: Chair this was a silent agreement. Keep quiet, we will pay you this money. That is what it was. Would you pay anybody, I do not think there is a consultant around that gets R50 million to be available.

CHAIRPERSON: Hm.

MR ANGELO AGRIZZI: As a retention over five years.

CHAIRPERSON: Hm.

MR ANGELO AGRIZZI: Well actually more. It actually works out to a bit more, because it is between five and 10 million.

CHAIRPERSON: Yes, okay. Thank you.

10 **MR ANGELO AGRIZZI:** So Chair that clarifies it for me.

ADV PAUL PRETORIUS SC: Right.

MR ANGELO AGRIZZI: So that [intervenes].

ADV PAUL PRETORIUS SC: If I may Chair.

CHAIRPERSON: Yes.

ADV PAUL PRETORIUS SC: Paragraph 5 as the Chair said purports to set out your duties in terms of this agreement that you will consult with Gavin as a personal consultant regularly.

MR ANGELO AGRIZZI: Yes.

ADV PAUL PRETORIUS SC: To discuss and exchange ideas.

20 **MR ANGELO AGRIZZI:** Correct.

ADV PAUL PRETORIUS SC: That was on the face of it what you had to do. Correct?

MR ANGELO AGRIZZI: Correct, on the face of it.

ADV PAUL PRETORIUS SC: For that you would receive R250 000 on a monthly basis.
Correct?

MR ANGELO AGRIZZI: Over five years, yes.

ADV PAUL PRETORIUS SC: And in addition paragraph 6 provides for the establishment of a new company. You would be Executive Chairman of that company and payments of R10 million annually or an initial payment of R10 million and thereafter between five and R10 million would be paid to that company. Correct?

MR ANGELO AGRIZZI: Yes.

ADV PAUL PRETORIUS SC: As you said in your evidence. Paragraph 5.5 says in the last three lines:

“It being recoded.”

It should read recorded. Perhaps Freudian slip Chair.

10 “It being recorded that it is a material term of the agreement
that neither party shall denigrate or malign the other party
which if breached may result in the termination of the
agreement as provided herein.”

Correct?

MR ANGELO AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: And paragraph 8.3 if you would just read that into the record.

MR ANGELO AGRIZZI: 8.3 reads:

20 “Neither party shall do any, shall do, allow to be done or cause
to be done anything which does or may impugn the good name
and reputation of another party.”

ADV PAUL PRETORIUS SC: [Intervenes].

CHAIRPERSON: I am sorry. What clause was that?

ADV PAUL PRETORIUS SC: 8.3 on page 6 of the agreement.

CHAIRPERSON: Oh, okay alright. I see that in Clause 8.4 the agreement says:

“The terms of this agreement shall be kept strictly confidential
between the parties and the Oversight Committee.”

Do you want to comment on that? What was the need for that?

MR ANGELO AGRIZZI: Chair there is an Oversight Committee that consists of Valence Watson, Ronnie Watson, Gavin Watson and Brian Biebuyck. Previously Chair the Oversight Committee was Gavin Watson, Angelo Agrizzi, Andries van Tonder, Brian Biebuyck.

CHAIRPERSON: But what was the need for; do you want to comment on what need there was for the parties to keep, for the parties to keep.

10 **MR ANGELO AGRIZZI:** History.

CHAIRPERSON: The terms of the agreement strictly confidential between them and the Oversight Committee?

MR ANGELO AGRIZZI: Chair the only reason why you would want to keep something secret is because it is illegal.

CHAIRPERSON: Yes, Mr Pretorius.

ADV PAUL PRETORIUS SC: Just to understand the structure of the agreement. Paragraph 5.5 to which I referred you earlier speaks of an Oversight Committee and as I understand the agreement and you can agree or disagree, but it is plain from a reading of the agreement that any difference that arises between the parties it to go to
20 the Oversight Committee and they would resolve the dispute?

MR ANGELO AGRIZZI: Yes.

ADV PAUL PRETORIUS SC: Subject to that there was an undertaking that no party would denigrate or malign any other party?

MR ANGELO AGRIZZI: I think it is very difficult in a legal document Chair to write there no party will snitch or tell the truth when it comes to corruption. So they would

have used that terminology there Chair with all due respect. I want to refer you Chair to the email again where it says here please, he says very; I just need to find it now Chair. You know I am not a lawyer. So I do not how to.

CHAIRPERSON: Okay.

MR ANGELO AGRIZZI: Do these things.

CHAIRPERSON: Ja. No that is fine.

MR ANGELO AGRIZZI: I watch TV and I watch the legal cases there, but I do not think I can use that tactic here. Chair there is an email that comes from Brian Biebuyck and I thought we had printed it out. Where it says please will you send me your banking
10 details as soon as possible.

CHAIRPERSON: Oh, have you found it?

MNR ANGELO AGRIZZI: Nee.

CHAIRPERSON: Just have a look.

MR ANGELO AGRIZZI: Sorry. Sorry, Chair. No, this was supposed to have been printed out, but it is not here.

CHAIRPERSON: You cannot find it?

MR ANGELO AGRIZZI: Chair I will forward it to you. I cannot hold up your proceedings, because I cannot find.

CHAIRPERSON: Okay.

20 **MR ANGELO AGRIZZI:** Where it is at the moment. I just want to have one last look.

CHAIRPERSON: Huh-uh.

MR ANGELO AGRIZZI: Here Chair, but there is a comment that is made by Brian Biebuyck and he says please can I have your bank account details.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: So we can quickly pay.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: The R10 million into it.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: And I will provide you with that email. Unfortunately I just cannot find it.

CHAIRPERSON: Okay. Okay, no that that is fine. I am sure if you have got it arrangements will be made for it to be made available.

MR ANGELO AGRIZZI: Sorry, Chair. Sorry, but this was really a bit of a mess here.

CHAIRPERSON: Hm. No it is, it is okay. It is not the end of the world.

10 **MR ANGELO AGRIZZI:** No problem, but I will forward it.

CHAIRPERSON: Ja.

MR ANGELO AGRIZZI: I know that we are doing a lot of supplementaries Chair.

CHAIRPERSON: No that that is fine. It might even be sent up with a short affidavit by you confirming what it is, but Mr Pretorius will talk to you about it. Yes Mr Pretorius.

ADV PAUL PRETORIUS SC: In any event your evidence in that regard Mr Agrizzi is that prior to the signing of the agreement by yourself, in fact you never signed the agreement, but prior to the contemplated signing you were offered an immediate payment of R10 million?

MR ANGELO AGRIZZI: That is correct.

20 **ADV PAUL PRETORIUS SC:** With the condition attached that you had to sign quickly?

MR ANGELO AGRIZZI: With the condition attached that I had to sign quickly Chair and I had to do a retraction and personally send a letter to the NPA to say that I had made a mistake and to put out a press release that I had made a mistake. If I had sold my soul I would not be sitting here today.

CHAIRPERSON: Yes.

ADV PAUL PRETORIUS SC: Chair there were a number of issues raised during the course of the evidence partly prepared by way of further annexures, but the process as I understand it will be that various parties will respond to the 33 notices that have been issued. We will place their versions before you and if appropriate apply for the, an opportunity to cross examine. At that stage once the versions have been obtained we will have an opportunity to put those to Mr Agrizzi before he is cross-examined. In the meanwhile we will compile a supplementary affidavit which deals with the decoding of the names coded in the black book with the lists of various contracts with Government Departments and state owned entities with various other issues raised by yourself and
10 raised by ourselves in questioning and we will place that before you as soon as possible. So for the present then we do not close the examination of Mr Agrizzi, but we ask that his testimony be recommenced at a later stage.

CHAIRPERSON: Yes. I take it to that any of the matters that he might not have covered in the affidavit presently before me which are relevant to the investigation to the enquiry and the investigation would be covered as well in due course, because he has said quite a few times that there is a lot more that he could have included but there was not enough time. Obviously the legal team will look at the relevance and materiality of all of those matters.

ADV PAUL PRETORIUS SC: Yes Chair. That undertaking on the part of Mr Agrizzi is
20 recorded in paragraph 54.

CHAIRPERSON: Yes.

ADV PAUL PRETORIUS SC: Which he has read onto the record and yes indeed that will happen.

CHAIRPERSON: Yes, okay. Mr Agrizzi.

MR ANGELO AGRIZZI: Chair.

CHAIRPERSON: I want to once again take this opportunity to thank you for coming forward to give evidence to this Commission. There probably will be other days when you will come back and give evidence in due course and as I said that other week at the end of the whole process or at the end of when I have heard evidence from everybody concerned including people who are implicated in your evidence I will weigh up the evidence and I will determine what is true, what is not true, but for now I thank you for all the trouble you have taken to be able to come and give the evidence that you have given and I have no doubt that there is still some more evidence that you want to make available to the Commission that you have not covered, but I just want you to
10 know that I appreciate that you have come forward to assist the Commission.

MR ANGELO AGRIZZI: Chair thank you very much for your time, your trouble. I can assure you I will be here to give more evidence and I have committed the next six months of my life to making sure that this gets uncovered. So I have not committed to anything else, but to making sure that this gets uncovered with the supplementary affidavits. Thank you very much.

CHAIRPERSON: No, thank you very much.

MR ANGELO AGRIZZI: Thank you. Thank you for, for the way you treat me even though I am not even worthy after what I said.

CHAIRPERSON: No, thank you very much. Thank you very much. You are excused
20 for now.

MR ANGELO AGRIZZI: Thank you Chair.

CHAIRPERSON: Thank you.

ADV PAUL PRETORIUS SC: Chair and then finally we will present to you the affidavit in relation to the order confirming the, well an order directing the production of materials by this witness. It is as much for his protection as anybody else's, but we will explain

that in the affidavit.

CHAIRPERSON: Ja, no that is fine. There must just be an affidavit that explains everything properly.

ADV PAUL PRETORIUS SC: Yes Chair.

CHAIRPERSON: Ja. Do you, do you want to; do you want a five minute adjournment before we proceed with the next witness?

ADV PAUL PRETORIUS SC: Please Chair if we can rearrange our files.

CHAIRPERSON: Five minutes or 10?

ADV PAUL PRETORIUS SC: Five is fine.

10 **CHAIRPERSON:** Five, five will do. Okay. We will take a five minutes adjournment. We will resume at half past three. We adjourn.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: I see that my offer of ten minutes was on the spot Mr Pretorius.

ADV PAUL PRETORIUS SC: Gratefully accepted Chair.

CHAIRPERSON: Okay.

ADV PAUL PRETORIUS SC: We have had to do some shuffling in relation to the files but you have before you a single file containing the affidavit of Andries Johannes Van Tonder.

20 **CHAIRPERSON:** Yes I have got this.

ADV PAUL PRETORIUS SC: Together with annexures.

CHAIRPERSON: Yes.

ADV PAUL PRETORIUS SC: We had included in a single file the statements of the further witnesses but for the sake of order we are going to make one file per witness and the file before you will be Exhibit T.

CHAIRPERSON: Okay this lever arch file will be marked Exhibit T. Thank you. You might – you might still make use of the same lever arch file to include the other statements or affidavits so as to save some space if we are going to have too many of these having just one affidavit in it.

ADV PAUL PRETORIUS SC: Well that would be very useful Chair thank you for that.

CHAIRPERSON: As long as they marked as to whose affidavits or statements are to be found inside.

ADV PAUL PRETORIUS SC: Yes thank you Chair that will help enormously.

CHAIRPERSON: Ja.

10 **ADV PAUL PRETORIUS SC**: Registrar do you want to the affirmation or oath?

REGISTRAR: Please state your full names for the record?

MR A J VAN TONDER: Andries Johannes Van Tonder.

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

MR A J VAN TONDER: No.

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

MR A J VAN TONDER: I do.

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

20 **MR A J VAN TONDER**: So help me God.

REGISTRAR: Thank you.

CHAIRPERSON: Thank you. Yes Mr Pretorius.

ADV PAUL PRETORIUS SC: Thank you Chair. Mr Van Tonder would you look at page 21 of the bundle before you. Whose signature is that that appears at the bottom of the page?

MR A J VAN TONDER: That is my signature Chair.

ADV PAUL PRETORIUS SC: And the affidavit at pages 1 to 22 is that your affidavit?

MR A J VAN TONDER: This is my affidavit Chair.

ADV PAUL PRETORIUS SC: And are you satisfied that the contents of this affidavit are true and correct?

MR A J VAN TONDER: I am satisfied yes Chair.

ADV PAUL PRETORIUS SC: We will go through the affidavit in the order that these paragraphs are set out. If I can take you to paragraph 3 please. You understand that your statement will incriminate yourself in respect of offences that are potentially or
10 actually serious?

MR A J VAN TONDER: I understand it.

ADV PAUL PRETORIUS SC: You have undertaken to give this evidence notwithstanding that fact?

MR A J VAN TONDER: Yes.

ADV PAUL PRETORIUS SC: And you say in the last sentence I give this evidence freely and voluntarily?

MR A J VAN TONDER: That is correct.

ADV PAUL PRETORIUS SC: And have you been offered any incentive or reward for giving this evidence?

20 **MR A J VAN TONDER:** No nothing Chair.

ADV PAUL PRETORIUS SC: Is it also correct that you have failed to report the acts to which you will testify in terms of any legislation that requires such reporting for example The Prevention and Combating of Corrupt Activities Act?

MR A J VAN TONDER: That is correct Chair.

ADV PAUL PRETORIUS SC: You have received a summons to appear here today, is

that correct?

MR A J VAN TONDER: That is correct Chair.

ADV PAUL PRETORIUS SC: Right notwithstanding the summons which obliges you to be here you nevertheless appearing voluntarily I understand?

MR A J VAN TONDER: Absolutely.

ADV PAUL PRETORIUS SC: I understand that you requested the summons to be issued?

MR A J VAN TONDER: That is correct Chair.

ADV PAUL PRETORIUS SC: In paragraph 5 you say that there has been a lapse of a
10 period of time from when the incidents and occurrences about which you will testify first commenced?

MR A J VAN TONDER: That is correct Chair.

ADV PAUL PRETORIUS SC: And if it becomes apparent that you have omitted some evidence or should any issue arise during the course of your evidence about which you can give further testimony you are happy I understand and willing to co-operate with the investigators to prepare and present that evidence?

MR A J VAN TONDER: Yes I am willing Chair.

ADV PAUL PRETORIUS SC: Paragraph 6 you give some explanation as to why you did not come forward with this evidence earlier and why you are now giving evidence
20 and have decided to co-operate with the commission and I presume Law Enforcement Agencies. In your own words will you tell the Chair please firstly why you did not deal with the Law Enforcement Agencies at an earlier stage and give them the evidence that you are about to give now and why have you – why you have decided in fact to come clean as it were and co-operate with the commission.

MR A J VAN TONDER: Chair if – as I have explained in my affidavit I became

complacent in my – in the unlawful conduct that I was part of. I was – there was a SIU investigation at the time and Mr Gavin Watson ensured us – myself that he had everything under control because of his connections with being government to the highest level which was very powerful connections. My name was also mentioned in the SIU report and that would be a – could be – would have been a stumbling block for me to find another job. I earned a good salary. I lived a comfortable life and all of these factors contributed to the fact that I did not – we did not go to the Law Enforcement Agencies at the time.

ADV PAUL PRETORIUS SC: Were you ever aware of or subject to threats?

10 **MR A J VAN TONDER:** Yes I was Chair.

ADV PAUL PRETORIUS SC: Would you provide briefly some detail in that regard?

MR A J VAN TONDER: During the – when I left Bosasa there was lengthy negotiations with our attorneys in terms of a separation agreement and I received a phone call from a man by the name of Peet Venter he was from our auditors who mentioned to me that I should rather reconsider and toe the line because there are very dangerous people involved in Bosasa to assist Gavin Watson in our matter regarding the separation agreement. This specific thing he mentioned to me was that they had photographs of my little nieces while I was at the restaurant with them and I was busy putting the one niece on my mother's lap. That was the extent of the threat I received.

20 **ADV PAUL PRETORIUS SC:** Thank you Mr Van Tonder if we could go onto a new topic for the moment at least. There has been shown before the commission and before the Chair a video recording of certain events that took place in a walk in vault. We were told that that was the walk in vault of Gavin Watson. Do you know the video that was shown and the video which we referring to now and you refer to in paragraph 8 of your statement?

MR A J VAN TONDER: I do yes.

ADV PAUL PRETORIUS SC: Who took that video recording?

MR A J VAN TONDER: I took the video recording Mr Chair.

ADV PAUL PRETORIUS SC: And why did you take it or at whose request did you take it?

MR A J VAN TONDER: I took it – Angelo Agrizzi asked me to take the video as he received information that Gavin Watson will place all the blame of possible illegal conducts on myself and Angelo Agrizzi and Gavin Watson always boasted that he has never signed any document which might incriminate him. And therefore I took the video
10 to show that Mr Gavin Watson had indeed his hands on the cash and was very much involved in it.

ADV PAUL PRETORIUS SC: Just a technical issue. The video that was shown does not always focus on the persons that were in that vault at the time the video was being taken and often you see shelves to the side. It is not always focussed and direct. Can you explain how the video was taken?

MR A J VAN TONDER: I placed – the video was taken by means of a cell phone. I placed the cell phone inside my shirt's pocket. Had a razor placed in the bottom so that it can – the camera's lens could actually be exposed and I – and that is basically how I took the video. One of the other – the reason why it did not focus on Gavin Watson
20 and the money all the time was that I did not realise that the camera did not point at him all the time and I was extremely nervous.

ADV PAUL PRETORIUS SC: Nevertheless you agreed to take the video recording or make the video recording at the instance of Mr Agrizzi?

MR A J VAN TONDER: Yes that is correct Chair.

ADV PAUL PRETORIUS SC: And can you remember the date on which that recording

was taken?

MR A J VAN TONDER: Yes I can.

ADV PAUL PRETORIUS SC: What was the date?

MR A J VAN TONDER: The date was the 28 March 2017 Chair.

ADV PAUL PRETORIUS SC: Chair would bear with me I am just checking on one issue. There has been substantial evidence in regard to the contents of the video but from your own memory now without needing to look at the video we will do it if necessary at a later stage, can you recall who was in the vault at the time?

MR A J VAN TONDER: I recall it was Gavin Watson, Johannes Gumede and Papa
10 Leshabane, myself, that is what I can recall Chair.

ADV PAUL PRETORIUS SC: Alright. We are going to in order to save time provide you with a transcript of Mr Agrizzi's evidence in relation to the contents of the video. You were not here at the time when that evidence was given I understand?

MR A J VAN TONDER: No I was not here Chair.

ADV PAUL PRETORIUS SC: And if you would please look at the evidence and tell the Chair whether you agree with what is said there in relation to – in relation to what happened and if you do not agree you will tell us in what respect you do not agree?

MR A J VAN TONDER: I will do that Chair.

ADV PAUL PRETORIUS SC: If we can go to background please in paragraph 11.
20 When did you first become involved with Bosasa or companies associated with Bosasa which were in existence before Bosasa came into existence but related ultimately to Bosasa?

MR A J VAN TONDER: In 1995.

ADV PAUL PRETORIUS SC: What happened then?

MR A J VAN TONDER: I was employed as a financial clerk at a company then called

Meritim.

ADV PAUL PRETORIUS SC: Alright and who interviewed you for employment?

MR A J VAN TONDER: Doctor Jurgen Smith did my job interview Mr Chair.

ADV PAUL PRETORIUS SC: Who were the shareholders at Meritim at the time?

MR A J VAN TONDER: During the job interview I was informed by Doctor Smith that himself and Fanie Van Zyl was the shareholders of the company.

ADV PAUL PRETORIUS SC: Right you were first employed in a temporary capacity I understand?

MR A J VAN TONDER: That is correct Chair.

10 **ADV PAUL PRETORIUS SC:** When did you become a permanent employee?

MR A J VAN TONDER: 1996 I became a permanent employee.

ADV PAUL PRETORIUS SC: Right. During the course of 1998 there was a change in the company structure by which you were employed. Do tell the Chair briefly what happened?

MR A J VAN TONDER: Chair Mr Fanie Van Zyl called myself and some of the other head office staff into the company's boardroom and he explained to us that there are more people that he is going to involve into the company in order maintain the current business and to get more business for the company itself.

ADV PAUL PRETORIUS SC: And certain people referred to in the meeting were as
20 you put it involved in a company called Dyambu Holdings PTY LTD?

MR A J VAN TONDER: That is correct Chair.

ADV PAUL PRETORIUS SC: Were you at a stage introduced to Gavin Watson and Danny Mansell?

MR A J VAN TONDER: Yes I was later introduced to Gavin Watson and Danny Mansell Chair.

ADV PAUL PRETORIUS SC: And what were you told about them when you were introduced to them?

MR A J VAN TONDER: I was told that they were the new shareholders in the company and they would actually be responsible to run the company.

ADV PAUL PRETORIUS SC: Alright. And was the name of Meritim changed? I am not sure that we have the full detail of the organisational changes in shareholding, directorships and names.

MR A J VAN TONDER: Yes Chair the name Meritim was changed and to Dyambu, Dyambu Operations and the – all the – and it was also rebranded as Dyambu.

10 **ADV PAUL PRETORIUS SC:** Who was – who managed the operations of Dyambu Operations?

MR A J VAN TONDER: At the time Danny Mansell was the – he acted as the managing director.

ADV PAUL PRETORIUS SC: And was a consultant employed to assist in the affairs of the company?

MR A J VAN TONDER: Yes Chair a consultant by the name of Tony Perry was employed in this regard.

ADV PAUL PRETORIUS SC: At that stage did you know anything of the shareholding of Dyambu Operations?

20 **MR A J VAN TONDER:** What I knew was that there were three parties that had shares in Dyambu Operations. It was Danny Mansell, Gavin Watson and a company by the name of Dyambu Holdings.

ADV PAUL PRETORIUS SC: Alright. Amongst the persons referred to when you were first told about Dyambu Holdings PTY LTD according to your statement in paragraph 15 was a Ms Hilda Ndude, is that right?

MR A J VAN TONDER: That is correct Chair.

ADV PAUL PRETORIUS SC: Do you know what happened in or about August 2000 in relation to her and Gavin Watson and I am referring to paragraph 19 of your affidavit?

MR A J VAN TONDER: In August 2000 Hilda Ndude entered into an agreement with Gavin Watson all his nominee whereby the 10% shareholding which Dyambu Holdings had in Dyambu Operations would be sold back or sold to Gavin Watson.

ADV PAUL PRETORIUS SC: Right and a copy of that agreement is attached as 81?

MR A J VAN TONDER: That is correct Chair.

ADV PAUL PRETORIUS SC: And it appears at page 23 of bundle T. Well it is
10 attached. There is a covering letter and then there is an agreement which follows and there is also a suretyship agreement on page 27. We need not go into that detail. The point for the present is that Gavin Watson bought out the 10% share that was originally held by Dyambu Holdings?

MR A J VAN TONDER: That is correct Chair.

ADV PAUL PRETORIUS SC: Now in subsequent years were there changes in the shareholding of Dyambu Operations PTY LTD?

MR A J VAN TONDER: Yes Chair the shareholding in the group changed considerably over the years.

ADV PAUL PRETORIUS SC: Right and I take it you are unable to give any detail in
20 regard to or any accurate detail in regard to all those changes?

MR A J VAN TONDER: Unfortunately not myself Mr Chair.

ADV PAUL PRETORIUS SC: In paragraph 21 you talk of your relationship with Gavin Watson at least initially. Just tell the Chair briefly about that?

MR A J VAN TONDER: Initially I had a very good relationship with Mr Gavin Watson and actually it was for most of my working career at Bosasa I had a good relationship

with him. He would feel – make me feel important. He would take me with him to various business meetings or to meetings where he explored new business opportunities and he would introduce me as a very important person in his life and to the company.

ADV PAUL PRETORIUS SC: And you have said before that you were well paid and you lived a comfortable life, is that correct?

MR A J VAN TONDER: That is true Mr Chair.

ADV PAUL PRETORIUS SC: Right Chair is this a convenient time?

CHAIRPERSON: It is but if you are ready to do another thirty minutes I would be
10 ready. But if you say you would rather – we adjourn for the day that is fine.

ADV PAUL PRETORIUS SC: Chair I can go for – I mean what is another day after eleven days.

CHAIRPERSON: Okay alright. Okay.

ADV PAUL PRETORIUS SC: We can...

CHAIRPERSON: Provided you are okay with that because you know.

ADV PAUL PRETORIUS SC: I do have a meeting with the investigators so perhaps
Chair we could make it twenty minutes?

CHAIRPERSON: At quarter past.

ADV PAUL PRETORIUS SC: If that is alright?

20 **CHAIRPERSON:** Oh twenty – that is fine. That is fine.

ADV PAUL PRETORIUS SC: Alright let us continue you happy to continue?

MR A J VAN TONDER: I am happy to continue Chair.

CHAIRPERSON: Thank you.

ADV PAUL PRETORIUS SC: There has been evidence of regular prayer meetings.
Did you ever attend prayer meetings at Bosasa or Bosasa's predecessors?

MR A J VAN TONDER: Initially I did attend the prayer meetings Chair.

ADV PAUL PRETORIUS SC: Do you have any comment as to the conduct of these meetings and how you viewed their purpose?

MR A J VAN TONDER: I viewed these prayer meetings and I say it with the greatest of respect I viewed it as Mr Gavin Watson as a tool that Mr Gavin Watson used to determine one's loyalty to him. He insisted that every person in that prayer meeting had to pray aloud and his – and he explained it by saying that he needs to where you at. And I interpreted as where you at in terms of your loyalty towards Mr Gavin Watson.

ADV PAUL PRETORIUS SC: Did you on occasion or at some stage stop attending
10 these morning prayer meetings?

MR A J VAN TONDER: Yes I stopped attending the prayer meetings Chair.

ADV PAUL PRETORIUS SC: In your view did this affect your relationship with Mr Gavin Watson?

MR A J VAN TONDER: Yes Chair it did most certainly. Since then my relationship with Mr Gavin Watson started to deteriorate.

CHAIRPERSON: Do you remember around about when these prayer meetings started?

MR A J VAN TONDER: Sorry I did not hear Chair.

CHAIRPERSON: Do you remember about which year these prayer meetings started,
20 morning prayer meetings?

MR A J VAN TONDER: It started in the early years of Dyambu already which was in the year 2000 I would say.

CHAIRPERSON: And by the time you left Bosasa were they still continuing?

MR A J VAN TONDER: That is correct Chair it was still continuing.

CHAIRPERSON: Okay thank you.

ADV PAUL PRETORIUS SC: Was there ever an investigation into the financial affairs of the Bosasa Group of Companies at the hands of the South African Revenue Services?

MR A J VAN TONDER: That is correct Chair.

ADV PAUL PRETORIUS SC: Do you recall more or less when that happened?

MR A J VAN TONDER: That was approximately in 2015 if I can recall right Chair.

ADV PAUL PRETORIUS SC: You going to deal with that later in your statement.

MR A J VAN TONDER: Yes.

ADV PAUL PRETORIUS SC: And I am at paragraph 25 of your statement. How was
10 the investigation concluded? In other words was it successfully concluded from the point of view of Bosasa?

MR A J VAN TONDER: Yes. SARS ruled in favour of Bosasa at the end of the investigation.

ADV PAUL PRETORIUS SC: Were you involved in presenting evidence to SARS in relation to the investigation?

MR A J VAN TONDER: Yes Chair I was – I was present and I was involved.

ADV PAUL PRETORIUS SC: And were the representations made to SARS always true and correct?

MR A J VAN TONDER: No it was not Chair.

20 **CHAIRPERSON:** Did you say to – oh that is by Bosasa to SARS oh.

ADV PAUL PRETORIUS SC: By Bosasa to SARS yes.

CHAIRPERSON: Okay, okay.

MR A J VAN TONDER: No it was not correct Chair.

ADV PAUL PRETORIUS SC: Right so misrepresentations were made to SARS?

MR A J VAN TONDER: That is correct Chair.

ADV PAUL PRETORIUS SC: After the conclusion of the investigation what happened to your relationship with Gavin Watson?

MR A J VAN TONDER: My relationship with Gavin Watson deteriorated even further and I – and in my mind the reason for that was because he did not need me anymore to win the case or to argue the case with SARS regarding this matter. It is as if I have reached my expiry date with the company and I would just go the same route as some of the other employees who also did certain unlawful matters for Gavin Watson.

ADV PAUL PRETORIUS SC: Yes and you have told the Chair that you had knowledge of the misrepresentations made to SARS in the course of SARS investigation?

10 **MR A J VAN TONDER:** I had knowledge of the misrepresentations Chair.

ADV PAUL PRETORIUS SC: Yes we are just dealing with an overview.

MR A J VAN TONDER: Yes.

ADV PAUL PRETORIUS SC: Of your employment relationship. We will deal with the detail in due course what happened during the course of your employment but if we may fast forward to 2017 what was the state of your relationship with Bosasa and Mr Watson, Mr Gavin Watson and how did this impact on your continued employment? If you could tell the, Chair of these allegations of the statement you make in paragraph 26 of your affidavit?

MR A J VAN TONDER: In or about the beginning of 2017 in despite my position as
20 CFO my relationship with Gavin Watson deteriorated to such an extent that he actually prevented me from fulfilling my functions as CFO.

ADV PAUL PRETORIUS SC: How did he do that?

MR A J VAN TONDER: I had no more access to financial information. I was not allowed to communicate with banks anymore or audit or order auditors and...[intervenes]

ADV PAUL PRETORIUS SC: Did he give you any instructions to perform duties outside of your functions as CFO?

MR A J VAN TONDER: Yes, Chair, he did.

ADV PAUL PRETORIUS SC: What did he say?

MR A J VAN TONDER: He requested that I be, or he instructed that I be involved in the building of a copper rod manufacturing plant just across the road of the Bosasa head office. He actually went as far as asking me to move permanently to vacate my office at the head office and move to the copper rod plant permanently which I did not do.

10 **ADV PAUL PRETORIUS SC:** And did he say anything about your activities or duties and what he expected in this regard?

MR A J VAN TONDER: Yes, it was not very clear what he wanted me to do. At one stage he told me that – he stated it in an open meeting that he wanted me on the road and I interpreted it as being a – becoming a sales rep for the copper rod now. And I could see he was setting me up for failure.

ADV PAUL PRETORIUS SC: Were you ever told in clear terms that you were no longer the Chief Financial Officer of the Bosasa group?

MR A J VAN TONDER: No, I was never told, nor were there any board meetings held in that regard.

20 **ADV PAUL PRETORIUS SC:** Alright. You were just told over a period of time that you had to work for a copper rod manufacturing plant and setting it up and that you had to be on the road?

MR A J VAN TONDER: That is correct, Chair.

ADV PAUL PRETORIUS SC: Alright. What was Mr Watson's relationship with other employees like? Not necessarily all employees but you refer to employee relationships

in paragraph 27.

MR A J VAN TONDER: Gavin Watson would, I am sorry, Chair, Gavin Watson would embarrass certain people which or staff which he had issues with in public. He would belittle them and embarrass them and he would threaten that he would personally fire them. He would make them stand up in open Imbiza meetings and tell – and embarrass them.

CHAIRPERSON: This would be staff who had done what?

MR A J VAN TONDER: This would be – sorry, Chair?

CHAIRPERSON: The people that he would embarrass publicly that you are talking
10 about, I understand you to say that it would be staff?

MR A J VAN TONDER: That is correct, Chair.

CHAIRPERSON: Yes, he would do that when they have done what?

MR A J VAN TONDER: He would do it...[intervenes]

CHAIRPERSON: Or if he just had some problems with you?

MR A J VAN TONDER: Whenever he had any issues with them, yes.

CHAIRPERSON: Okay.

MR A J VAN TONDER: Or to prove a point, Chair.

CHAIRPERSON: Okay.

ADV PAUL PRETORIUS SC: The purpose of this evidence is to explain to the, Chair,
20 the state of the employment relationship between yourself and Bosasa represented by Gavin Watson and how that affected your ultimate decision which we know was to leave the company. Tell the, Chair, please about the matters you referred to in paragraph 28 which is relevant to your – which are relevant to your ultimate decision to leave Bosasa.

MR A J VAN TONDER: Well it was a very stressful environment to work in for myself

and I could not bear the stress of working in that environment anymore. I was fearful of Gavin Watson and I am still fearful of Gavin Watson. Gavin Watson is connected to very powerful people right up to the highest level in government and many of those people actually visited the Bosasa head office and they were introduced to some of the staff.

ADV PAUL PRETORIUS SC: And what had you seen in relation to the fate of senior people in the Bosasa group?

MR A J VAN TONDER: Well I saw how Gavin Watson got rid of people who did his unlawful and corrupt – participated or did his unlawful and corrupt activities for him.
10 Such as Mr Danny Mansell, Tony Perry, Angelo Agrizzi, and even – he even tried to get rid of Dr Smith. He had meetings with me to discuss how we can – how he should go about to get rid of Dr Smith.

ADV PAUL PRETORIUS SC: Alright. And you say that he used these people, what do you mean by that?

MR A J VAN TONDER: He used these people to do his corrupt and unlawful actions for him on his behalf and then he would just dispose of them after they have served their purpose.

ADV PAUL PRETORIUS SC: What did you conclude in relation to your own position?

MR A J VAN TONDER: I concluded that I am expendable and in Gavin Watson's eyes
20 and that I have reached my useful time lifespan in his organisation and his life.

ADV PAUL PRETORIUS SC: You were aware of the SIU investigation, were you?

MR A J VAN TONDER: Yes, I was aware of the SIU investigation, Chair.

ADV PAUL PRETORIUS SC: Had you seen the report?

MR A J VAN TONDER: I did see the report, Chair.

ADV PAUL PRETORIUS SC: Was your name mentioned in the report?

MR A J VAN TONDER: Yes, my name was mentioned in the report, Chair.

ADV PAUL PRETORIUS SC: And you were employed by the Bosasa group of companies during the time period covered in the report, I understand?

MR A J VAN TONDER: That is correct, Chair.

ADV PAUL PRETORIUS SC: Did the uncertainty surrounding the report and its implementation cause any concern for you?

MR A J VAN TONDER: Yes, it did. It caused a concern to me, the uncertainty of the pending investigation was a concern to me. Even though, if I may, Chair, Gavin Watson did always try to assure me and reassure me that through his contacts within
10 government he had, he had the matter under control and he even gave a phone to me once and I do not know who I spoke to, but the person on the other side of the phone also tried to reassure me that the matter regarding the SIU investigation is indeed under control.

ADV PAUL PRETORIUS SC: Do you know to whom you spoke on that occasion?

MR A J VAN TONDER: No, Chair, he did not tell me who it was on the other side of the phone.

ADV PAUL PRETORIUS SC: Ultimately what did you conclude about your employment and the possibility of continuing in the employ of Bosasa?

MR A J VAN TONDER: I concluded that every person that was involved in doing Gavin
20 Watson's unlawful actions and corruption was expendable to him. He would victimise that person, make life, work life unbearable and in the hope that that person would eventually resign.

ADV PAUL PRETORIUS SC: You have told the, Chair, about a threat relayed to you by Mr Venter.

MR A J VAN TONDER: Yes.

ADV PAUL PRETORIUS SC: You deal with that in paragraph 31. I asked you that question out of sequence, but if there is anything in paragraph 31 that you did not speak of earlier perhaps you should take the opportunity to tell the, Chair, now. What happened on the day you left Bosasa?

MR A J VAN TONDER: Peet Venter entered my office and he informed me that, that was at the time when the photos of President Zuma's birthday party was published in the media. Peet Venter came into my office and he said to me he just wants to tell me that I am suspect number one and I interpreted it as being – that Gavin Watson suspects me – suspected me of leaking information to the press.

10 I was never in possession of such photos and I have never seen those photos before and that is the day that I decided that I had enough and I left.

ADV PAUL PRETORIUS SC: And after you left, it is correct, is it not that you entered into a separation agreement with Bosasa, which was then African Global?

MR A J VAN TONDER: That is correct.

ADV PAUL PRETORIUS SC: That was entered into on 2 May 2018?

MR A J VAN TONDER: That is correct, I entered into a separation agreement.

CHAIRPERSON: Do you remember what the date was when you left Bosasa?

MR A J VAN TONDER: It was about 3 November if I can recall right, Chair.

CHAIRPERSON: 2017?

20 **MR A J VAN TONDER:** 2017 sorry.

CHAIRPERSON: Okay.

ADV PAUL PRETORIUS SC: You gave evidence earlier of a threat relayed to you by Mr Venter and you have now told the, Chair, of what happened between yourself and Mr Venter on the day you left Bosasa. Are those two different incidents? Or are they the same?

MR A J VAN TONDER: Yes, it is two different incidences, Mr Chair.

ADV PAUL PRETORIUS SC: Chair, it is 16:19.

CHAIRPERSON: Yes. No, that is fine.

ADV PAUL PRETORIUS SC: Thank you.

CHAIRPERSON: We will adjourn now until...[intervenes]

ADV PAUL PRETORIUS SC: 10:00.

CHAIRPERSON: Until 10:00 tomorrow.

ADV PAUL PRETORIUS SC: Thank you, Chair.

CHAIRPERSON: So Mr van Tonder do return tomorrow 10:00.

10 **MR A J VAN TONDER:** I will be here at 10:00, Chair.

CHAIRPERSON: Yes, thank you.

ADV PAUL PRETORIUS SC: Chair, just to place on record we are aware of your request, but we have just received statements, we are busy preparing 33 notices.

CHAIRPERSON: Yes.

ADV PAUL PRETORIUS SC: And he has work that will be done between now and 10:00 tomorrow.

CHAIRPERSON: No, that is fine.

ADV PAUL PRETORIUS SC: Thank you.

20 **CHAIRPERSON:** I did not expect that we would implement before you revert to me, so I will hear from you once you have reflected on the suggestion that I made that we have – we start earlier than we do and finish a little later. So I am giving the legal team time to reflect on it and then you can come back to me and then we finalise. We will not implement it before.

If we do anything it will be just *ad hoc* just like we did with 20 minutes today.

ADV PAUL PRETORIUS SC: Thank you, Chair.

CHAIRPERSON: Yes. We will then adjourn until tomorrow morning at 10:00. We adjourn.

INQUIRY ADJOURNS TO 30 JANUARY 2019