

COMMISSION OF INQUIRY INTO STATE CAPTURE

HELD AT

PARKTOWN, JOHANNESBURG

10

30 JANUARY 2019

DAY 43

20

PROCEEDINGS HELD ON 30 JANUARY 2019

CHAIRPERSON: Good morning Mr Pretorius, good morning everybody.

ADV PAUL PRETORIUS SC: Morning, Chair.

CHAIRPERSON: Before we start I just need to say something. Since the commencement of Mr Agrizzi's evidence there have been a number of people who were mentioned by him in his evidence who have written to the Commission complaining that the Commission did not warn them in advance about his evidence namely that he was going to implicate them.

The Commission will be responding and is responding to them, but it seems
10 that it is necessary that I mention that on the first day on which Mr Agrizzi gave evidence there was an application that I had here at the hearing in which the legal team of the Commission explained why advance warning had not been given to implicated persons.

They gave reasons in open and at the end thereof I indicated that I would not make a decision on whether or not there was justification for not giving advance warning, but I indicated that on the face of what I had been told it did appear that there was justification, but I said that I would leave the issue, without deciding it to enable any implicated person who wished to make an issue of the lack of advance warning to do so in due course and then I would deal with the matter at that stage.

20 That is the first point that I want to clarify. The second point is that the legal team made it clear that except for the advanced warning and the fact that the statement or affidavit of Mr Agrizzi was not given to implicated persons ahead of his evidence. Apart from that all their rights as set out in the rules of the Commission would be observed and that in due course they would be given relevant portions of the statement or affidavit so that they could deal with the allegations against them.

So I just want to make that announcement again, because it does appear that not everybody appreciated the explanation as to why advance warning was not given, was given here in open and that indeed there is no intention on the part of the Commission not to allow people who are implicated an opportunity to respond to the relevant portions of Mr Agrizzi's statement.

And there is also no intention on the part of the Commission to preclude anybody from initiating any processes in terms of the rules of the Commission in order to protect their rights and interests. One of the letters we have received says that there is no guarantee that the Commission would recall Mr Agrizzi once he has finished his
10 evidence, but anyone who was listening yesterday or watching would have heard at the end of Mr Agrizzi's evidence what I said.

Mr Agrizzi himself indicated his continued preparedness to come back and give evidence. So people must know that – they must just follow the rules and the Commission will make sure that their rights are not infringed in terms of those rules. Thank you. Mr Pretorius, you may proceed.

ADV PAUL PRETORIUS SC: Yes, if I may just add to what you have said, Chair, the issuing of notices to implicated parties has been continuing for over a week now.

CHAIRPERSON: Yes.

ADV PAUL PRETORIUS SC: Secondly a transcript of the application to you in respect
20 of Mr Agrizzi's evidence made on the first day on which he gave evidence is available to implicated parties who wish to have regard to the application, and its content.

CHAIRPERSON: Yes, yes, thank you.

ADV PAUL PRETORIUS SC: Mr van Tonder you have your statement in front of you we were dealing with the evidence on page 6 of that statement and we had reached paragraph 32.

CHAIRPERSON: Mr van Tonder you are still under the same oath that you took yesterday, so I am just mentioning that, I will not be mentioning it each time until you finish your evidence, you are under the same oath.

MR ANDRIES JOHANNES VAN TONDER: I understand that, Chair.

CHAIRPERSON: Okay.

ADV PAUL PRETORIUS SC: Do you recall a meeting which took place at the time the SIU investigation had just commence where there was a discussion of a pact?

MR ANDRIES JOHANNES VAN TONDER: I recall it, yes, Chair.

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

10 **MR ANDRIES JOHANNES VAN TONDER:** It was Gavin Watson, Ronnie Watson and Valence Watson, Angelo Agrizzi and myself.

ADV PAUL PRETORIUS SC: Alright. Would you tell the, Chair, please of the content of that meeting?

MR ANDRIES JOHANNES VAN TONDER: It was agreed that there was a pact formed and everybody should abide by the rules of this pact by – in terms of not speaking to anybody about the wrongdoings which we were implicated in in the SIU report.

ADV PAUL PRETORIUS SC: Was any assurance ever given to you by Mr Gavin Watson?

20 **MR ANDRIES JOHANNES VAN TONDER:** Yes, Gavin Watson told us that he had everything under control.

ADV PAUL PRETORIUS SC: Did he give any detail?

MR ANDRIES JOHANNES VAN TONDER: He basically said he had access to the highest levels within the HAWKS and National Prosecuting Authority and therefore we need not to worry.

ADV PAUL PRETORIUS SC: Okay. Were you in Paris with Mr Agrizzi and

Mr Gavin Watson when you first received the content of the SIU report?

MR ANDRIES JOHANNES VAN TONDER: Yes, I was in Paris, Chair.

ADV PAUL PRETORIUS SC: After that were you given certain functions to perform and instructions from Gavin Watson?

MR ANDRIES JOHANNES VAN TONDER: It included but was not limited to attending concerns raised by banks, auditors and I was told to be vigilant of any potential incriminating documents which, including invoices that I might come across.

ADV PAUL PRETORIUS SC: What type of invoices?

MR ANDRIES JOHANNES VAN TONDER: Those invoices, the invoices that might
10 incriminate the company.

ADV PAUL PRETORIUS SC: What were you supposed to do with those documents?

MR ANDRIES JOHANNES VAN TONDER: I was supposed to bring it under the attention of Mr Gavin Watson and he would do with it whatever he felt fit.

CHAIRPERSON: Do you want to give us an example or two of the types of invoices that would fall under this category which you had to be careful about?

MR ANDRIES JOHANNES VAN TONDER: Yes, it was invoices for example for houses that were built.

CHAIRPERSON: Built for whom?

MR ANDRIES JOHANNES VAN TONDER: It was built for Mr Mti and Mr Gillingham.

20 **CHAIRPERSON:** Okay.

ADV PAUL PRETORIUS SC: How were these invoices or the expenses reflected on these invoices accounted for in the books of Bosasa?

MR ANDRIES JOHANNES VAN TONDER: As far as I can recall it was accounted in the books of Bosasa in the normal way as if it was expenses or capital expenses that was incurred by the company itself, because at the time there was a lot of renovations

that was done on certain of the buildings within the Bosasa group.

ADV PAUL PRETORIUS SC: So were these expenses reflected in the books as legitimate business expenses?

MR ANDRIES JOHANNES VAN TONDER: As far as I can recall, yes, Chair.

ADV PAUL PRETORIUS SC: And was that the representation that would have been made to the South African Revenue Services?

MR ANDRIES JOHANNES VAN TONDER: That would have been reflected as such to the Revenue Services, yes, Chair.

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

10 **CHAIRPERSON:** Was it a correct reflection of the position? To reflect those expenses in that way, was it correct?

MR ANDRIES JOHANNES VAN TONDER: No, it was unlawful, Chair.

CHAIRPERSON: Yes, okay.

ADV PAUL PRETORIUS SC: If we can move on then to the next part of your evidence please. You speak in paragraph 34 and following of a vehicle being purchased. Please tell the, Chair, about that purchase?

MR ANDRIES JOHANNES VAN TONDER: It was in December 2006 that Bosasa purchased a new Volkswagen Polo for a lady called Megan Gillingham the daughter of Patrick Gillingham.

20 **ADV PAUL PRETORIUS SC:** Do you know what position Patrick Gillingham held at the time?

MR ANDRIES JOHANNES VAN TONDER: I knew he had a senior position within the Department of Correctional Services.

ADV PAUL PRETORIUS SC: Had you met him?

MR ANDRIES JOHANNES VAN TONDER: I have met him, yes.

ADV PAUL PRETORIUS SC: Did you receive an instruction?

MR ANDRIES JOHANNES VAN TONDER: Yes, I received an instruction by Gavin Watson to facilitate the purchase of the vehicle for Megan Gillingham.

ADV PAUL PRETORIUS SC: Did you inform any other persons within the Bosasa group of companies of this instruction?

MR ANDRIES JOHANNES VAN TONDER: Yes, I informed Angelo Agrizzi and Dr Jurgen Smith about the instruction.

ADV PAUL PRETORIUS SC: Did you comply with the instruction?

MR ANDRIES JOHANNES VAN TONDER: Yes, I complied, I immediately complied to
10 the instruction.

ADV PAUL PRETORIUS SC: When Gavin Watson issued an instruction to you in the normal course, what was his expectation?

MR ANDRIES JOHANNES VAN TONDER: Chair, his expectation was to leave everything as is and immediately attend to what he has instructed you to do.

ADV PAUL PRETORIUS SC: How did you carry out the instruction?

MR ANDRIES JOHANNES VAN TONDER: I arranged through the accounts department to have a cash cheque made out in order to draw the cash and to deposit the cash into the Volkswagen dealership's bank account. The cheque required two signatories. I signed the first signatory and I sent the cheque through to Dr Smith for a
20 second signatory.

Dr Smith then came into my office and told me that we cannot pay for the vehicle by means of cash deposit and he further, he continued saying that he did discuss this matter with Gavin Watson and he advised that Gavin Watson instructed him to do what he sees fit to – in order to pay for the vehicle and I was instructed that by a specific method of paying for the vehicle.

ADV PAUL PRETORIUS SC: And what was this method?

MR ANDRIES JOHANNES VAN TONDER: I signed a personal loan agreement with Dr Smith. Then Dr Smith transferred the money from his personal bank account into my personal bank account. I then transferred the money from my personal bank account to Volkswagen at The Glen in order to pay for the vehicle. One to two months thereafter Bosasa transferred the money plus an amount to allow for tax and interest payable as per the loan agreement to Concilium Business Consultants.

ADV PAUL PRETORIUS SC: Part of the Bosasa group of companies?

MR ANDRIES JOHANNES VAN TONDER: It is not part of the Bosasa group of
10 companies, but it was used by the Bosasa group yes.

ADV PAUL PRETORIUS SC: Related?

MR ANDRIES JOHANNES VAN TONDER: Related, that is the right word.

ADV PAUL PRETORIUS SC: It had its offices at the Bosasa office park?

MR ANDRIES JOHANNES VAN TONDER: That is correct, Chair, Concilium had its
offices at Bosasa office business park.

ADV PAUL PRETORIUS SC: Carry on please. The money now follows this route to
Concilium Business Consultants. Yes?

MR ANDRIES JOHANNES VAN TONDER: From Concilium Business Consultants plus
interest was transferred back into my sorry, sorry, I have skipped one section, Chair.

20 **CHAIRPERSON:** Yes?

MR ANDRIES JOHANNES VAN TONDER: One to two months after the money was
paid over to Volkswagen The Glen, Bosasa transferred the money plus an amount to
allow for tax and interest payable to Concilium Business Consultants. From Concilium
Business Consultants the money plus interest was transferred into my private bank
account. To the best of my knowledge the tax was deducted and dealt with within

Concilium Business Consultants, Chair, and then I transferred the amount plus the interest from my private bank account back to the bank account of Dr Smith.

ADV PAUL PRETORIUS SC: Alright. That is quite a complex trail.

MR ANDRIES JOHANNES VAN TONDER: Yes.

ADV PAUL PRETORIUS SC: Money transfers.

MR ANDRIES JOHANNES VAN TONDER: That is correct.

ADV PAUL PRETORIUS SC: Through various accounts, but the vehicle ultimately by whom was payment made?

MR ANDRIES JOHANNES VAN TONDER: Bosasa did pay for the vehicle ultimately.

10 **CHAIRPERSON:** But at the time of the actual purchase of the vehicle and maybe delivery thereof would you have been reflected in the books of the dealer as the buyer of the car or not? Who would have been reflected as the buyer?

MR ANDRIES JOHANNES VAN TONDER: Chair, the vehicle was as far as I can recall was registered in the name of Megan Gillingham. I was just a contact person to Volkswagen The Glen.

CHAIRPERSON: So when you transferred money was it the full purchase price that you transferred to the dealer from your account?

MR ANDRIES JOHANNES VAN TONDER: That is correct.

20 **CHAIRPERSON:** So when you transferred the money from your own personal account to the dealer it would have been on behalf of Mr Gillingham's daughter or Mr Gillingham?

MR ANDRIES JOHANNES VAN TONDER: That is correct, Chair.

CHAIRPERSON: Okay, so in terms of the books of the dealer the purchaser remained either Mr Gillingham or his daughter, whoever it was that put his/her name?

MR ANDRIES JOHANNES VAN TONDER: Yes, the vehicle was registered in

Megan Gillingham's name as far as I can recall.

CHAIRPERSON: In the name of the daughter?

MR ANDRIES JOHANNES VAN TONDER: Yes, yes, Chair.

CHAIRPERSON: Oh, okay, alright, thank you.

ADV PAUL PRETORIUS SC: Part of this series of transactions you have told the, Chair, was a loan agreement that you signed?

MR ANDRIES JOHANNES VAN TONDER: That is correct, Chair.

CHAIRPERSON: Do you know where that loan agreement is now?

MR ANDRIES JOHANNES VAN TONDER: Chair, at the time after the SIU
10 investigation I handed the loan agreement to our legal team who assisted us or Bosasa in the SIU investigation. I do not have it in my possession anymore nor do I have a copy.

ADV PAUL PRETORIUS SC: Let us then deal with the next issue that you raise and that is the SeaArk project. Would you tell the, Chair, ...[intervenes]

CHAIRPERSON: Before you do that Mr Pretorius this whole complicated transaction for a simple thing for just buying a car, at that stage did you understand what the purpose was of getting involved in all these transactions in regard to the purchase of Mr Gillingham's car?

MR ANDRIES JOHANNES VAN TONDER: Yes, I understood it, Chair.

20 **CHAIRPERSON:** What was the purpose?

MR ANDRIES JOHANNES VAN TONDER: The purpose was to get a mechanism for Bosasa to pay for a car for Patrick Gillingham's daughter.

CHAIRPERSON: Without Bosasa appearing as having paid for the car?

MR ANDRIES JOHANNES VAN TONDER: Yes, that is correct, Chair, the purpose was to create a mechanism to pay, that the money does not reflect directly as being paid as

from Bosasa.

CHAIRPERSON: In other words to conceal the true identity of the person who paid for the car or the entity that paid for the car?

MR ANDRIES JOHANNES VAN TONDER: That is correct, Chair.

CHAIRPERSON: Yes, thank you.

ADV PAUL PRETORIUS SC: And did you have any knowledge yourself of why Mr Gillingham or his daughter were benefitting from Bosasa? What was the purpose of this purchase?

MR ANDRIES JOHANNES VAN TONDER: As far as I, my understanding was to get a
10 favour from Mr Gillingham who was high up within Correctional Services at the time.

ADV PAUL PRETORIUS SC: May we then proceed to the SeaArk project and would you tell the, Chair, of the evidence you set out in your affidavit from paragraph 38.

MR ANDRIES JOHANNES VAN TONDER: During 2005/2006 Gavin Watson commenced with the process of building an aquaculture pilot project in the Coega IDZ in the Eastern Cape, Port Elizabeth called SeaArk. A company SeaArk Pty Limited which was 100% subsidiary of Bosasa operations was established for that purpose.

ADV PAUL PRETORIUS SC: Alright, we will see Mr van Tonder that this was quite an expensive operation. Who funded it?

MR ANDRIES JOHANNES VAN TONDER: Bosasa Operations or the Bosasa Group
20 funded it, Chair.

ADV PAUL PRETORIUS SC: And what was the project all about?

MR ANDRIES JOHANNES VAN TONDER: The project entailed the breeding and growing of prawns, seawater prawns in a controlled environment.

ADV PAUL PRETORIUS SC: Right, was there another company involved?

MR ANDRIES JOHANNES VAN TONDER: There was an American company involved

called Sustainable Resources International through who the – which was – through which the American consultants were remunerated.

ADV PAUL PRETORIUS SC: Alright, so consultants were employed, am I correct by Bosasa? And the company through which Bosasa was working for the purpose of implementing the project, am I correct?

MR ANDRIES JOHANNES VAN TONDER: That is correct, Chair.

CHAIRPERSON: You said a minute ago that the project was founded by Bosasa Operations and then you changed and you said Bosasa Group. Is that, because you wanted to correct what you say at paragraph 39? In other words is there a difference
10 between the Bosasa Group and Bosasa Operations Pty Limited? Did you intend to say it was anyone or more of the companies under the Bosasa Group as opposed to saying it was Bosasa Operations Pty Limited? I just want to make sure that you are aware of what you had said in the statement and what you have said in oral evidence.

MR ANDRIES JOHANNES VAN TONDER: What I am saying, Chair, is if I can just explain Bosasa Operations is the holding company of all the other operational companies within the group and yes, Bosasa Operations made all the payments for the purpose of this project, but the funds that was generated was not necessarily generated by Bosasa Operations itself, the subsidiary companies had to contribute as well, but Bosasa Operations indeed made the payments.

20 **CHAIRPERSON:** Oh, okay, thank you.

ADV PAUL PRETORIUS SC: Alright. The evidence as I understand it that you have given Mr van Tonder is that a 100% subsidiary of Bosasa Operations Pty Limited was established in order to administer the business?

MR ANDRIES JOHANNES VAN TONDER: Of the aquaculture business, that is correct, Chair.

ADV PAUL PRETORIUS SC: And that company was SeaArk Africa Pty Limited?

MR ANDRIES JOHANNES VAN TONDER: That is correct, Chair.

ADV PAUL PRETORIUS SC: The project was, however, funded you say by Bosasa Operations Pty Limited through various means?

MR ANDRIES JOHANNES VAN TONDER: That is correct, Mr Chair.

ADV PAUL PRETORIUS SC: And what role did Sustainable Resources International LLC play?

MR ANDRIES JOHANNES VAN TONDER: Sustainable Resources International to the best of my – the moneys, there were large sum of moneys transferred to Sustainable
10 Resources up to the amount of approximately R50-million over the period of I would say three years and that was earmarked to pay consulting fees to various consultants to the project.

ADV PAUL PRETORIUS SC: Alright. So Bosasa in its function as funder of this project which was operated through its subsidiary SeaArk paid consultants R50-million over a period of time in order to facilitate the implementation of the project?

MR ANDRIES JOHANNES VAN TONDER: Yes, that is correct, Chair.

ADV PAUL PRETORIUS SC: Alright. We will get to the point of this evidence in a moment, but was the project successful?

MR ANDRIES JOHANNES VAN TONDER: The project was not successful in the light
20 that we could not continue with the commercial grow out of the project or build out of the project due to the lack of funding. We could not get funding for this purpose and also there was some operational – other operational concerns which prevented this project to be continued.

ADV PAUL PRETORIUS SC: Alright, let us just pause there if we may. In your position as the Chief Financial Officer within the Bosasa group at the time, were you

involved in the finances of which you speak here?

MR ANDRIES JOHANNES VAN TONDER: I was very much involved in the application for funding in the project, Chair, if that is what you ask.

ADV PAUL PRETORIUS SC: So the financial transactions of which you speak here you had direct knowledge?

MR ANDRIES JOHANNES VAN TONDER: That is correct, Chair.

ADV PAUL PRETORIUS SC: The fee of R50-million paid to consultants seems large. It may be genuine I do not know, but was it a genuine transaction?

MR ANDRIES JOHANNES VAN TONDER: They would, if I understand your question
10 correctly they would invoice on a monthly basis for this purpose and we had – Bosasa had consent from the bank to do these transfers to overseas company.

ADV PAUL PRETORIUS SC: So this R50-million was paid to overseas entities?

MR ANDRIES JOHANNES VAN TONDER: To the Sustainable Resources International which was an American based company as far as I know.

ADV PAUL PRETORIUS SC: Do you know whether value for money was received by Bosasa in relation to the consulting services you speak of?

MR ANDRIES JOHANNES VAN TONDER: My opinion Bosasa did not receive value for money, Chair, on this matter.

ADV PAUL PRETORIUS SC: Alright. But let us go on. You say the project for various
20 reasons was unsuccessful, was the project then terminated?

MR ANDRIES JOHANNES VAN TONDER: Yes, the project was then terminated, Chair.

ADV PAUL PRETORIUS SC: In the books of SeaArk Africa was any outcome recorded on the termination of the project?

MR ANDRIES JOHANNES VAN TONDER: On the termination of the project there was

an assess loss reflected of R138-million in the books.

ADV PAUL PRETORIUS SC: Is that the figure, the full correct figure in paragraph 43 of your affidavit?

MR ANDRIES JOHANNES VAN TONDER: That is correct Chair. That is R138 498 378.

ADV PAUL PRETORIUS SC: Alright and how was that assessed loss derived?

MR ANDRIES JOHANNES VAN TONDER: This loss was derived from expenses on the project and also the equipment write offs relating to the project in the books of the company.

10 **ADV PAUL PRETORIUS SC:** The equipment that SeaArk intended using or used was that equipment purchased?

MR ANDRIES JOHANNES VAN TONDER: In paragraph; you are referring to paragraph 44 now Chair?

ADV PAUL PRETORIUS SC: Yes, I am.

MR ANDRIES JOHANNES VAN TONDER: I refer here to a, a prawn processing plant not that the processing plant was used, would be used to process the prawns after they were harvested and this processing plant Chair was never used or unboxed at all.

ADV PAUL PRETORIUS SC: Yes, but it, it was indeed purchased and would have formed part of the losses at SeaArk I understand?

20 **MR ANDRIES JOHANNES VAN TONDER:** Yes this, this equipment was written off in the company income tax, for income tax purposes Chair.

ADV PAUL PRETORIUS SC: Now after termination of the SeaArk Project you will recall that the company SeaArk Africa (Pty) Ltd had been established for the express of operating this prawn plant, aquiculture plant. What happened to its main business or how was its main business subsequently recorded or conducted?

MR ANDRIES JOHANNES VAN TONDER: The main business was, of the company was changed to accommodate the utilisation of the assess loss for tax purposes in the, within the kitchen operations of Bosasa Operations.

ADV PAUL PRETORIUS SC: Alright. Let us just explain that a little. Bosasa Operations (Pty) Ltd had at the time various kitchen or catering contracts?

MR ANDRIES JOHANNES VAN TONDER: That is correct Chair.

ADV PAUL PRETORIUS SC: Are those the contracts with the Department of Correctional Services?

10 **MR ANDRIES JOHANNES VAN TONDER:** That that is correct Chair. I am referring to that.

ADV PAUL PRETORIUS SC: Right and.

MR ANDRIES JOHANNES VAN TONDER: And, and it also had other, another kitchen which was, which was utilised to cook food for people in a youth centre and Lindela Repatriation Centre.

ADV PAUL PRETORIUS SC: Alright. So various kitchen or catering contracts with various Government entities?

MR ANDRIES JOHANNES VAN TONDER: That is correct Chair.

ADV PAUL PRETORIUS SC: Those contracts were held by Bosasa Operations (Pty) Ltd?

20 **MR ANDRIES JOHANNES VAN TONDER:** That was held by Bosasa Operations (Pty) Ltd Chair.

ADV PAUL PRETORIUS SC: Were those contracts generating profits in the hands of Bosasa Operations (Pty) Ltd?

MR ANDRIES JOHANNES VAN TONDER: Those contracts did generate profits yes, Chair.

ADV PAUL PRETORIUS SC: Now the loss that SeaArk had suffered in relation to the aquiculture project, how was that loss utilised for tax purposes?

MR ANDRIES JOHANNES VAN TONDER: Well after the main business of the company was changed the name of SeaArk Africa, company SeaArk Africa was changed to Bosasa Supply Chain Management (Pty) Ltd and it acted as a procurement company for food items. These food items then, was then sold on to the various kitchen operations at an average profit margin of 20 percent to Bosasa, well to Bosasa Operations which held the kitchen operations. If I make sense.

ADV PAUL PRETORIUS SC: So SeaArk Africa (Pty) Ltd changes its purpose.

10 **MR ANDRIES JOHANNES VAN TONDER:** Yes.

ADV PAUL PRETORIUS SC: It then purchases food items to sell on to Bosasa Operations.

MR ANDRIES JOHANNES VAN TONDER: Operations.

ADV PAUL PRETORIUS SC: [Intervenes].

MR ANDRIES JOHANNES VAN TONDER: That is correct Chair.

ADV PAUL PRETORIUS SC: And it marks those items up substantially.

MR ANDRIES JOHANNES VAN TONDER: Approximately 20 percent if I can recall that Chair.

ADV PAUL PRETORIUS SC: And what is the result?

20 **MR ANDRIES JOHANNES VAN TONDER:** The result was that the assess was in Bosasa Supply Chain Management could be utilised for income tax purposes of the, the day to day businesses of Bosasa Operations which is, which was still continuing.

ADV PAUL PRETORIUS SC: How did that occur?

MR ANDRIES JOHANNES VAN TONDER: Base, well basically the food items were sold on from Bosasa Supply Chain Management to Bosasa Operations at, at a, at a

profit margin and that profit margin was then; so in Bosasa Supply Chain Management there was a profit reflected and that profit was off set against the reflected assess loss within Bosasa Supply Chain Management and that is how it was utilised Chair.

ADV PAUL PRETORIUS SC: So, but was it necessary to interpose SeaArk or Bosasa Supply Chain Management (Pty) Ltd in order for Bosasa Operations (Pty) Ltd to procure the goods? Was this a necessary genuine business transaction?

MR ANDRIES JOHANNES VAN TONDER: It was a general, it was a genuine business transaction on the procurement side, but the on selling of the food items to Bosasa Operations from Bosasa Supply Chain Management that that was, that was not that,
10 because of the fact that the, there was a profit margin included for purposes of as I have explained now. That was that was not right.

ADV PAUL PRETORIUS SC: Well the tax experts will no doubt look at the evidence and deal with it. You are experienced in tax matters. I presume?

MR ANDRIES JOHANNES VAN TONDER: I have got limited experience in tax matters
Chair.

ADV PAUL PRETORIUS SC: What was the value of the benefit to Bosasa Operations of the introduction of this scheme?

MR ANDRIES JOHANNES VAN TONDER: The value of the benefit was approximately
R38 700 000.

20 **ADV PAUL PRETORIUS SC:** Right. In other words the assessed loss incurred by SeaArk in the aquiculture business was then used to offset profits in this arrangement of procuring food items for Bosasa Operations (Pty) Ltd. Am I correct?

MR ANDRIES JOHANNES VAN TONDER: That is exactly correct Chair.

ADV PAUL PRETORIUS SC: Okay. Now was there an investigation?

MR ANDRIES JOHANNES VAN TONDER: Yes. SARS conducted an investigation on

this matter Mr Chair.

ADV PAUL PRETORIUS SC: What did they investigate in particular?

MR ANDRIES JOHANNES VAN TONDER: They investigated the utilisation of the assess loss and the existence of the assess loss within Bosasa Supply Chain Management and Bosasa Operations and also, they also investigated the equipment write offs in the books.

ADV PAUL PRETORIUS SC: Right and were you involved in responding to the SARS investigators in relation to these matters?

MR ANDRIES JOHANNES VAN TONDER: I was indeed involved Mr Chair.

10 **ADV PAUL PRETORIUS SC:** In order to justify the use of the assessed loss and the write offs was it necessary to present evidence to SARS?

MR ANDRIES JOHANNES VAN TONDER: That right, correct Chair.

ADV PAUL PRETORIUS SC: And what had to be done in these representations to the SARS investigators? You deal with that in paragraph 47.

MR ANDRIES JOHANNES VAN TONDER: Two things, we had to show two things. The first thing is we had to show continuing; that the SeaArk Project continued and we, we did it by building a prawn production facility in Krugersdorp Gauteng and an entity for this purpose was created called Bio-Organics (Pty) Ltd and which was also a 100 percent subsidiary within, of Bosasa Operations. This project was funded by Bosasa
20 Operations and artificial just for clarity sake, artificial seawater was manufactured to grow the plants in for this project and Gavin Watson even invited President Zuma to the facility in Krugersdorp and I was formally introduced to him at the facility. So the first thing that had to be done for SARS purposes we had to show that the project continued and the second thing we had to do was.

ADV PAUL PRETORIUS SC: Just before you go on. Was this a genuine operation?

Was it a commercially viable operation? Are the prawns that we eat possibly from Krugersdorp?

MR ANDRIES JOHANNES VAN TONDER: It was a very successful operation, operation. We, we, we, we bred beautiful prawns.

ADV PAUL PRETORIUS SC: Carry on please.

MR ANDRIES JOHANNES VAN TONDER: Then the second thing that had to be done was that we had to show that the processing plant equipment that was; that I have mentioned before that was never unboxed, we had to show that it was installed and being utilised in the, within the various kitchen operation of kitchen facilities in the
10 group. None of this equipment however was used in any of the facilities, kitchen facilities within the group and we, we, we had to show that it was installed into the kitchen at facilities and we have explained it as such even though it never happened.

ADV PAUL PRETORIUS SC: So the part of the investigative process and your response thereto was clearly a misrepresentation to SARS?

MR ANDRIES JOHANNES VAN TONDER: That is correct Chair.

ADV PAUL PRETORIUS SC: Right.

CHAIRPERSON: I see that you mention that on a certain occasion President Zuma was invited to this project and that is where you were introduced to him, for President Zuma. Now there has been evidence that that Mr Gavin Watson used to
20 indicate that he had interactions with him. Was this the only time that you witnessed a visit by former President Zuma to a Bosasa project or Bosasa premises?

MR ANDRIES JOHANNES VAN TONDER: That was indeed the only time I witness, I was, I witnessed it yes Chair.

CHAIRPERSON: [Intervenes].

MR ANDRIES JOHANNES VAN TONDER: I was never present at any other of the

meetings.

CHAIRPERSON: Yes, okay. Thank you.

ADV PAUL PRETORIUS SC: So I presume that the tax matters related to the evidence that you have just given. The content of the investigation, the queries and responses are quite complicated. We are not going to go into any detail now, but you say at least in part misrepresentations were made to SARS in the investigation?

MR ANDRIES JOHANNES VAN TONDER: That is correct Chair.

ADV PAUL PRETORIUS SC: Did SARS assess the loss that you have spoken of or part of the loss that you have spoken of as legitimate?

10 **MR ANDRIES JOHANNES VAN TONDER:** Yes. SARS was convinced, we convinced, we managed to convince SARS of the above explanations and that the assess loss was indeed legitimate and they only disallowed a small portion of the processing plant write off Chair.

ADV PAUL PRETORIUS SC: Was that a fair and lawful result?

MR ANDRIES JOHANNES VAN TONDER: It, it was not a lawful result Chair.

ADV PAUL PRETORIUS SC: What happened after the SARS investigation was then concluded as you say in favour of Bosasa?

MR ANDRIES JOHANNES VAN TONDER: Well a couple of months after the success we had in the SARS investigation Gavin Watson phoned me up and he instructed me to
20 close down the Bio-Organics Project with immediate effect and retrench the staff. He also, he continued to say and does it today still. I, I pointed out to Gavin Watson the following day that closing down of the Bio-Organics Facility was in contradiction to what was reflected to SARS investigators.

ADV PAUL PRETORIUS SC: You had told the SARS investigators that this was a genuine ongoing business operation?

MR ANDRIES JOHANNES VAN TONDER: That is correct Chair. SARS also visited the prawn production facility in Krugersdorp.

ADV PAUL PRETORIUS SC: And after the conclusion of the investigation and after its outcome had been communicated you now receive an instruction to close the facility down?

MR ANDRIES JOHANNES VAN TONDER: That is correct Chair.

ADV PAUL PRETORIUS SC: Right. Was this order or instruction to close the facility down and retrench all staff discussed amongst other persons within Bosasa?

MR ANDRIES JOHANNES VAN TONDER: I did discuss it with Angelo Agrizzi.

10 **ADV PAUL PRETORIUS SC:** What was the content of that discussion?

MR ANDRIES JOHANNES VAN TONDER: I told Angelo Agrizzi that we cannot terminate the project and close down the facility, because of reasons explained and Angelo Agrizzi agreed with me. That we cannot and it is unlawful to terminate the facility now, the production, the prawn production facility now, project.

ADV PAUL PRETORIUS SC: Right. Did Gavin Watson learn of your view?

MR ANDRIES JOHANNES VAN TONDER: Well when Gavin Watson got the impression that Angelo Agrizzi and myself were reluctant to close down the facility he instructed Carlos Bonifacio who was Head of the Accounts Department of Bosasa Operations at the time to attend to it and to make sure that the operation gets shut
20 down.

ADV PAUL PRETORIUS SC: Alright.

MR ANDRIES JOHANNES VAN TONDER: And because of this I was completely side-lined and my opinion was ignored when we closed, when they closed down the Bio-Organics Facility.

ADV PAUL PRETORIUS SC: And it was indeed closed down you say?

MR ANDRIES JOHANNES VAN TONDER: That is correct Chair. It was closed down.

ADV PAUL PRETORIUS SC: The processing equipment was that later sold?

MR ANDRIES JOHANNES VAN TONDER: Yes, the processing equipment was later sold. That is correct.

ADV PAUL PRETORIUS SC: Alright. You deal in the next paragraph with cash.

CHAIRPERSON: Before, before that Mr Pretorius. At the time that you were interacting with SARS in regard to this project that we have just dealt with. Did you believe that it was a genuine project at that time or did you know that it was intended for something else, for unlawful purposes?

10 **MR ANDRIES JOHANNES VAN TONDER:** I believed that it, it, it was indeed intended to, for the other purposes as was explained Chair.

CHAIRPERSON: You believe now or you did believe at the time of interacting with SARS that it was meant for unlawful purposes? That is what I want to know whether it is, it is the belief you formed after or whether even as you were interacting with SARS you did believe or you knew that it was meant for unlawful purposes.

MR ANDRIES JOHANNES VAN TONDER: Yes. While I was interacting with SARS I believed it was just there as a smokescreen.

CHAIRPERSON: Okay. Thank you.

20 **ADV PAUL PRETORIUS SC:** There has been evidence over the past two weeks of which you are no doubt aware Mr van Tonder of the need for and the manner in which Bosasa generated cash for the purposes amongst other things of bribing Government Officials. You are aware of that?

MR ANDRIES JOHANNES VAN TONDER: I am aware of it Chair.

ADV PAUL PRETORIUS SC: In paragraph 52 and following you give details of the manner in which cash was generated. Please tell the Chair of what you know in this

regard.

MR ANDRIES JOHANNES VAN TONDER: Gavin Watson required a substantial amount of cash every month and it would vary from month to month and over the years it would, it, it would escalate, it escalated quite considerably as well.

ADV PAUL PRETORIUS SC: How was this cash generated? Can you...?

MR ANDRIES JOHANNES VAN TONDER: Initially Chair.

ADV PAUL PRETORIUS SC: You can tell the Chair in your own words.

MR ANDRIES JOHANNES VAN TONDER: Hm.

ADV PAUL PRETORIUS SC: Of what you record in this affidavit at paragraph 53 and
10 following if you would.

MR ANDRIES JOHANNES VAN TONDER: Initially Chair the cash was generated by means of drawing the cash from Bosasa's bank account and how it was done was that we had to create fraudulent documentation to attach to a cheque requisition to request a cash cheque from the Accounts Department and it was motivated by we were contracting SMMEs who had no bank accounts and therefore had to be paid cash and the reason for the cash cheque. The method of drawing the cash became problematic because the amounts that Gavin Watson required became too large.

ADV PAUL PRETORIUS SC: Right. Let us just stop there if we can. Cash cheques would be issued by Bosasa or by Bosasa companies in the group?

20 **MR ANDRIES JOHANNES VAN TONDER:** That is correct Chair.

ADV PAUL PRETORIUS SC: The requisition for the cash cheque would be accompanied by an invoice for example for construction work?

MR ANDRIES JOHANNES VAN TONDER: Correct Chair.

ADV PAUL PRETORIUS SC: To pay in cash to small business or other entities?

MR ANDRIES JOHANNES VAN TONDER: That is correct Chair.

ADV PAUL PRETORIUS SC: And were those invoices fake?

MR ANDRIES JOHANNES VAN TONDER: It was indeed fake Chair.

ADV PAUL PRETORIUS SC: Right, carry on if you would. You say that the amounts of cash became too large to utilise this cash generation facility or arrangement?

MR ANDRIES JOHANNES VAN TONDER: Yes that is correct Chair. If I may go to paragraph 54? There.

ADV PAUL PRETORIUS SC: Well just please speak about the last four lines please in paragraph 53 before you go on.

MR ANDRIES JOHANNES VAN TONDER: Okay. The last few lines just addresses
10 the, the, the nature of these fake documentation or invoices that were created. It was non, for example non-existing labour brokers and again it could have been, it would have, it was motivated by a labour broker who had certain staff who and who did work for Bosasa and they required to be paid in cash. As well as copies of Metropolitan Funeral pay-out documents were made and also attached as source documents for these cash requisitions Chair.

ADV PAUL PRETORIUS SC: So one of the methods used was that a fake invoice would be created in the name of a non-existed labour broker purportedly or on the face of it to pay employees in cash, their wages?

MR ANDRIES JOHANNES VAN TONDER: That is correct Chair.

20 **ADV PAUL PRETORIUS SC:** Right and we have heard evidence about the Metropolitan Scheme, but you say that documentation was also used as part of the cheque, cash cheque requisition process?

MR ANDRIES JOHANNES VAN TONDER: That is correct Chair.

ADV PAUL PRETORIUS SC: Were any other methods used? You can go onto paragraph 54.

MR ANDRIES JOHANNES VAN TONDER: Yes. In order to supplement the, the cash requirements. Cash would be collected from a canteen in, at Lindela Repatriation Centre and also the canteens and bars at the various mine hostels which was run and operated by Bosasa.

ADV PAUL PRETORIUS SC: And at paragraph 55 you talk of a share.

MR ANDRIES JOHANNES VAN TONDER: [Intervenes].

ADV PAUL PRETORIUS SC: In Belfast.

MR ANDRIES JOHANNES VAN TONDER: Yes, a share in Belfast Hotel was required as it also had a business of a fuel pump station and a kiosk which generated cash.

10 **ADV PAUL PRETORIUS SC:** Bosasa, it was Belfast Toyota who had invoiced Bosasa for the, for fuel sales for the cash taken and the cash would be transported to Bosasa Head Office on a daily basis.

ADV PAUL PRETORIUS SC: Did it actually occur that Bosasa purchased the fuel for which it paid?

MR ANDRIES JOHANNES VAN TONDER: That was the; that was the documentation reflected, but there was never fuel received from Belfast Toyota Chair.

ADV PAUL PRETORIUS SC: So in essence Bosasa would pay for fuel not received but receive cash in return?

MR ANDRIES JOHANNES VAN TONDER: That is correct Chair. That is what happened.

20 **ADV PAUL PRETORIUS SC:** And then in paragraph 56 you refer to another scheme.

MR ANDRIES JOHANNES VAN TONDER: From time to time we were instructed to utilise AA Wholesalers in order to collect additional cash. Bosasa would invoice, would be invoiced by AA Wholesalers for goods that were not; that were not delivered amongst other genuine deliveries and transactions. I mean.

ADV PAUL PRETORIUS SC: So some of the invoices were fake invoices again. No

goods were delivered against those invoices?

MR ANDRIES JOHANNES VAN TONDER: Yes. Some of them were fake invoices.

ADV PAUL PRETORIUS SC: But Bosasa would nevertheless pay?

MR ANDRIES JOHANNES VAN TONDER: Pay and instead of receiving the goods receive the cash Chair.

ADV PAUL PRETORIUS SC: Then let us look at paragraph 57. What do you say there?

MR ANDRIES JOHANNES VAN TONDER: Bosasa had an arrangement with a, with Riaan Hoeksma from Riekele Construction to arrange cash from a liquor wholesaler in
10 Randfontein. Riaan Hoeksma had a relationship with the, with the liquor wholesaler. Gavin Watson would phone me up and tell me when he needed a cash delivery. I would then advise Jacques van Zyl of the amount of cash that was required. Jacques van Zyl and certain people in the Accounts Department would attend to the administration side of the, of the transaction of which I had no insight of into. Once the cash was ready for collection I was notified by Riaan Hoeksma to collect the cash from his offices in Randfontein which I did.

ADV PAUL PRETORIUS SC: Well as I understand your evidence here you received an instruction from Gavin Watson to obtain cash or attend to a delivery of cash?

MR ANDRIES JOHANNES VAN TONDER: That is correct Chair.

20 **ADV PAUL PRETORIUS SC:** The administration in the business would do the administrative work in relation to the receipt of cash. You had not involvement in that?

MR ANDRIES JOHANNES VAN TONDER: I had no involvement in the administration part Chair.

ADV PAUL PRETORIUS SC: But you actually collected cash you say?

MR ANDRIES JOHANNES VAN TONDER: I, I collected the cash that is correct Chair.

ADV PAUL PRETORIUS SC: Who actually gave you the cash which you collected?

CHAIRPERSON:

MR ANDRIES JOHANNES VAN TONDER: Riaan Hoeksma at Riekele Constructions Offices gave me the cash Chair.

ADV PAUL PRETORIUS SC: Right and then in paragraph 58 you talk of another method of cash generation.

MR ANDRIES JOHANNES VAN TONDER: This was the largest method of, of the no substantial method of getting cash and it was done through a company called Equal Trade which was run by a person by the name of Gregg Lacon-Allan.

10 **ADV PAUL PRETORIUS SC:** That is L-A-C-O-N-A-L-L-I-N [spelt].

MR ANDRIES JOHANNES VAN TONDER: That is correct Chair.

ADV PAUL PRETORIUS SC: Right. What happened?

MR ANDRIES JOHANNES VAN TONDER: Initially, just on a background, Jacques van Zyl was responsible for the ordering and collecting the cash from Equal Trade. Gavin Watson then instructed that this function be handed over to me on about, if I can recall right, July 2016.

ADV PAUL PRETORIUS SC: Were you responsible for the administration side? How this would be recorded in the books and other things?

20 **MR ANDRIES JOHANNES VAN TONDER:** No. I was not responsible for the administration side Chair.

ADV PAUL PRETORIUS SC: Right and what role did you play?

MR ANDRIES JOHANNES VAN TONDER: Gregg Lacon-Allan would send me a message via, via WhatsApp on a Monday morning requesting order requirements for the week and I have attached a copy of these WhatsApp messages as an annexure to my affidavit.

ADV PAUL PRETORIUS SC: Let us go to 83. It is on page 32 of Bundle T, is it T1? Bundle T1, there are some email messages there. What are they? Not email, WhatsApp messages there. Explain to the Chair please what we read here on page 32.

MR ANDRIES JOHANNES VAN TONDER: Page 32. This is a WhatsApp message received from Gregg Lacon-Allan.

“Hi Andries, I am just checking if you have any orders for this week, regards.”

And I would reply.

10 “Hello Gregg, I have not seen Gavin yet, but will find out and let you know.”

And then he would follow up on it. Gavin or Allan, Gregg Lacon-Allan would follow up saying:

“Hi Andries, any news? Regards.”

And then I would respond:

“Morning Gregg, I will ask Gavin this morning. Regards, Andries.”

And it carried; and I have made and, and you will see the rest of the annexures has got a lot of content regarding these WhatsApp messages.

ADV PAUL PRETORIUS SC: So was this a regular occurrence, this?

20 **ANDRIES JOHANNES VAN TONDER:** It was a weekly occurrence Chair.

ADV PAUL PRETORIUS SC: If you look at page 34 and the context of the request for orders because I think we need to explain how this request for orders actually worked in the scheme of generating cash. Do you see page 34?

ANDRIES JOHANNES VAN TONDER: I see it Chair.

ADV PAUL PRETORIUS SC: Almost halfway down the page against your name and

against the date 13 March 2017 Andries: one ton chicken please. Now I presume that it is not correct that actually there was an order for one ton of chicken or I may be wrong?

ANDRIES JOHANNES VAN TONDER: No. There was never chicken deliveries and it – and it was merely a code name for the cash to be delivered and...

ADV PAUL PRETORIUS SC: How much cash did one ton of chicken represent in cod?

ANDRIES JOHANNES VAN TONDER: One ton of chicken would represent R1 million.

CHAIRPERSON: So chicken was a code for cash?

ANDRIES JOHANNES VAN TONDER: That was – that is correct Chair.

10 **CHAIRPERSON**: And was it not being called cash or money because it was for bribery?

ANDRIES JOHANNES VAN TONDER: That is correct Chair.

CHAIRPERSON: Okay.

ADV PAUL PRETORIUS SC: If you could just take a moment to look at Annexure AT3 is there anything there that will confirm the evidence that you are giving? I would not necessarily understand all the communications here. So for example if you look at [intervenes].

CHAIRPERSON: Did you say AT3?

ADV PAUL PRETORIUS SC: No AT 3 – A T 3.

CHAIRPERSON: Oh AT3.

20 **ADV PAUL PRETORIUS SC**: On page 32 yes I am sorry Chair.

CHAIRPERSON: Okay, okay.

ADV PAUL PRETORIUS SC: If you go to page 36 for example. Three quarters the way down the page there is a reference there against your name. The exact quantity is 1.550 tons. What does that mean?

ANDRIES JOHANNES VAN TONDER: Sorry Chair I just want to get to the – to the

right place. What date is that the 14th?

ADV PAUL PRETORIUS SC: Page 36.

ANDRIES JOHANNES VAN TONDER: Yes.

ADV PAUL PRETORIUS SC: Against the date 19 June 2017 10:27.

ANDRIES JOHANNES VAN TONDER: That is correct. 1.550 tons reflects R1 550 000,00.

ADV PAUL PRETORIUS SC: Sorry that is on the 14 June at 15:37. On the 19 June it is 1.45 tons but in essence what you are saying is the figure of tons is really a figure of millions of rands?

10 **ANDRIES JOHANNES VAN TONDER:** That is correct Chair.

ADV PAUL PRETORIUS SC: So what we see here in Annexure AT3 is a series of communications between yourself and Gregg Lacon-Allan intended to arrange the – obtaining of cash from Mr Lacon-Allan?

ANDRIES JOHANNES VAN TONDER: That is correct Chair.

ADV PAUL PRETORIUS SC: Who would tell you what amount of cash was needed?

ANDRIES JOHANNES VAN TONDER: Gavin Watson would tell me Chair.

ADV PAUL PRETORIUS SC: Would he also give you detail in relation to particular amounts and times and the remaining logistical issues regarding receipt of cash?

20 **ANDRIES JOHANNES VAN TONDER:** Gavin Watson would just tell me how much cash he would require.

ADV PAUL PRETORIUS SC: So who would collect the cash?

ANDRIES JOHANNES VAN TONDER: I did collect the cash.

ADV PAUL PRETORIUS SC: From whom?

ANDRIES JOHANNES VAN TONDER: It was delivered at a filling station or at a shopping centre close to Lanseria Airport. I collected the cash.

ADV PAUL PRETORIUS SC: And what did you do with the cash?

ANDRIES JOHANNES VAN TONDER: I – then I would take the cash back to Bosasa Head Office.

ADV PAUL PRETORIUS SC: And what would you do at Bosasa Head Office with the cash?

ANDRIES JOHANNES VAN TONDER: I would lock the cash in a safe which is situated in a walk-in vault in the company secretary's office.

ADV PAUL PRETORIUS SC: Alright. Let us go to paragraph 60 because there you describe at least in part how the obtaining of cash pursuant to your communications
10 with Gregg Lacon-Allan was accounted for in the books. First of all was this a genuine accounting in the books?

ANDRIES JOHANNES VAN TONDER: It was accounted in the books as food consumption.

ADV PAUL PRETORIUS SC: Is that correct?

ANDRIES JOHANNES VAN TONDER: But it was not correct. It was fraudulent.

ADV PAUL PRETORIUS SC: Well tell the Chair please of the accounting arrangement or the recordal in the books that you describe in paragraph 60 please?

ANDRIES JOHANNES VAN TONDER: Basically Jacques Van Zyl – I would notify Jacques Van Zyl about the requirement of cash. He would then make the necessary
20 arrangements in the accounts department. He would arrange for the payment first thing to be done and...

ADV PAUL PRETORIUS SC: Of course you would have to pay?

ANDRIES JOHANNES VAN TONDER: Yes.

ADV PAUL PRETORIUS SC: Equal Trade or Gregg Lacon-Allan?

ANDRIES JOHANNES VAN TONDER: Yes and this payment included a 12%

commission.

ADV PAUL PRETORIUS SC: Who received that commission?

ANDRIES JOHANNES VAN TONDER: I cannot – as far as I know it was Gregg Lacon-Allan.

ADV PAUL PRETORIUS SC: But the purpose of the commission I understand it was to pay for the trouble taken by Equal Trade or Gregg Lacon-Allan in providing the cash?

ANDRIES JOHANNES VAN TONDER: That was the purpose of the 12% Chair.

ADV PAUL PRETORIUS SC: Yes and the orders to justify the payment to Equal Trade were those genuine orders?

10 **ANDRIES JOHANNES VAN TONDER:** No it was not genuine orders Chair.

ADV PAUL PRETORIUS SC: Paragraph 61 you describe the scheme further.

ANDRIES JOHANNES VAN TONDER: So the order sheet was prepared by – in our accounts office and then the – this order sheet – the purpose of this order sheet was to allocate this amount to the various kitchen units for Gregg Lacon-Allan's business to enable them to invoice Bosasa. So it was a big amount so this amount had to be broken down to the various kitchen units and that was the purpose of this order sheet that was created.

ADV PAUL PRETORIUS SC: So as I understand it a fake invoice would be created?

ANDRIES JOHANNES VAN TONDER: Later on yes.

20 **ADV PAUL PRETORIUS SC:** Later on. But an order would be issued for the apparent purpose of providing food stuffs to various catering facilities conducted by Bosasa?

ANDRIES JOHANNES VAN TONDER: We refer to it as an order sheet yes Chair.

ADV PAUL PRETORIUS SC: Alright were these genuine purchases?

ANDRIES JOHANNES VAN TONDER: No it was not genuine purchases Chair.

ADV PAUL PRETORIUS SC: Would the expenses reflected in that purchase be

represented to the Revenue Services as a genuine operational expense?

ANDRIES JOHANNES VAN TONDER: To the best of my knowledge it was reflected as an expense in the books of Bosasa.

ADV PAUL PRETORIUS SC: Yes carry on tell the Chair please of the arrangements you refer to in paragraph 61?

ANDRIES JOHANNES VAN TONDER: Then what the order sheet was now created and it would be sent – I would send it off the – to Equal Trade. From a separate gmail address called johnforest@gmail.com that is the email address that was used. This email address if I may was created not by me I inherited this email address johnforest
10 but this is where through which the communications were done to – to Equal Trade in this regard. So the proof of payment together with this order sheet would now be mailed to Gregg Lacon-Allan's Equal Trade and we would arrange for a delivery – cash delivery at – the cash delivery one or two days later.

ADV PAUL PRETORIUS SC: Would that then be followed by the invoice as you have said?

ANDRIES JOHANNES VAN TONDER: Yes. What would happen then is about a week later Equal Trade would send Bosasa the invoices which was generated based on the order sheets which were – the order sheet which was sent to them. And it was for items that Bosasa never received.

20 **ADV PAUL PRETORIUS SC:** The items on the invoices were those recorded in a manner that could avoid SARS raising that queries?

ANDRIES JOHANNES VAN TONDER: Indeed so Chair. It was all non-VAT items.

ADV PAUL PRETORIUS SC: Right then in paragraph 64 you make certain further observations regarding this cash generation arrangement. Explain what you are saying here about the normal invoice payment dates and arrangements and whether these

arrangements of which you speaking differed from the normal arrangements?

ANDRIES JOHANNES VAN TONDER: Yes. Payments for this purpose was always done prior to invoicing and this is in contrary with the normal day to day operations of other suppliers to the group. They would only get paid 60 days after statement and this was – which was completely different to the day to day normal operations. And the items and the invoices were not followed through the normal channels. The unit leaders at the various operational sites and the storemen and they have never seen these invoices and they have not stamped those invoices.

ADV PAUL PRETORIUS SC: Alright so in summary as part of this scheme at least you
10 would receive a fake order. You would pay for it and you would receive in return cash minus 12% commission.

ANDRIES JOHANNES VAN TONDER: That is indeed how it happened Chair.

ADV PAUL PRETORIUS SC: And then there would be a scheme whereby fake invoices would be created to make the operation appear legitimate?

ANDRIES JOHANNES VAN TONDER: That is hundred percent correct Chair.

ADV PAUL PRETORIUS SC: And you say as far as you know I presume you do not have direct knowledge but as far as you know the expenses reflected would actually be deducted from operational expenses for the purposes of tax returns?

ANDRIES JOHANNES VAN TONDER: That is correct Chair.

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

CHAIRPERSON: I see you said that these payments were made prior to the invoices but in your statement you say prior or on the dates of invoices. Do you stick with prior to or sometimes prior, sometimes on?

ANDRIES JOHANNES VAN TONDER: No these payments were always done before the invoices was generated Chair.

ADV PAUL PRETORIUS SC: Okay thank you.

ADV PAUL PRETORIUS SC: Is it a convenient Chair?

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

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Yes, Mr Pretorius?

ADV PAUL PRETORIUS SC: Thank you, Chair. Mr van Tonder yesterday you gave evidence in regard to the video footage that had been shown here during the course of
10 Mr Agrizzi's evidence and you told the, Chair, that you had actually recorded the video, and you told him why you recorded the video.

MR ANDRIES JOHANNES VAN TONDER: Sorry, should I tell you, Chair, why I recorded the video?

ADV PAUL PRETORIUS SC: Well you have already told the court. I mean you have already told the, Chair.

CHAIRPERSON: He just wants you to confirm whether it is true whether you have confirmed that you took the video and that you have told me why you took it. So if you remember that you have told me you say yes, if you do not remember you say no I do not remember telling the, Chair.

20 **MR ANDRIES JOHANNES VAN TONDER:** I remember telling the, Chair.

ADV PAUL PRETORIUS SC: Alright, so we do not have to repeat what you say in paragraph 65 on page 13? But tell the, Chair, please about the system in relation to the handling of cash within the Bosasa offices that you talk about in paragraph 66 and following.

MR ANDRIES JOHANNES VAN TONDER: After I collected the cash I would take it to

Bosasa Head Office and I would lock it in a safe which is situated in a walk-in vault in the company's secretary's office. The reason for that is Gavin Watson was not available, normally not available to receive the cash when I arrive with the cash at the offices.

ADV PAUL PRETORIUS SC: So this is the cash that you collected as detailed earlier in your evidence this morning?

MR ANDRIES JOHANNES VAN TONDER: That is correct, Chair.

ADV PAUL PRETORIUS SC: Alright. And then in relation to the management of the cash after you had put it in the vault?

10 **MR ANDRIES JOHANNES VAN TONDER:** Gavin Watson would phone me and he would when he needed the cash and he would instruct me to bring it from the company – where it was locked now in the company secretary's fault bring it or take it to his personal vault which is...[intervenes]

CHAIRPERSON: How would there be any recording of the amount you put into that safe each time you put money into it? Would there be a recording of how much you would put in on what date in the safe?

MR ANDRIES JOHANNES VAN TONDER: Yes, I would just take everything I had.

CHAIRPERSON: No, I mean when you had gone out to collect cash.

MR ANDRIES JOHANNES VAN TONDER: Yes?

20 **CHAIRPERSON:** And you came and took it to the safe that is in the walk-in vault of the secretary then when you put the money into the safe would you record or would somebody record how much you put in on what date and when you took it out? Would there be somebody who would record that?

MR ANDRIES JOHANNES VAN TONDER: No, Chair, there was no recording done by myself in that safe of the company secretary, no.

CHAIRPERSON: Or by anybody?

MR ANDRIES JOHANNES VAN TONDER: Or by anybody.

CHAIRPERSON: Okay, alright.

ADV PAUL PRETORIUS SC: Okay, we will deal perhaps with that issue again in a moment. You say that you deposited the cash you received from various sources in the company secretary's office vault in a safe there?

MR ANDRIES JOHANNES VAN TONDER: That is correct.

ADV PAUL PRETORIUS SC: You were then instructed by Mr Watson to take cash to him in his vault, correct?

10 **MR ANDRIES JOHANNES VAN TONDER:** That is correct, Chair.

ADV PAUL PRETORIUS SC: You will recall on the video there is at the beginning of the video a recordal of someone taking a cardboard box from a particular place in the Bosasa office park to Gavin Watson's vault? Do you recall that?

MR ANDRIES JOHANNES VAN TONDER: Yes.

ADV PAUL PRETORIUS SC: What does that video represent at that portion of the video?

MR ANDRIES JOHANNES VAN TONDER: If I understand your question right that is, in that box is cash.

ADV PAUL PRETORIUS SC: Right and who is carrying the cash?

20 **MR ANDRIES JOHANNES VAN TONDER:** Myself.

ADV PAUL PRETORIUS SC: From where to where?

MR ANDRIES JOHANNES VAN TONDER: I would carry the cash from the company secretary's vault to the vault of Gavin Watson.

ADV PAUL PRETORIUS SC: And when you arrived at the vault of Gavin Watson would you meet with anyone there?

MR ANDRIES JOHANNES VAN TONDER: Yes, Gavin Watson was there and there were other people also present in his vault.

ADV PAUL PRETORIUS SC: Right, and on the particular video that you took who was present in Gavin Watson's vault when you arrived?

MR ANDRIES JOHANNES VAN TONDER: If I can recall right it was myself, Gavin Watson, Johannes Gumede and Papa Leshabane.

ADV PAUL PRETORIUS SC: Alright. In Gavin Watson's walk-in vault were there any other, were there any safes or how many safes were in that vault?

MR ANDRIES JOHANNES VAN TONDER: There were three other safes in his vault of
10 which one is a drop safe, Chair.

CHAIRPERSON: One is a what safe?

MR ANDRIES JOHANNES VAN TONDER: A drop safe.

CHAIRPERSON: Okay, thank you.

ADV PAUL PRETORIUS SC: Well let us, you say three other safes. How many safes in Gavin Watson's walk-in vault?

MR ANDRIES JOHANNES VAN TONDER: There are three other safes in Mr Gavin Watson's walk-in vault.

ADV PAUL PRETORIUS SC: Well when you say...[intervenes]

CHAIRPERSON: When you say three other it suggest that it is more than three, is it
20 four is it three?

MR ANDRIES JOHANNES VAN TONDER: No, no it is only three.

CHAIRPERSON: Okay.

ADV PAUL PRETORIUS SC: But there is a safe in the vault from which you have come, the company secretary's safe?

MR ANDRIES JOHANNES VAN TONDER: Yes that is in a different vault. There is a

safe that is in the company secretary's vault where the money was locked.

CHAIRPERSON: Yes, there is a safe in the company secretary's vault.

MR ANDRIES JOHANNES VAN TONDER: Yes.

CHAIRPERSON: One safe and in Mr Gavin Watson's vault there are three safes, that is what you are saying?

MR ANDRIES JOHANNES VAN TONDER: That is correct.

CHAIRPERSON: Okay.

MR ANDRIES JOHANNES VAN TONDER: Actually, Chair, there are two smaller safes in the company secretary's vault, but only the one was used for my purposes of storing
10 the cash.

CHAIRPERSON: Okay, thank you.

ADV PAUL PRETORIUS SC: And a drop safe what is that?

MR ANDRIES JOHANNES VAN TONDER: That is one of the safes in Gavin Watson's vault.

ADV PAUL PRETORIUS SC: Yes, but what is a drop safe?

MR ANDRIES JOHANNES VAN TONDER: It is a safe that has got a small entrance where one, just big enough to drop cash into the safe.

ADV PAUL PRETORIUS SC: But not take it out again?

MR ANDRIES JOHANNES VAN TONDER: You cannot take it out.

20 **ADV PAUL PRETORIUS SC**: Alright. The three safes in Gavin Watson's walk-in vault do you know their purpose?

MR ANDRIES JOHANNES VAN TONDER: The purpose of that was to store the cash until such time as he required the cash, Chair.

ADV PAUL PRETORIUS SC: Alright, during the conversation that takes place on the soundtrack of the video that was played to the, Chair, mention is made of a person

called Patrick. Do you know who that person is or was?

MR ANDRIES JOHANNES VAN TONDER: Yes, Chair, it is Patrick Gillingham.

ADV PAUL PRETORIUS SC: And do you know that from your own knowledge?

MR ANDRIES JOHANNES VAN TONDER: I know it from my own knowledge, Chair.

ADV PAUL PRETORIUS SC: Well were you ever given instructions in relation to Patrick Gillingham?

MR ANDRIES JOHANNES VAN TONDER: Yes, Chair, I was.

ADV PAUL PRETORIUS SC: Sorry, what were those instructions?

MR ANDRIES JOHANNES VAN TONDER: I was instructed to take him a delivery of
10 cash.

CHAIRPERSON: That is – is that the father of the daughter or the lady...[intervenes]

ADV PAUL PRETORIUS SC: Megan.

CHAIRPERSON: That Bosasa bought a car for in terms of the evidence you have given us?

MR ANDRIES JOHANNES VAN TONDER: That is correct, Chair.

CHAIRPERSON: Okay.

ADV PAUL PRETORIUS SC: Alright, did you carry out the instructions given?

MR ANDRIES JOHANNES VAN TONDER: Yes, I delivered his – Patrick Gillingham's cash for him.

20 **ADV PAUL PRETORIUS SC:** Alright, to whom did you hand the cash?

MR ANDRIES JOHANNES VAN TONDER: I hand it to Patrick Gillingham himself, Chair.

ADV PAUL PRETORIUS SC: And how was the cash packed?

MR ANDRIES JOHANNES VAN TONDER: It was packed in a grey plastic security bag, Chair.

ADV PAUL PRETORIUS SC: Right, and where did you make this delivery or these deliveries?

MR ANDRIES JOHANNES VAN TONDER: I made the delivery at a shopping centre close to Lanseria airport, Chair.

ADV PAUL PRETORIUS SC: You will recall that during the video and on the video soundtrack reference is made to an amount being R6 000 short, do you recall that?

MR ANDRIES JOHANNES VAN TONDER: I recall it, Chair.

ADV PAUL PRETORIUS SC: If there was no record kept of amounts cash delivered how would anybody know that there was a short delivery of cash?

10 **MR ANDRIES JOHANNES VAN TONDER:** When Gavin Watson takes delivery, took delivery from the cash from me the box would be opened and the cash would be counted and it was a basic reconciliation to make sure that the amount of cash that was received is indeed the amount that should have been delivered according to the payment that was made less the 12% commission.

ADV PAUL PRETORIUS SC: And to that extent...[intervenes]

MR ANDRIES JOHANNES VAN TONDER: And...[intervenes]

ADV PAUL PRETORIUS SC: I am sorry.

MR ANDRIES JOHANNES VAN TONDER: I am sorry, Chair, and the previous delivery there was a R6 000 short delivery on the previous delivery and that was one of the –
20 that was the R6 000 that was discussed in the safe, Chair.

ADV PAUL PRETORIUS SC: So somewhere, you say you were not always involved or you were not involved in the administrative processes, records would be kept which would then indicate whether there had been a short delivery of cash. That would be notified and rectified?

MR ANDRIES JOHANNES VAN TONDER: Yes, the short delivery of cash was just

between myself and Gavin Watson. Again Gavin Watson would look at the – I would have a proof of payment which we always made and where I have deducted the 12% commission which got to the net amount of cash that would have been received. That amount – that paper was also seen by Angelo Agrizzi that specific proof of payment. I told him about that and then basically Gavin Watson will look at the amount, the net amount and made sure that the actual amount of cash that was received corresponded to the net amount that should have been received.

And should there be a shortfall like in this case the R6 000 it had to be recovered on a later stage from Equal Trade.

- 10 **CHAIRPERSON:** Let us take it step by step. With regard to Equal Trade and you will tell me later on whether the same applied to other entities that you may have collected cash from, but just Equal Trade, I think your evidence was that – I do not know whether all the time, but was that you collected the cash from Lanseria, is that right?

MR ANDRIES JOHANNES VAN TONDER: It is a shopping centre close to Lanseria.

CHAIRPERSON: A shopping centre close to Lanseria?

MR ANDRIES JOHANNES VAN TONDER: Yes.

CHAIRPERSON: Now when you went there did you know how much you were going to collect, how much was going to be handed over to you?

MR ANDRIES JOHANNES VAN TONDER: I knew then, correct, Chair.

- 20 **CHAIRPERSON:** How would you know?

MR ANDRIES JOHANNES VAN TONDER: Because I would arrange or ask for Jacques van Zyl to arrange for the payment to be made for a specific amount as requested by Gavin Watson.

CHAIRPERSON: So would your knowledge be based on paperwork?

MR ANDRIES JOHANNES VAN TONDER: Absolutely.

CHAIRPERSON: That would have preceded this stage?

MR ANDRIES JOHANNES VAN TONDER: You are 100% right.

CHAIRPERSON: Including the order and so on and invoices?

MR ANDRIES JOHANNES VAN TONDER: My knowledge would be based on paperwork, yes, Chair, that is right.

CHAIRPERSON: Yes. Now when you arrived at the shopping complex next to Lanseria to collect the cash would the cash – would the cash be minus the commission already?

MR ANDRIES JOHANNES VAN TONDER: That is correct, Chair, it would only be the
10 net amount.

CHAIRPERSON: Yes, yes. And then you would then bring it to Bosasa?

MR ANDRIES JOHANNES VAN TONDER: That is correct, Chair.

CHAIRPERSON: You would go to the company secretary's walk-in vault and you would put the money into one of the safes there?

MR ANDRIES JOHANNES VAN TONDER: Correct, Chair.

CHAIRPERSON: And at that stage no recording took place as to how much you put in?

MR ANDRIES JOHANNES VAN TONDER: That is correct, Chair, no recording at that stage, because I never opened the box without Gavin Watson being present.

20 **CHAIRPERSON:** Yes. And then you would only remove it to take it to Mr Gavin Watson's safe?

MR ANDRIES JOHANNES VAN TONDER: That is correct, Chair.

CHAIRPERSON: And you would only do that when Mr Gavin Watson had instructed you to do that?

MR ANDRIES JOHANNES VAN TONDER: That is correct, Chair.

CHAIRPERSON: When you took it out from the safe in the company secretary's vault again nobody would record what you took out and how much you took out, is that right?

MR ANDRIES JOHANNES VAN TONDER: That is right, I would just take the entire box.

CHAIRPERSON: Yes, oh, okay, alright.

ADV PAUL PRETORIUS SC: Was the box sealed? I am sorry to interrupt you.

MR ANDRIES JOHANNES VAN TONDER: Absolutely.

CHAIRPERSON: Now, okay, when you received the cash at the shopping complex next to Lanseria would it be in a box or what, how would the cash – would it be in some
10 box or in some bag or what?

MR ANDRIES JOHANNES VAN TONDER: Yes, it would be in a brown carton box normally.

CHAIRPERSON: Would the box be sealed?

MR ANDRIES JOHANNES VAN TONDER: Sealed.

CHAIRPERSON: Okay, so that if you interfered with it, it would show or not really?

MR ANDRIES JOHANNES VAN TONDER: Yes, I guess it will show if I interfered, yes.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: Because, yes.

CHAIRPERSON: Okay, so you would then take the box with the cash from the
20 company secretary's safe and go to Mr Gavin Watson's safe?

MR ANDRIES JOHANNES VAN TONDER: Correct, Chair.

CHAIRPERSON: But when you did that would Mr Gavin Watson always be there when you were going to put the money into his safe or would you do it when he was not there sometimes?

MR ANDRIES JOHANNES VAN TONDER: No, I would do it when he was there. He

would call me to his safe.

CHAIRPERSON: Okay.

MR ANDRIES JOHANNES VAN TONDER: I would only take it to his safe on his instruction and he would meet me there normally, Chair.

CHAIRPERSON: And then when you arrived there would there be a counting of the cash before it was put in between yourself and Mr Gavin Watson?

MR ANDRIES JOHANNES VAN TONDER: That is correct, Chair.

CHAIRPERSON: Yes, okay, thank you.

10 **ADV PAUL PRETORIUS SC:** So in summary Gavin Watson would order a specific amount of cash, correct?

MR ANDRIES JOHANNES VAN TONDER: That is correct, Chair.

ADV PAUL PRETORIUS SC: He would have knowledge or access to knowledge of how much was paid to the third party by way of transfer, bank transfer?

MR ANDRIES JOHANNES VAN TONDER: I would take the bank transfer with me to the safe.

ADV PAUL PRETORIUS SC: And then he would then presumably be able to calculate how much money should have been in the box?

MR ANDRIES JOHANNES VAN TONDER: That is correct, Chair.

ADV PAUL PRETORIUS SC: The order amount, invoice amount less 12%?

20 **MR ANDRIES JOHANNES VAN TONDER:** That is correct, Chair.

ADV PAUL PRETORIUS SC: And you will recall on the video after you take the box there is a counting of cash and a discussion of R6 000 short?

MR ANDRIES JOHANNES VAN TONDER: That is correct, Chair.

ADV PAUL PRETORIUS SC: The counting process about which the, Chair, had now asked you, is that the same process that occurred in the video?

MR ANDRIES JOHANNES VAN TONDER: That is the same process, Chair.

ADV PAUL PRETORIUS SC: Alright. Approximately how much cash was collected by you during the period that you arranged cash deliveries from Equal Trade?

MR ANDRIES JOHANNES VAN TONDER: It was approximately between 4 and R6-million a month, Chair.

CHAIRPERSON: All of that came from – would be coming from Equal Trade?

MR ANDRIES JOHANNES VAN TONDER: That is correct, Chair.

CHAIRPERSON: Okay.

ADV PAUL PRETORIUS SC: What was the purpose of this generation of cash? For
10 what was the cash used?

MR ANDRIES JOHANNES VAN TONDER: It was used for bribery, Chair.

ADV PAUL PRETORIUS SC: Any other purpose?

MR ANDRIES JOHANNES VAN TONDER: And some of the staff that was involved in the process of arranging for the cash, the administrative process would receive an amount of cash every month as a bonus if you want to call it like that, but it was not limited only to people that were involved in arranging the cash in terms of staff. Other staff members who was not involved in the process also received cash amounts every month.

ADV PAUL PRETORIUS SC: Alright, did you ever receive cash amounts?

20 **MR ANDRIES JOHANNES VAN TONDER:** I received R20 000 per month, Chair.

ADV PAUL PRETORIUS SC: In cash?

MR ANDRIES JOHANNES VAN TONDER: In cash.

CHAIRPERSON: That was in addition to your normal salary?

MR ANDRIES JOHANNES VAN TONDER: That is correct, Chair.

CHAIRPERSON: And your normal salary was processed in the normal way salaries

are processed, EFT or whatever?

MR ANDRIES JOHANNES VAN TONDER: That is correct, Chair.

CHAIRPERSON: Yes, but this particular R20 000 that you are talking about which you got per month was paid to you in cash?

MR ANDRIES JOHANNES VAN TONDER: It was paid to me in cash, yes.

CHAIRPERSON: And who would give it to you?

MR ANDRIES JOHANNES VAN TONDER: Gavin Watson himself, Chair.

CHAIRPERSON: Yes, and from when or by the time you left Bosasa were you still receiving this additional R20 000 per month cash?

10 **MR ANDRIES JOHANNES VAN TONDER:** No, Chair, I did not receive the additional R20 000 a month when I left Bosasa.

CHAIRPERSON: So tell me the period that during which you received it if you are able to, from when to when did you get it or was it a once off payment this R20 000 cash yourself?

MR ANDRIES JOHANNES VAN TONDER: No, I received it over a period of – it started if I can recall right it started in 2005. The amount was not always R20 000 a month, Chair.

CHAIRPERSON: Yes.

MR ANDRIES JOHANNES VAN TONDER: It increased over the years.

20 **CHAIRPERSON:** Yes. So you received a monthly payment of cash and the amounts differed because it increased over the years, but this type of payment to you ended when? If you can remember.

MR ANDRIES JOHANNES VAN TONDER: This type of payment to me ended when I left Bosasa in the month of November 2017. I did not receive any cash payment.

CHAIRPERSON: Are you saying you received these cash payments until

November 2017?

MR ANDRIES JOHANNES VAN TONDER: That is correct, Chair.

CHAIRPERSON: And these payments had started in 2005 if you recall?

MR ANDRIES JOHANNES VAN TONDER: If I can recall right, yes, Chair.

CHAIRPERSON: More or less there?

MR ANDRIES JOHANNES VAN TONDER: More or less, yes.

CHAIRPERSON: Yes, do you recall about how much it was when it started?

MR ANDRIES JOHANNES VAN TONDER: I recall it was about R5 000, Chair, when I started.

10 **CHAIRPERSON:** And then it increased over the years?

MR ANDRIES JOHANNES VAN TONDER: Increased progressively over the years.

CHAIRPERSON: And do you recall when it started to reach R20 000 a month?

MR ANDRIES JOHANNES VAN TONDER: Chair, more or less I would say in 2013/2014.

CHAIRPERSON: 2013/2014 thereabout?

MR ANDRIES JOHANNES VAN TONDER: Yes, Chair.

CHAIRPERSON: And then it continued as R20 000 up to the time, up to November 2017?

MR ANDRIES JOHANNES VAN TONDER: That is correct, Chair.

20 **CHAIRPERSON:** Yes. November 2017 is that when you left Bosasa?

MR ANDRIES JOHANNES VAN TONDER: I left Bosasa November 2017.

CHAIRPERSON: Okay, thank you.

MR ANDRIES JOHANNES VAN TONDER: Sorry, Chair.

CHAIRPERSON: Yes?

MR ANDRIES JOHANNES VAN TONDER: So the last payment I received was in

October, should have been in October 2017.

CHAIRPERSON: Okay, thank you.

ADV PAUL PRETORIUS SC: In fact as I recall the video footage that was shown to the, Chair, during the course of Mr Agrizzi's evidence there is a clip or portion where Gavin Watson actually gives you money, is that correct?

MR ANDRIES JOHANNES VAN TONDER: That is correct, Chair.

ADV PAUL PRETORIUS SC: Was that one of the cash payments for your purposes?

MR ANDRIES JOHANNES VAN TONDER: That is correct, Chair.

ADV PAUL PRETORIUS SC: And that video was taken according to your statement
10 and I presume that record is on your cell phone on 28 March 2017?

MR ANDRIES JOHANNES VAN TONDER: That is correct, Chair.

CHAIRPERSON: Did you always receive this additional cash from Mr Gavin Watson personally or did you get it from somebody else within Bosasa on other occasions?

MR ANDRIES JOHANNES VAN TONDER: I recall mainly, mainly from Gavin Watson if he was around, but if he was not present at the office at the time I recall his daughter Lindsey Watson would bring me the cash.

CHAIRPERSON: Would give it to you?

MR ANDRIES JOHANNES VAN TONDER: Yes.

CHAIRPERSON: Okay. Okay, thank you.

20 **ADV PAUL PRETORIUS SC:** In paragraph 71 of your affidavit Mr van Tonder you record benefits received from Bosasa or Gavin Watson. Would you detail these for the, Chair?

MR ANDRIES JOHANNES VAN TONDER: It was mainly paid overseas holidays, tyres to be fitted to my car and also maintenance on my house.

CHAIRPERSON: Let me just take you back to what we were talking about a minute

ago, the extra cash, monthly cash. What was your understanding of what the purpose was of this extra cash that you were being paid every month?

MR ANDRIES JOHANNES VAN TONDER: My understanding was that it was extra cash given to me to keep quiet, because Gavin, Chair, if I may, Gavin Watson used to say to me remember you are also compromised now.

CHAIRPERSON: Did he say that – did that coincide with when he would be giving you this monthly cash or not really?

MR ANDRIES JOHANNES VAN TONDER: Not really, no, Chair, no, no, but I recall Gavin Watson would also say to me that all the people that he pays, remember they are
10 all compromised now. So – and his understanding is that they would keep quiet, because they would get into trouble should they talk out.

CHAIRPERSON: Okay, thank you.

ADV PAUL PRETORIUS SC: Did you know of a concern called Blakes Travel?

MR ANDRIES JOHANNES VAN TONDER: Yes, I do, Chair.

ADV PAUL PRETORIUS SC: What role did it play, did Blakes Travel play in the affairs of Bosasa?

MR ANDRIES JOHANNES VAN TONDER: It was the travel agent that Bosasa used to book travels and accommodation.

ADV PAUL PRETORIUS SC: For whom?

20 **MR ANDRIES JOHANNES VAN TONDER:** For its business dealings.

ADV PAUL PRETORIUS SC: Alright, who benefited from these travels or these travel arrangements?

MR ANDRIES JOHANNES VAN TONDER: It was if you say benefited do you mean people outside of the business of Bosasa, Chair?

ADV PAUL PRETORIUS SC: Yes.

MR ANDRIES JOHANNES VAN TONDER: It would be people within the South African government and important people as this – that deals with some of the people who benefited.

ADV PAUL PRETORIUS SC: So Blakes Travel would arrange travel and accommodation you say for people well placed within government?

MR ANDRIES JOHANNES VAN TONDER: That is correct, Chair.

ADV PAUL PRETORIUS SC: Who would pay for the travel and accommodation?

MR ANDRIES JOHANNES VAN TONDER: Bosasa would pay for the travel and accommodation, Chair.

10 **ADV PAUL PRETORIUS SC:** Presumably then there would have been records in the possession of Blakes Travel evidencing these arrangements?

MR ANDRIES JOHANNES VAN TONDER: That is correct, Chair.

ADV PAUL PRETORIUS SC: Did you know of that?

MR ANDRIES JOHANNES VAN TONDER: I am aware of it, Chair.

ADV PAUL PRETORIUS SC: Were you ever given any instruction in relation to these records?

MR ANDRIES JOHANNES VAN TONDER: Yes, I was instructed by Gavin Watson to destroy the related documents.

ADV PAUL PRETORIUS SC: To destroy which documents?

20 **MR ANDRIES JOHANNES VAN TONDER:** It was documents which we have collected. Angelo Agrizzi and myself drove – we were instructed by Gavin Watson to drive to Blakes Travel and to collect all incriminating documents in terms of these special VIP travels and it would – we collected that with some computers and we were instructed to go and destroy that which we collected.

ADV PAUL PRETORIUS SC: Yes, before you go on, you mentioned VIP travels?

MR ANDRIES JOHANNES VAN TONDER: Yes.

ADV PAUL PRETORIUS SC: That is a reference to whose travels?

MR ANDRIES JOHANNES VAN TONDER: Those were travels relating to members of South African government and other important people as this was at the time of the SIU investigation and in the SIU investigation if I can recall right there was some – the travels was addressed of outside – of these VIP's outside of Bosasa and therefore we had to collect it to destroy the evidence.

CHAIRPERSON: So, but are you saying that the SIU got information that there were people outside of Bosasa for whom Bosasa had paid for their travels, travelling and
10 before the SIU could lay their hands on the documents proving that you were instructed to destroy them?

MR ANDRIES JOHANNES VAN TONDER: That is exactly right Chair.

CHAIRPERSON: Ja. Okay. What would be the ranks as far as you recall in terms of what you knew then before the records were, were destroyed? What would be the ranks of the type of people who Bosasa was paying, for whose travelling Bosasa was paying via Blakes Travel, the officials? What, what ranks are we talking about?

MR ANDRIES JOHANNES VAN TONDER: Chair I do not know what ranks it was. I did not really.

CHAIRPERSON: Oh, you did not know the names?

20 **MR ANDRIES JOHANNES VAN TONDER:** No.

CHAIRPERSON: Oh, you just knew it was VIP officials.

MR ANDRIES JOHANNES VAN TONDER: That is.

CHAIRPERSON: In Government.

MR ANDRIES JOHANNES VAN TONDER: Yes Chair.

CHAIRPERSON: That is all you knew?

MR ANDRIES JOHANNES VAN TONDER: That is all I knew Chair.

CHAIRPERSON: Okay, alright. Thank you.

ADV PAUL PRETORIUS SC: Did you carry out the instruction?

MR ANDRIES JOHANNES VAN TONDER: Yes, I did Chair.

ADV PAUL PRETORIUS SC: Please tell the Chair what you did.

MR ANDRIES JOHANNES VAN TONDER: We took the, the invoice books and the computers collected at Blakes Travel and we drove with it, we took it to a place called Luipaardsvlei. It is an old mine hostel complex which is just across the road of Bosasa Head Office. There was a hole dug with a TLB Tractor and the collected stuff was
10 thrown in this hole, fuel was poured over it, set alight and after a while it was covered by, with soil again. The hole was covered by soil again and a big concrete block was placed on top of it.

ADV PAUL PRETORIUS SC: You do not deal with it here, but do you know whether Blakes Travel was ever compensated for the loss of its computers?

MR ANDRIES JOHANNES VAN TONDER: As far as I can, my knowledge is that Bosasa bought new computer for Blakes Travel.

ADV PAUL PRETORIUS SC: Okay. The invoice books on your evidence at least related to the VIP account and dealings with Blake or dealings between Blakes Travel and Bosasa have now been destroyed. Correct?

20 **MR ANDRIES JOHANNES VAN TONDER:** That is correct.

ADV PAUL PRETORIUS SC: Was anything done to reinstate invoice books?

MR ANDRIES JOHANNES VAN TONDER: Well the invoices which were on record was, at Bosasa was replaced by invoices also from Blakes Travel, but with different detail written on it.

ADV PAUL PRETORIUS SC: The different detail did this accurately reflect actual

travel that had taken place?

MR ANDRIES JOHANNES VAN TONDER: No, it did not Chair.

ADV PAUL PRETORIUS SC: They were fictitious?

MR ANDRIES JOHANNES VAN TONDER: It was fictitious Chair.

CHAIRPERSON: But do you know whether or so it is, it was completely different information that was put on the invoices compared to the information that had been destroyed?

MR ANDRIES JOHANNES VAN TONDER: That is correct Chair.

CHAIRPERSON: Okay.

- 10 **ADV PAUL PRETORIUS SC:** Let us move on then to paragraph 75. You deal under this head with Messieurs Danny Mansell and Patrick Gillingham. Tell the Chair please what happened in or about 2000. Firstly is that the correct date?

MR ANDRIES JOHANNES VAN TONDER: It was approximately the year 2000.

ADV PAUL PRETORIUS SC: What happened between?

MR ANDRIES JOHANNES VAN TONDER: Approximately 2000 Danny Mansell which was the Managing Director of Dyambu Operations at the time had a disagreement with Gavin Watson and as a result Gavin Watson purchased the shares, Danny Mansell's shares in Dyambu Operations.

ADV PAUL PRETORIUS SC: And in 2003?

- 20 **MR ANDRIES JOHANNES VAN TONDER:** In 2003 Danny Mansell returned to the company as a consultant as he sold his cattle farm in the Eastern Cape. His services were required in, in, in a potential business deal with Rand Water Board which involved cattle.

ADV PAUL PRETORIUS SC: Alright. We, as I understand it we do not need to go into any detail in relation to that transaction unless you wish to tell the Chair anything about

it.

MR ANDRIES JOHANNES VAN TONDER: No.

ADV PAUL PRETORIUS SC: But between 2000, the time of the disagreement and sale of shares and 2003 was Danny Mansell involved in his own business or farming operation?

MR ANDRIES JOHANNES VAN TONDER: That is correct Chair.

ADV PAUL PRETORIUS SC: And he had for all intents and purposes left Dyambu or Bosasa?

MR ANDRIES JOHANNES VAN TONDER: That is correct Chair.

10 **ADV PAUL PRETORIUS SC:** Alright. Then in paragraph 77 you talk of an introduction to Patrick Gillingham. How did that occur?

MR ANDRIES JOHANNES VAN TONDER: Well on a few occasions I have noticed that certain officials from the Department of Correctional Services visited our offices and they were dressed in full uniform. I was introduced to Patrick Gillingham on one of these visits by, Danny Mansell introduced me to Patrick Gillingham on one of these visits. That is how I met with him.

ADV PAUL PRETORIUS SC: At that stage did you know of any work that Bosasa had done for any Government entity or in relation to any Government operation?

20 **MR ANDRIES JOHANNES VAN TONDER:** I, Bosasa had start, commenced with excessive, extensive upgrades on the kitchen at the Lindela and Youth Centre Facility in Krugersdorp and I was told by Danny Mansell it is to prepare for a, for, for a, for a tender regarding Correctional Services, a Kitchen Tender.

ADV PAUL PRETORIUS SC: Right. On 25 February 2005 did you have occasion to assist Patrick Gillingham in any regard?

MR ANDRIES JOHANNES VAN TONDER: Yes. On that date Danny Mansell arranged

that I fly Patrick Gillingham in a private aircraft to Mafikeng and back the next day, 26 February. Patrick Gillingham just told me he, the reason for the visit is he, he had to meet people in Mafikeng. That was the only reason he gave.

ADV PAUL PRETORIUS SC: Right. Who paid for the flight?

MR ANDRIES JOHANNES VAN TONDER: Bosasa paid for the flight.

ADV PAUL PRETORIUS SC: Would you look at 84 please that is on page 38 of T1? Your statement says that that document shows that Bosasa paid rental for the aircraft. Is that correct?

MR ANDRIES JOHANNES VAN TONDER: [Intervenes].

10 **ADV PAUL PRETORIUS SC:** 38.

MR ANDRIES JOHANNES VAN TONDER: Oh at 38 sorry. My apologies. This annexure Chair is merely a copy of my flight log book just to as, as proof that I did the flight.

ADV PAUL PRETORIUS SC: So this is, this shows you say that you did the flight, but it does not show who paid for it. Is that correct?

MR ANDRIES JOHANNES VAN TONDER: That is correct.

ADV PAUL PRETORIUS SC: Alright, alright. I am not sure we need to go any, into detail in that regard. You say the flight took place and Bosasa paid for it?

MR ANDRIES JOHANNES VAN TONDER: That is exactly what it was.

20 **ADV PAUL PRETORIUS SC:** Let us go on then to paragraph 79. Did you receive information from Gavin Watson at any stage in regard to Danny Mansell leaving the business?

MR ANDRIES JOHANNES VAN TONDER: Yes, I did Chair.

ADV PAUL PRETORIUS SC: What did he tell you?

MR ANDRIES JOHANNES VAN TONDER: Gavin Watson informed me that

Danny Mansell is immigrating with his family to America.

ADV PAUL PRETORIUS SC: Did you receive any instruction in this regard?

MR ANDRIES JOHANNES VAN TONDER: I received an instruction from Gavin Watson to accompany Danny Mansell to the United States in order to make sure that he does not turn back.

CHAIRPERSON: Mr Pretorius I have, made a correction and Mr van Tonder on 79, because it says Mr Mansell was immigrating. I think it was intending to emigrate.

MR ANDRIES JOHANNES VAN TONDER: I am sorry.

CHAIRPERSON: Ja, so I just.

10 **ADV PAUL PRETORIUS SC:** No, I also looked at that.

CHAIRPERSON: Ja.

ADV PAUL PRETORIUS SC: The word emigration and immigration.

CHAIRPERSON: Hm, ja.

ADV PAUL PRETORIUS SC: Are used later on as well.

CHAIRPERSON: Ja. You intended emigrating.

MR ANDRIES JOHANNES VAN TONDER: Emigration, yes.

CHAIRPERSON: Hm.

ADV PAUL PRETORIUS SC: Yes. Well it depends well you go from one need not be two.

20 [Laughing]

ADV PAUL PRETORIUS SC: Semantic, but the immigrated into the USA according to the statement or he emigrated from South Africa.

CHAIRPERSON: From South Africa.

ADV PAUL PRETORIUS SC: You say. So I think we can, but.

CHAIRPERSON: But the first sentence of 79 cannot be, it would not be correct if he is

immigrating. The way it is, it is.

ADV PAUL PRETORIUS SC: [Intervenes].

CHAIRPERSON: It has to be emigrating.

ADV PAUL PRETORIUS SC: Chair far be it for me to.

CHAIRPERSON: Ja.

ADV PAUL PRETORIUS SC: Argue the semantics, but he emigrated from South Africa. Immigrated into the USA. So perhaps we should put both words there.

CHAIRPERSON: Well the witness has hinted as emigrated from South Africa.

MR ANDRIES JOHANNES VAN TONDER: Yes. He emigrated.

10 **CHAIRPERSON:** Ja.

MR ANDRIES JOHANNES VAN TONDER: Yes. My apologies.

ADV PAUL PRETORIUS SC: Perhaps that is right. Yes, Chair I give up. I cannot recall whether I asked you did, who paid for the airline tickets?

MR ANDRIES JOHANNES VAN TONDER: Bosasa paid for the airline tickets Chair.

ADV PAUL PRETORIUS SC: For Mr Mansell and his family?

MR ANDRIES JOHANNES VAN TONDER: That is correct Chair.

ADV PAUL PRETORIUS SC: And your airline ticket?

MR ANDRIES JOHANNES VAN TONDER: As well Chair. They paid for my airline ticket as well Chair.

20 **CHAIRPERSON:** Just repeat the purpose of you accompany Mr Mansell to the USA.

MR ANDRIES JOHANNES VAN TONDER: The purpose was to make sure he does not turn back. He must go to America and he must stay there.

ADV PAUL PRETORIUS SC: Why would anyone want Mr Mansell to stay in America?

MR ANDRIES JOHANNES VAN TONDER: Because Mr Mansell had, he was very much involved with unlawful dealings in the past regarding the business of the company

and specifically Correctional Services.

CHAIRPERSON: What was contemplated you would do if he changed his mind at a practical level?

MR ANDRIES JOHANNES VAN TONDER: No. I was just told to make sure he does not turn around. I would just have to get him there.

[Laughing]

CHAIRPERSON: Alright.

MR ANDRIES JOHANNES VAN TONDER: That was the instruction.

CHAIRPERSON: Yes, Mr Pretorius.

10 **MR ANDRIES JOHANNES VAN TONDER:** Or to make sure that he actually went to the USA and nowhere else.

CHAIRPERSON: Huh-uh.

ADV PAUL PRETORIUS SC: Alright. Was this departure at the time of the SIU investigation?

MR ANDRIES JOHANNES VAN TONDER: That is correct Chair.

ADV PAUL PRETORIUS SC: Was there a concern as to whether Mr Mansell would be let out of the country?

MR ANDRIES JOHANNES VAN TONDER: There was indeed a concern that Danny Mansell's passport might have been blocked at customs and at, at O R Tambo
20 International Airport because of the pending SIU or ongoing SIU investigation.

ADV PAUL PRETORIUS SC: Was anything done in relation to that concern that you know of?

MR ANDRIES JOHANNES VAN TONDER: Yes. Director Papa Leshabane, he is a Company Director of, within Bosasa made sure via his, a contact within the Department of Home Affairs that customs control would not block us.

ADV PAUL PRETORIUS SC: Was that done to your knowledge?

MR ANDRIES JOHANNES VAN TONDER: I do not know whether he was, whether it was blocked or not, but we managed to pass through customs with no problem.

ADV PAUL PRETORIUS SC: Right. What did you observe about Danny Mansell and his state of mind at the time of his departure?

MR ANDRIES JOHANNES VAN TONDER: I recall that Danny Mansell was extremely stressed out when I met him at the airport and I asked Danny Mansell how he was feeling and he actually had tears in his eyes and he said, he replied that it felt like it was very unreal to him. That he is actually now moving to America and, and he was
10 saying to me that his mind does not really want to accept the fact that he is now moving from South Africa to America.

CHAIRPERSON: Did he have any prior connection with the USA?

MR ANDRIES JOHANNES VAN TONDER: Not that I am aware of Chair.

CHAIRPERSON: Yes. He, he as a South African citizen?

MR ANDRIES JOHANNES VAN TONDER: That is correct Chair.

CHAIRPERSON: Ja and he has as far as you knew he had always been based in South Africa?

MR ANDRIES JOHANNES VAN TONDER: That is correct Chair.

CHAIRPERSON: Yes. Did he also know why he was been accompanied by you? Why
20 you were accompanying him?

MR ANDRIES JOHANNES VAN TONDER: I do not know Chair.

CHAIRPERSON: You do not know?

MR ANDRIES JOHANNES VAN TONDER: I do not know.

CHAIRPERSON: Okay, thank you.

ADV PAUL PRETORIUS SC: How did you feel about the whole matter regarding

Danny Mansell's immigration?

MR ANDRIES JOHANNES VAN TONDER: I actually felt sorry for Mr Mansell, because of his state that he was in and may I Chair refer to an email which he, he, of his to myself and Angelo Agrizzi where he says, where he wrote:

“When I.”

ADV PAUL PRETORIUS SC: [Intervenes].

MR ANDRIES JOHANNES VAN TONDER: “Met Gavin Watson.”

ADV PAUL PRETORIUS SC: Sorry before you go.

MR ANDRIES JOHANNES VAN TONDER: I am sorry.

10 **ADV PAUL PRETORIUS SC:** At page 39 of your bundle, T1.

CHAIRPERSON: Yes.

ADV PAUL PRETORIUS SC: It is an email addressed to Mr Agrizzi and Andries van Tonder.

CHAIRPERSON: Yes, did you want to read it?

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

CHAIRPERSON: Ja.

ADV PAUL PRETORIUS SC: It is an email addressed to Mr Agrizzi copied or forwarded to you.

MR ANDRIES JOHANNES VAN TONDER: That is correct Chair.

20 **ADV PAUL PRETORIUS SC:** At a later stage.

CHAIRPERSON: Is that the one you wanted to talk about Mr van Tonder?

MR ANDRIES JOHANNES VAN TONDER: Yes, yes Chair.

CHAIRPERSON: Okay, do.

MR ANDRIES JOHANNES VAN TONDER: May I just quote a sentence, a paragraph?

He says there:

“When I met Gavin I was in a well-paying job which I lost due to my association with Him. Since then I have had to start over five times in 16 years, once every four year, years.”

CHAIRPERSON: Ja that is the second paragraph from the end of the email?

MR ANDRIES JOHANNES VAN TONDER: That is right Chair.

CHAIRPERSON: Okay. Yes.

MR ANDRIES JOHANNES VAN TONDER: And then also if I may Chair in the, in the paragraph before that he says:

10 “Here I am at 62 with not a cent on my name. Last year I cashed in my annuities in the hope that work will flow in more regularly.”

ADV PAUL PRETORIUS SC: When this email was sent had Mr Mansell already emigrated or was he still in South Africa?

MR ANDRIES JOHANNES VAN TONDER: To the best of my knowledge it was, he was still in South Africa Chair.

ADV PAUL PRETORIUS SC: You say in paragraph 82 in fact you left for America during January 2013.

MR ANDRIES JOHANNES VAN TONDER: That is as best as I can remember it. Yes Chair.

20 **ADV PAUL PRETORIUS SC:** Do you know whether Danny Mansell is receiving money or received money from Bosasa after he left South Africa?

MR ANDRIES JOHANNES VAN TONDER: Yes. Danny Mansell received an amount of US\$7 000 per month from Bosasa since he left Bosasa and when I, until such, well when I left Bosasa he was still earning it. The payment was made every month to Mansell.

ADV PAUL PRETORIUS SC: The documents marked 86 at page 41 and following of Bundle T1. What are those documents?

MR ANDRIES JOHANNES VAN TONDER: Those are copies of invoices he would send to Bosasa on a monthly basis for the payment of his US\$7 000.

ADV PAUL PRETORIUS SC: Right. On the letterhead of a company or an entity called Safe As Fences?

MR ANDRIES JOHANNES VAN TONDER: That is correct Chair.

ADV PAUL PRETORIUS SC: Do you know whether any work was done by Mr Mansell or Safe As Fences in relation to the invoice of \$7 000?

10 **MR ANDRIES JOHANNES VAN TONDER:** No work was doen Chair.

ADV PAUL PRETORIUS SC: And would the books of Bosasa, would they reflect this as an expense/

MR ANDRIES JOHANNES VAN TONDER: It would be reflected as an expense. Yes, Chair.

ADV PAUL PRETORIUS SC: So for example if you look at 86 on page 41 you will see under the head “Bill to Bosasa Operations” “Ship to Bosasa Operations”, underneath that an invoice number, a date, an amount of \$7 000 and an activity consulting CCTV System Integration and a VAT number. Did that happen?

20 **MR ANDRIES JOHANNES VAN TONDER:** It never happened Chair. He did not, he never consulted during that time to Bosasa.

ADV PAUL PRETORIUS SC: And an accounting for this as an expense to the Revenue Services would this information be available as proof of the invoice?

MR ANDRIES JOHANNES VAN TONDER: Yes, Chair.

ADV PAUL PRETORIUS SC: A fictitious invoice or a fictitious series of invoices?

MR ANDRIES JOHANNES VAN TONDER: Yes. These invoices should reflect still on

the books of Bosasa.

CHAIRPERSON: Do you, do you, do you know what arrangements had been made if any before Mr Mansell left for the US as to how he would be accommodated there and so on? Are you aware what arrangements had been made? What was going to happen? Was he going to buy property in general and try acquire citizenship or what was to happen?

MR ANDRIES JOHANNES VAN TONDER: Yes, Chair. Mr Mansell would, the plan was for Mr Mansell to, to, to apply for American citizenship. That is correct Chair.

CHAIRPERSON: Yes, but when you arrived there with him did you stay in a hotel on
10 arrival?

MR ANDRIES JOHANNES VAN TONDER: We.

CHAIRPERSON: Or were there other arrangements that had been made?

MR ANDRIES JOHANNES VAN TONDER: When we arrived in America, Chair?

CHAIRPERSON: Yes.

MR ANDRIES JOHANNES VAN TONDER: Chair as far as I can recall at the time I was also had, busy researching technology of prawn farming and we visited a prawn farm in Indianapolis and I recall him, he, he went with me to that prawn farm.

CHAIRPERSON: Yes.

MR ANDRIES JOHANNES VAN TONDER: Yes, we stayed, we stayed in a hotel for,
20 for a period of time. I do not recall exactly where we parted ways in America, but yes we did.

CHAIRPERSON: Yes and you would have come back after what, after a week or something yourself?

MR ANDRIES JOHANNES VAN TONDER: Yes, I would come, I returned on my own Chair.

CHAIRPERSON: Ja. More or less in a week's time, after a week or how long did you spend.

MR ANDRIES JOHANNES VAN TONDER: I would.

CHAIRPERSON: In the US at the time?

MR ANDRIES JOHANNES VAN TONDER: Chair I would, it was about five days I would say.

CHAIRPERSON: Okay, alright. Thank you.

ADV PAUL PRETORIUS SC: At page 41 of Bundle T1, page 42 and page 43 there are three invoices all in similar terms to the invoice on page 41 which you explained was a
10 fictitious invoice. No consulting CCTV System Integration Consulting was done. The others are they also fake invoices?

MR ANDRIES JOHANNES VAN TONDER: All of them are fake invoices Chair.

ADV PAUL PRETORIUS SC: Then you annex at page 44 a document addressed to you a Citizenship and Immigration Services and in essence the document reflects representations made to the US Citizenship and Immigration Services regarding the employment services or the employment status of Mr Mansell. Do you see that?

MR ANDRIES JOHANNES VAN TONDER: Yes, I see it Chair.

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

MR ANDRIES JOHANNES VAN TONDER: Yes. It is a document that Danny Mansell
20 requested Bosasa to do for him to assist in acquiring citizenship in the USA.

ADV PAUL PRETORIUS SC: It talks about the functions of Mr Mansell as an Operations Manager. It says:

“It is imperative...”

And I am referring to the middle of page 46 by way of example under the head Operations Manager.

“It is imperative to our business plan that Mr William D Mansell remain in the US for the next two years to guide the US Office in bringing these high security fencing projects to the United States.”

Is that an accurate representation?

MR ANDRIES JOHANNES VAN TONDER: No, it is not Chair.

CHAIRPERSON: There was no operation that he was involved in, in the US for Bosasa?

MR ANDRIES JOHANNES VAN TONDER: He had no involvement with Bosasa.

10 **CHAIRPERSON:** Hm.

MR ANDRIES JOHANNES VAN TONDER: In the USA in terms of business.

CHAIRPERSON: Yes, okay. Actually this document is dated 21 February 2017. Is that right?

MR ANDRIES JOHANNES VAN TONDER: That is correct Chair.

CHAIRPERSON: Hm.

ADV PAUL PRETORIUS SC: And it is signed on page 47 on the face of it by Angelo Agrizzi, but also by yourself?

MR ANDRIES JOHANNES VAN TONDER: That is correct Chair.

20 **ADV PAUL PRETORIUS SC:** Why was this document prepared? Do you know and in that respect you can look at the amount reflected under terms of employment on page 47, \$45 000 per year. Why was this document prepared in 2017?

MR ANDRIES JOHANNES VAN TONDER: The purpose of this document was to assist Mansell to get permanent citizenship in America. That was the purpose of this document Chair.

CHAIRPERSON: It, it purports to be on a Bosasa letterhead. Is that a normal Bosasa

letterhead?

MR ANDRIES JOHANNES VAN TONDER: That is correct Chair.

CHAIRPERSON: Okay. Thank you.

ADV PAUL PRETORIUS SC: At this time was any extra payment made to Mr Mansell?

Do you know?

MR ANDRIES JOHANNES VAN TONDER: I cannot recall of any additional payments other than the \$7 000 per month Chair.

CHAIRPERSON: At the time you left Bosasa do you know whether this monthly amount of US\$7 000 was still being paid to Mr Mansell?

10 **MR ANDRIES JOHANNES VAN TONDER:** Yes, it was paid every month Chair.

CHAIRPERSON: Okay. Every month he would send what purported to be an invoice and it was on the base of that that payment would be made?

MR ANDRIES JOHANNES VAN TONDER: That is correct Chair.

CHAIRPERSON: Thank you.

ADV PAUL PRETORIUS SC: In paragraph 83 you refer to attorneys representing Patrick Gillingham during the SIU investigation. Do you know whether during the SIU investigation Patrick Gillingham had been named?

MR ANDRIES JOHANNES VAN TONDER: Yes, Chair. Patrick Gillingham was named in the SIU investigation.

20 **ADV PAUL PRETORIUS SC:** Do you know from your own knowledge whether he received assistance from attorneys?

MR ANDRIES JOHANNES VAN TONDER: I know that yes Chair.

ADV PAUL PRETORIUS SC: Do you know who paid the attorneys bills?

MR ANDRIES JOHANNES VAN TONDER: Bosasa paid the attorneys bills through another company.

CHAIRPERSON: I am sorry to take you back to Mr Mansell again Mr van Tonder. Is your evidence that as far as you could tell Mr Mansell was not happy about going to the US or you do not know?

MR ANDRIES JOHANNES VAN TONDER: I do not know whether he, I do not know whether he was happy, not happy or not.

CHAIRPERSON: Yes.

MR ANDRIES JOHANNES VAN TONDER: But I mean for a person to have, to be tearful he must have been not happy.

CHAIRPERSON: Okay, thank you. I am sorry Mr Pretorius.

10 **ADV PAUL PRETORIUS SC:** That is; thank you Chair. 87 appears on page 48 of Bundle T1. What is this document?

MR ANDRIES JOHANNES VAN TONDER: Which page Chair?

ADV PAUL PRETORIUS SC: 48.

ANDRIES JOHANNES VAN TONDER: This is correspondence from Attorney – from the attorneys in respect of payments required for legal services rendered to Mr Patrick Gillingham.

ADV PAUL PRETORIUS SC: Right it is addressed to you?

ANDRIES JOHANNES VAN TONDER: That is correct Chair.

ADV PAUL PRETORIUS SC: And you knew what this invoice was for, correct?

20 **ANDRIES JOHANNES VAN TONDER:** That is correct Chair.

ADV PAUL PRETORIUS SC: How was Synchro Prop CC involved?

ANDRIES JOHANNES VAN TONDER: Synchro Prop CC paid for the – for these legal fees. The attorney's firm invoiced Synchro Prop for payment.

ADV PAUL PRETORIUS SC: That is apparent from the document at page 51?

ANDRIES JOHANNES VAN TONDER: That is correct Chair.

ADV PAUL PRETORIUS SC: Where a tax invoice was issued to Synchro Prop per email and is that your email address andries@bosasa.com?

ANDRIES JOHANNES VAN TONDER: That is correct Chair.

ADV PAUL PRETORIUS SC: And you say these were fees that related to advise to Patrick Gillingham?

ANDRIES JOHANNES VAN TONDER: That is correct Chair.

ADV PAUL PRETORIUS SC: You speak of Synchro Prop its creation transfer and liquidation in paragraph 84. Please tell the Chair briefly about that?

ANDRIES JOHANNES VAN TONDER: Synchro Prop belonged to Gavin Watson and it
10 had a property – it owned a property situated in Ruimsig and Synchro Prop was then
donated by Gavin Watson to myself and Angelo Agrizzi as an incentive. And the – we
used this closed corporation to facilitate the payments of attorney's legal – legal fees to
attorney on – for Patrick Gillingham so that it is not apparent that it is directly paid from
Bosasa Chair.

ADV PAUL PRETORIUS SC: Who actually paid?

ANDRIES JOHANNES VAN TONDER: Synchro – it was paid out of Synchro Prop
bank account.

ADV PAUL PRETORIUS SC: Funded by Synchro Prop?

ANDRIES JOHANNES VAN TONDER: Funded by Bosasa.

20 **CHAIRPERSON:** You said that Mr Gavin Watson donated Synchro Prop to you and Mr
Agrizzi as an incentive?

ANDRIES JOHANNES VAN TONDER: Yes.

CHAIRPERSON: As an incentive to do what?

ANDRIES JOHANNES VAN TONDER: As an incentive to in my opinion and what I
could gather from this donation was to keep us loyal to himself and to do whatever he

tells us to do. That is how I interrupted it Chair.

CHAIRPERSON: Did you get any benefits out of it yourselves that is yourself and Mr Agrizzi?

ANDRIES JOHANNES VAN TONDER: We got the property as a benefit Chair.

CHAIRPERSON: Okay, thank you.

ADV PAUL PRETORIUS SC: Synchro Prop was ultimately liquidated?

ANDRIES JOHANNES VAN TONDER: That is correct Chair.

ADV PAUL PRETORIUS SC: Was the property previously owned by Synchro Prop transferred?

10 **ANDRIES JOHANNES VAN TONDER**: That was – that is correct Chair.

ADV PAUL PRETORIUS SC: To whom or what entity?

ANDRIES JOHANNES VAN TONDER: It was transferred to another entity called Spilacraft CC which belongs to Angelo Agrizzi and myself.

ADV PAUL PRETORIUS SC: Do you know whether Patrick Gillingham and Linda Mti ever had houses built for them?

ANDRIES JOHANNES VAN TONDER: Yes I was – I am – I was aware of it Chair.

ADV PAUL PRETORIUS SC: Tell the Chair of what you were aware please?

ANDRIES JOHANNES VAN TONDER: I was aware that Bosasa paid for houses built for Patrick Gillingham and Linda Mti. Danny Mansell handled the arrangements for
20 payments on these houses.

ADV PAUL PRETORIUS SC: What was your involvement?

ANDRIES JOHANNES VAN TONDER: My involvement was basically to sign off on invoices where applicable.

ADV PAUL PRETORIUS SC: Invoices to whom?

ANDRIES JOHANNES VAN TONDER: Invoices to contractors who was involved

building the houses.

ADV PAUL PRETORIUS SC: Right suppliers as well?

ANDRIES JOHANNES VAN TONDER: Yes where applicable yes, yes Chair.

ADV PAUL PRETORIUS SC: Right these expenses incurred by Bosasa in building these houses how were they reflected in the Bosasa accounts – books?

ANDRIES JOHANNES VAN TONDER: It was reflected as construction work done in the books of Bosasa. Because as I have explained previously Chair at the time there was a lot of building operations that went on within Bosasa and it was just absorbed in that. To the best of my knowledge that is how it was absorbed. It was never shown
10 separately or anything or anything.

ADV PAUL PRETORIUS SC: And what was SARS told?

ANDRIES JOHANNES VAN TONDER: Well it was reflected to SARS obviously as expenses in the books of Bosasa.

ADV PAUL PRETORIUS SC: Genuine operational expenses or capital expenditure expenses?

ANDRIES JOHANNES VAN TONDER: Well it would have been – it would have been both capital and operational Chair where applicable.

ADV PAUL PRETORIUS SC: Alright and was SARS informed of the true situation?

ANDRIES JOHANNES VAN TONDER: SARS was not informed of the true situation
20 Chair.

ADV PAUL PRETORIUS SC: Do you recall signing off any particular invoices in regard to the construction of the houses of Messrs Gillingham and Mti?

ANDRIES JOHANNES VAN TONDER: I recall signing off invoices yes Chair.

ADV PAUL PRETORIUS SC: Any particular invoices?

ANDRIES JOHANNES VAN TONDER: To a company called Riekele Construction.

ADV PAUL PRETORIUS SC: Any other company?

ANDRIES JOHANNES VAN TONDER: That is the only one I can recall Chair.

ADV PAUL PRETORIUS SC: You mention another company in paragraph 86. Does that jog your memory?

ANDRIES JOHANNES VAN TONDER: Oh yes, yes. It was a company called Grande Four Ranches which was owned by Danny Mansell and which – through which payments were also done to – for purposes of these houses being built.

ADV PAUL PRETORIUS SC: Did you also sign off invoices for work done on houses of members of the Watson family?

10 **ANDRIES JOHANNES VAN TONDER:** Yes I did Chair.

ADV PAUL PRETORIUS SC: Do you know how these expenses were accounted for in the books of Bosasa?

ANDRIES JOHANNES VAN TONDER: No Chair at that time I was really side lined. I did not have any access into the books of Bosasa operations and therefore I do not – I cannot tell you first – from first-hand knowledge on how it was accounted for in the books.

ADV PAUL PRETORIUS SC: Right. The next issue you deal with Mr Van Tonder is the fate of documents in Bosasa's offices. I presume that is the office park?

ANDRIES JOHANNES VAN TONDER: That is correct Chair.

20 **ADV PAUL PRETORIUS SC:** You say that you received a call on a Sunday morning?

ANDRIES JOHANNES VAN TONDER: That is correct Chair.

ADV PAUL PRETORIUS SC: Tell the Chair what happened please?

ANDRIES JOHANNES VAN TONDER: I received a call from Gavin Watson early on a Sunday morning. I cannot recall the date.

ADV PAUL PRETORIUS SC: More or less when?

ANDRIES JOHANNES VAN TONDER: It was at the time of the SIU investigation Chair.

ADV PAUL PRETORIUS SC: Before the report had been issued?

ANDRIES JOHANNES VAN TONDER: Yes Chair.

ADV PAUL PRETORIUS SC: Okay please go on.

ANDRIES JOHANNES VAN TONDER: I received a call to meet him at the Bosasa offices and he also called Angelo Agrizzi to meet him at the offices.

ADV PAUL PRETORIUS SC: Do you know where Mr Agrizzi was at the time?

ANDRIES JOHANNES VAN TONDER: He was at the Madikwe Game Reserve at the
10 time Chair.

ADV PAUL PRETORIUS SC: Alright. So you receive the call, what do you do?

ANDRIES JOHANNES VAN TONDER: I left everything like always and I drove to Gavin Watson – to meet Gavin at the offices – Bosasa offices where he mentioned to me that we have to clean up all possible evidence that might incriminate himself and Bosasa in terms of unlawful activities.

ADV PAUL PRETORIUS SC: Did Mr Watson explain why suddenly this instruction came from him?

ANDRIES JOHANNES VAN TONDER: He said he had – he received information that the Bosasa offices would be raided the next day.

20 **ADV PAUL PRETORIUS SC:** Please detail the instruction that Gavin Watson gave you and we are now at paragraph 91.

ANDRIES JOHANNES VAN TONDER: Well Gavin Watson instructed myself and Angelo Agrizzi to go through all the safes, employee's drawers, etcetera to ensure that any possible sources of incriminating evidence would be removed and destroyed.

ADV PAUL PRETORIUS SC: Did Gavin Watson in giving you this instruction express

any concerns?

ANDRIES JOHANNES VAN TONDER: Gavin Watson was concerned. He kept on saying we cannot leave these premises until we are hundred percent sure and certain that all possible incriminating documents were removed and yes that was his concern.

ADV PAUL PRETORIUS SC: You have described in your evidence now the documents as containing incriminating evidence can you provide a little more detail? What documents were you to look for?

ANDRIES JOHANNES VAN TONDER: It was documents related to all tenders, government tenders and businesses that he had – and business that he had – business
10 dealings he had with government entities. Detail would be possible incriminating invoices such as the travel invoices as I have explained to you before Chair. It would be work done on houses built and – but it – I recall it was the documents that we removed were mainly tender related documents Chair.

ADV PAUL PRETORIUS SC: Right did you go and look for these documents?

ANDRIES JOHANNES VAN TONDER: I was there myself yes Chair.

ADV PAUL PRETORIUS SC: Did Mr Agrizzi also go and look for documents?

ANDRIES JOHANNES VAN TONDER: Yes myself, Gavin Watson, Angelo Agrizzi went through and search for possible incriminating documents.

ADV PAUL PRETORIUS SC: Were these documents collected in one place after the
20 search?

ANDRIES JOHANNES VAN TONDER: Yes. Gavin – I just – if I may Chair I just want to add something. Gavin Watson went – personally went through all the documents in his own walk-in vault.

ADV PAUL PRETORIUS SC: Are these other documents?

ANDRIES JOHANNES VAN TONDER: Yes they are yes, yes. The documents that Mr

Watson stored personally himself.

ADV PAUL PRETORIUS SC: Do you know what these documents were? Mr Agrizzi gave evidence in relation to files that appeared on the video that we have talked about this morning.

ANDRIES JOHANNES VAN TONDER: It was tender related documents and I recall there were quite a few computer CD storage discs, CD discs. I do not know what was stored on these discs or the content. I never dealt with it myself.

ADV PAUL PRETORIUS SC: What happened then? You say you collected documents, you gathered these documents together, you noted that Gavin Watson
10 went through the documents in his walk-in vault, what happened then?

ANDRIES JOHANNES VAN TONDER: Well we met Gavin Watson at his house and that is where I recall Gavin Watson giving a lady called Ms Lindie Gouws a metal tin box with some cash in it for safekeeping?

ADV PAUL PRETORIUS SC: How big was this box?

ANDRIES JOHANNES VAN TONDER: It was about 50 centimetres long and I recall it was about 10 centimetres high. So it was – no it was longer. It was – it was about 60 centimetres long and it was about 10 centimetres deep.

ADV PAUL PRETORIUS SC: And how do you know there was cash in the box?

ANDRIES JOHANNES VAN TONDER: I saw it Chair.

20 **ADV PAUL PRETORIUS SC:** What happened with these documents subsequently?

ANDRIES JOHANNES VAN TONDER: Which paragraph are you now Chair?

ADV PAUL PRETORIUS SC: 94.

ANDRIES JOHANNES VAN TONDER: 94. These documents were taken to a farm near Mooiooi in the North West Province and it was stored there in safes in a small outside building. These safes were installed by Bosasa.

ADV PAUL PRETORIUS SC: Do you recall how long the documents remained there?

ANDRIES JOHANNES VAN TONDER: The documents were kept there for approximately two years Chair.

ADV PAUL PRETORIUS SC: And after two years what happened?

ANDRIES JOHANNES VAN TONDER: After two years myself and Angelo Agrizzi collected these documents and CD discs and took it to Buffelspoort Dam where it – where we burned the content in the – in the – in a metal drum.

ADV PAUL PRETORIUS SC: Alright why did you do that?

ANDRIES JOHANNES VAN TONDER: To destroy evidence.

10 **ADV PAUL PRETORIUS SC:** Did you do that of your own accord? In other words...

ANDRIES JOHANNES VAN TONDER: It was under the instruction of Gavin Watson – from Gavin Watson to go and destroy the documents Chair.

ADV PAUL PRETORIUS SC: Did you burn all the documents that had been stored in this fashion and at this time?

ANDRIES JOHANNES VAN TONDER: No there was one document that we did not burn Chair.

ADV PAUL PRETORIUS SC: Do you know anything about the relevance of this agreement?

20 **ANDRIES JOHANNES VAN TONDER:** I did not understand the relevance of this agreement but Angelo Agrizzi told me that Gavin Watson was looking for this agreement and it was basically an agreement – he told me it was an agreement between Gavin Watson and Linda Mti.

ADV PAUL PRETORIUS SC: Alright so having concluded your business at the metal drum at the Buffelspoort Dam what did you then do?

ANDRIES JOHANNES VAN TONDER: We drove back from Buffelspoort Dam to Gavin

Watson's house and Angelo Agrizzi gave this document that Gavin Watson was looking for – he handed him that document.

ADV PAUL PRETORIUS SC: Did you see that?

ANDRIES JOHANNES VAN TONDER: I saw it yes Chair.

ADV PAUL PRETORIUS SC: What was Gavin Watson's reaction on receipt of the document?

ANDRIES JOHANNES VAN TONDER: He was very relieved.

ADV PAUL PRETORIUS SC: What did he do with the document?

ANDRIES JOHANNES VAN TONDER: He tore up this document in our presence and
10 he flushed it down the toilet. He even had it in a plastic bag of – if I recall right plastic bag of water before he flushed it down the toilet.

ADV PAUL PRETORIUS SC: Right and the next three paragraphs you deal with what you refer to as a holiday with Gavin Watson. Would you tell the Chair about that and also tell the Chair when more or less this holiday occurred?

ANDRIES JOHANNES VAN TONDER: This holiday was during the time of the SIU investigation just before the SIU report was issued. Angelo Agrizzi and myself started raising our concerns well that was at the time of the SIU investigation about the way things were done at Bosasa in order to get various contracts from the South African government. I refer – referring to bribery. Myself and Angelo Agrizzi believed that
20 Bosasa Services Delivery was good enough to get new business on merit. While Gavin Watson believed that Bosasa had a – had to bribe people to get new businesses and that was the difference in opinion we had. Gavin Watson then took Angelo Agrizzi and myself on a holiday to Italy and France.

ADV PAUL PRETORIUS SC: Mr Agrizzi referred to a holiday that included a trip to Paris, is this the same holiday?

ANDRIES JOHANNES VAN TONDER: That is the same holiday Chair.

ADV PAUL PRETORIUS SC: And whilst you were in Paris did you receive any news concerning the SIU report?

ANDRIES JOHANNES VAN TONDER: Yes Chair I did receive – we did receive news.

ADV PAUL PRETORIUS SC: And did you actually receive the report or a copy of the report?

ANDRIES JOHANNES VAN TONDER: We did receive a copy of the report in Paris, yes Chair.

ADV PAUL PRETORIUS SC: Did Mr Watson say anything about the contents of the
10 report in relation to him personally?

ANDRIES JOHANNES VAN TONDER: I can just recall that Gavin Watson boasted that his name does not appear on the SIU report so he is not implicated.

ADV PAUL PRETORIUS SC: Right in paragraph 99 you give further detail to the Chair in relation to the receipt of the report and your response and the response of others to receipt of the report. Please tell the Chair about that?

ANDRIES JOHANNES VAN TONDER: A copy of the SIU report was emailed to the hotel where we were staying in Paris. Unfortunately I cannot remember the hotel's name Chair. Angelo Agrizzi collected the email from the email with the SIU report from the reception of the hotel and he studied the report during the course of our holiday. I
20 must say and I may add Chair that after the contents of this were discussed it actually interfered with our holiday as we were all extremely worried and stressed out about the content of the report Chair. And also during – at the same time Gavin Watson asked us to investigate and try and find out who had given such inside information to the SIU? How it was leaked to the SIU?

ADV PAUL PRETORIUS SC: Was it your view and that of Mr Agrizzi and Mr Watson

you can tell the Chair the detail I do not want to lead you unnecessarily. The information contained in the SIU report was there a view amongst yourselves that this must have come from within Bosasa Operations?

ANDRIES JOHANNES VAN TONDER: Gavin Watson had that view Chair.

ADV PAUL PRETORIUS SC: And your view?

ANDRIES JOHANNES VAN TONDER: I did not know what the source was.

ADV PAUL PRETORIUS SC: Anyway you were instructed to try and find out where the information came from insofar as it was what you referred to as inside information?

ANDRIES JOHANNES VAN TONDER: That is correct Chair.

10 **CHAIRPERSON**: You said you were all worried after you received this SIU report in Paris but you did say that Mr Gavin Watson boasted that his name did not appear in the report?

ANDRIES JOHANNES VAN TONDER: Yes obviously his – Chair his organisation was implicated and there was a great risk to him.

CHAIRPERSON: So he was worried to the extent that his organisation was implicated in wrongdoing?

ANDRIES JOHANNES VAN TONDER: Ja and I would say he was also concerned that it might spill over to him and implicate him himself Chair.

CHAIRPERSON: Okay thank you.

20 **ADV PAUL PRETORIUS SC**: A question that arises and I am not asking for your opinion but only for any direct knowledge. Given your evidence and given the evidence of Mr Agrizzi and given the evidence we see on the video recording how would it come about that Mr Watson's name was not mentioned in the report and I am asking for personal knowledge?

ANDRIES JOHANNES VAN TONDER: The fact that Mr Gavin Watson never signed

any documents himself that might incriminate himself.

ADV PAUL PRETORIUS SC: Alright before we move onto the next topic please go back to page 48. Do you recall you gave evidence about the assistance given to Mr Gillingham and the payment of his legal bills?

ANDRIES JOHANNES VAN TONDER: That is correct Chair.

ADV PAUL PRETORIUS SC: And you refer to the document at page 48 and a document that followed on page 51, do you recall that?

ANDRIES JOHANNES VAN TONDER: Yes Chair.

ADV PAUL PRETORIUS SC: From page 48 to 83 are all documents that appear on
10 the face of it to be of a similar nature all involving Synchro Prop addressed to your email and all being legal bills from the firm of attorneys, are they all documents of the same character to which you have testified?

ANDRIES JOHANNES VAN TONDER: That is correct Chair.

ADV PAUL PRETORIUS SC: Okay. The next document we are going to refer to is on page 84, Annexure AT8. But let us go back to the text of your affidavit. Paragraph 100 you talk of transfer funds into an attorney's trust account. Do you know of the fact that funds were transferred to an attorney's trust account?

ANDRIES JOHANNES VAN TONDER: I knew yes Chair.

ADV PAUL PRETORIUS SC: Were you told by Gavin Watson the purpose of the
20 lodgement of funds in the attorney's trust account?

ANDRIES JOHANNES VAN TONDER: Yes Chair I was told.

ADV PAUL PRETORIUS SC: What was – what were you told?

ANDRIES JOHANNES VAN TONDER: I was told by Gavin Watson that this was done to mitigate against the risk of Bosasa running out of funds in the cases of possible freezing applications of bank accounts – of account by the National Prosecuting

Authority because of the SIU matter.

ADV PAUL PRETORIUS SC: Alright would you go to page

ANDRIES JOHANNES VAN TONDER: It would act as a war chest.

CHAIRPERSON: Yes.

ADV PAUL PRETORIUS SC: Would you look at page 84 of Annexure T1. This appears on the face of it to be an email from Angelo Agrizzi dated the 27 June 2016 addressed to Brian Biebuyck and addressed to yourself and copied to Carlos Bonifacio and Jacques Van Zyl. The subject line is Cash Flow Requirements. It reads: Brian please would you be so kind as to transfer from our trust fund kept an amount of R25
10 million to Bosasa Operation as per our account number normally used. We will replace the funds as soon as we have received our payments from the Department of Justice and Constitutional Development that is currently R84 million outstanding. I trust you will expedite same. Please tell the Chair what this represents?

ANDRIES JOHANNES VAN TONDER: From time to time Bosasa needed cash for cash flow purposes to be transferred back to Bosasa in order to pay suppliers salaries etcetera if payments from clients were not in time. And this R25 million is an example thereof that we – that there was a request that R25 million be transferred from the attorney's trust account back to Bosasa on a temporary basis to assist with a cash flow issue at the time.

20 **ADV PAUL PRETORIUS SC:** Are you telling the Chair then quite simply that the attorney's trust account held amounts in the region of R25 million for Bosasa?

ANDRIES JOHANNES VAN TONDER: That is correct Chair.

ADV PAUL PRETORIUS SC: And you were told by Mr Gavin Watson that this was the equivalent of a war chest to protect the funds?

ANDRIES JOHANNES VAN TONDER: That is exactly right Chair.

ADV PAUL PRETORIUS SC: Alright. Chair is this a convenient time?

CHAIRPERSON: Should we not finish his evidence I see we are what two pages away or three?

ADV PAUL PRETORIUS SC: We can Chair.

CHAIRPERSON: Or is that not convenient? You would prefer to continue after.

ADV PAUL PRETORIUS SC: The next witness is ready he will come after this witness.

I am happy to continue if the witness is happy and you are happy.

CHAIRPERSON: Are you happy to let us finish?

ANDRIES JOHANNES VAN TONDER: I am happy to continue Chair.

10 **CHAIRPERSON:** Okay I am assuming Mr Pretorius it might take about ten, fifteen minutes or do you think it will take longer? You are hesitant to commit yourself.

ADV PAUL PRETORIUS SC: My forecast in days has been hopeless I do not think my forecast in minutes is any better but shall we continue for ten minutes Chair?

CHAIRPERSON: Ja okay alright.

ADV PAUL PRETORIUS SC: Were you ever present at the offices of any attorney when an agreement was drawn up we know as Frans Vorster and Patrick Gillingham?

MR ANDRIES JOHANNES VAN TONDER: I was present, yes, Chair.

ADV PAUL PRETORIUS SC: What was the subject matter of this agreement?

20 **MR ANDRIES JOHANNES VAN TONDER:** This was relating to a vehicle that was – this was – in this agreement Frans Vorster advanced R180 000 to Patrick Gillingham to enable Gillingham to purchase a Mercedes Benz vehicle and this agreement was done as a loan.

ADV PAUL PRETORIUS SC: Was it a genuine loan?

MR ANDRIES JOHANNES VAN TONDER: No, it was not a genuine loan.

ADV PAUL PRETORIUS SC: Who actually was burdened with that payment of

R180 000 in other words who paid ultimately?

MR ANDRIES JOHANNES VAN TONDER: Just repeat the question please, Chair?

ADV PAUL PRETORIUS SC: R180 000 is given to Patrick Gillingham ostensibly as a loan, without going through the complexity of the loan transactions and how it was accounted for in the books of Bosasa, who actually bore the cost of the amount paid to Mr Gillingham?

MR ANDRIES JOHANNES VAN TONDER: Bosasa carried the cost of it eventually.

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

CHAIRPERSON: Do you remember round about when this would have been? In
10 terms of year?

MR ANDRIES JOHANNES VAN TONDER: Chair, one of the next witnesses will have detail on this.

CHAIRPERSON: Will clarify, okay, no that is fine. Thank you.

ADV PAUL PRETORIUS SC: Mr Agrizzi gave lengthy evidence concerning the events at the time of his departure and at the time of your departure from Bosasa. During the course of that evidence your name came up frequently and as I understand it you were involved with Mr Agrizzi in various negotiations and at various meetings with the Watson family, is that correct?

MR ANDRIES JOHANNES VAN TONDER: That is correct, Chair.

20 **ADV PAUL PRETORIUS SC:** Right, you do not go into much detail here, but Mr Agrizzi went into a great amount of detail supplemented by documents that he wished to present to the, Chair, towards the end of his evidence, correct?

MR ANDRIES JOHANNES VAN TONDER: Correct.

ADV PAUL PRETORIUS SC: We are going to ask, the legal team is going to ask you to cooperate with the investigators to look at Mr Agrizzi's affidavit and to present to the,

Chair, in affidavit form and personally to the extent necessary, the extent to which you agree with what he says in his testimony and the extent to which you disagree, and that would be done in due course, you can review his evidence in the course of the next few weeks. You are happy to undertake that task?

MR ANDRIES JOHANNES VAN TONDER: I am happy to undertake that task, Mr Chair.

ADV PAUL PRETORIUS SC: In the meanwhile let us just tell the, Chair, what you say or of what you say in paragraphs 103 and following. Do you recall that at a stage Mr Agrizzi issued a press statement regarding his intentions to give information to the
10 public in relation to and to law enforcement agencies in relation to his activities and knowledge of what had occurred at Bosasa?

MR ANDRIES JOHANNES VAN TONDER: Yes, I recall, Chair.

ADV PAUL PRETORIUS SC: When that statement was released did you receive any communication any of the Watson brothers?

MR ANDRIES JOHANNES VAN TONDER: I received a telephone call from Valence Watson the brother of Gavin Watson asking me to assist in persuading Angelo Agrizzi not to go ahead and not to whistle-blow.

ADV PAUL PRETORIUS SC: Alright, did you say anything to Mr Agrizzi about that call?

20 **MR ANDRIES JOHANNES VAN TONDER:** I informed Angelo Agrizzi about that call, yes, Chair.

ADV PAUL PRETORIUS SC: Alright, was it one call or did they continue?

MR ANDRIES JOHANNES VAN TONDER: No, Chair, the calls from Valence Watson continued over time, a period of time.

ADV PAUL PRETORIUS SC: You refer to a particular call in paragraph 104, what was

the content of that call?

MR ANDRIES JOHANNES VAN TONDER: It was a call quite late at night made by Valence Watson to myself and where I had a very long discussion with Valence Watson again trying to assist them to persuade Angelo Agrizzi not to whistle-blow.

ADV PAUL PRETORIUS SC: Was anybody else a part of that call?

MR ANDRIES JOHANNES VAN TONDER: Yes, Chair, he handed the phone to Mr Gavin Watson who also asked me to assist in this regard. Even Valence's wife spoke to me on the phone. They handed the phone to her as well. It was a very long discussion and yes.

10 **ADV PAUL PRETORIUS SC:** Subsequent to that call or those calls was a meeting held?

MR ANDRIES JOHANNES VAN TONDER: Correct, Chair.

ADV PAUL PRETORIUS SC: In relation to the requests made in those calls?

MR ANDRIES JOHANNES VAN TONDER: That is correct, Chair.

ADV PAUL PRETORIUS SC: Tell the, Chair, about that meeting please? Where it took place and who was present?

MR ANDRIES JOHANNES VAN TONDER: Yes, it was on request of the Watsons. We had a meeting held at Angelo Agrizzi's house, attended by Angelo Agrizzi, myself, Brian Biebuyck, brothers of Gavin Watson which Ronnie Watson and Valence Watson
20 and also Jared Watson who is the nephew of Gavin Watson.

ADV PAUL PRETORIUS SC: Alright, were these meetings of any long duration?

MR ANDRIES JOHANNES VAN TONDER: Yes, these meetings were long and carried on until approximately 01:00 in the mornings where they tried to persuade Angelo Agrizzi not to whistle-blow and they requested an undertaking from him in this regard.

ADV PAUL PRETORIUS SC: An undertaking to do what or not to do what?

MR ANDRIES JOHANNES VAN TONDER: An undertaking not to whistle-blow.

ADV PAUL PRETORIUS SC: Alright. Did the discussions deal with any other topic in relation to what you say in paragraph 105?

MR ANDRIES JOHANNES VAN TONDER: Yes, it did, Chair.

ADV PAUL PRETORIUS SC: What was that?

MR ANDRIES JOHANNES VAN TONDER: Chair, the Watsons wanted to know from Angelo Agrizzi what to do in order for him to stop whistle blowing not to go ahead with his whistle blowing.

10 **ADV PAUL PRETORIUS SC:** What do you mean by what to do?

MR ANDRIES JOHANNES VAN TONDER: They were prepared to do anything to stop him and in this case there was an amount, an amount of money structured which was offered to him in that regard. It was in the process of being discussed during these meetings.

ADV PAUL PRETORIUS SC: More or less how much?

MR ANDRIES JOHANNES VAN TONDER: It was more or less R50-million, Chair.

ADV PAUL PRETORIUS SC: Alright. The discussions did they continue over a period of time?

20 **MR ANDRIES JOHANNES VAN TONDER:** Yes, Chair, the discussions did continue over a period of time.

ADV PAUL PRETORIUS SC: Were there discussions over terms and conditions, amounts, what had to be done by both parties?

MR ANDRIES JOHANNES VAN TONDER: There was a proposed agreement that was sent to Angelo Agrizzi for him to review.

ADV PAUL PRETORIUS SC: In your view and you say you were present at these

meetings, in your view why did these negotiations continue if it was the intention simply to blow the whistle?

MR ANDRIES JOHANNES VAN TONDER: The reason why these negotiations continued was we wanted to show or Angelo wanted to show that Gavin Watson has got this war chest that he have unlimited funds that he can use to stop people doing in this case to stop Angelo Agrizzi from whistle blowing and that was the purpose it carried on. We wanted to show that Gavin Watson was prepared to bribe his way out of or pay his way out of any difficult situation.

ADV PAUL PRETORIUS SC: Alright. In paragraph 107 you provide a little more detail
10 of the subject matter of the negotiations. Tell the, Chair, briefly about that please?

MR ANDRIES JOHANNES VAN TONDER: Well as I mentioned the offer that was discussed was in the region of R50-million which included money and/or a potential buy-out of a business with certain conditions such as Gavin Watson would step down as CEO, Angelo Agrizzi replacing him and then as I mentioned a proposed unsigned draft agreement was emailed to Angelo Agrizzi thereafter.

ADV PAUL PRETORIUS SC: It may be put to you at some stage Mr van Tonder that the real reason for the breakdown and negotiations was that Mr Agrizzi was to satisfy to the extent that he would not really be in control of the business to the extent that, that might have formed part of the negotiations. What do you say to that?

20 **MR ANDRIES JOHANNES VAN TONDER:** Is this in this regard, Chair?

ADV PAUL PRETORIUS SC: Yes. At the time of these negotiations you say one of the topics under discussion was Gavin Watson stepping down and away from Bosasa and being replaced by Angelo Agrizzi.

MR ANDRIES JOHANNES VAN TONDER: Yes.

ADV PAUL PRETORIUS SC: Did the agreements accurately reflect that intention or

the draft agreements?

MR ANDRIES JOHANNES VAN TONDER: I cannot recall, Chair, I did not pay much attention to it.

ADV PAUL PRETORIUS SC: I will not deal with that then any further. Was the agreement ever signed?

MR ANDRIES JOHANNES VAN TONDER: The agreement was never signed, Chair.

ADV PAUL PRETORIUS SC: Right. Tell the, Chair, please of what you say in paragraph 109?

MR ANDRIES JOHANNES VAN TONDER: Well following those meetings I just
10 referred to now there were various WhatsApp messages which I have attached to my affidavit between myself and Jared Watson in this regard. Angelo refused to take further calls from the Watsons. He refused. Jarod Watson begged me on numerous occasions to meet with him for me to mediate on this – in this matter.

ADV PAUL PRETORIUS SC: And do you say that the Annexures at page 98 and following 80.9 are SMS messages which evidence these communications?

MR ANDRIES JOHANNES VAN TONDER: That is correct, Chair.

ADV PAUL PRETORIUS SC: And the document at page 103, 80.10 of bundle T1, what is that document?

MR ANDRIES JOHANNES VAN TONDER: That is a copy of the agreement which was
20 forwarded to Angelo Agrizzi as a proposed agreement.

ADV PAUL PRETORIUS SC: Yes, and it is apparent from page 111 that at least this document was not signed.

MR ANDRIES JOHANNES VAN TONDER: Yes, that is correct, Chair.

ADV PAUL PRETORIUS SC: If you would just bear with me. Chair, there is one matter that I would like to deal with in which my instructions are at this stage

incomplete, so perhaps...[intervenes]

CHAIRPERSON: Yes.

ADV PAUL PRETORIUS SC: I can look at paragraph 109 to see if anything needs to be dealt with further and to deal with the other matter and the next witness will follow after that.

CHAIRPERSON: Okay, no that is fine. We will take the lunch adjournment and when we come back Mr Pretorius still has some questions for you in regard to some matter so do come back after lunch. We will resume at 14:15 after lunch. We adjourn.

ADV PAUL PRETORIUS SC: Thank you.

10 **INQUIRY ADJOURNS**

INQUIRY RESUMES

CHAIRPERSON: Yes, Mr Pretorius.

ADV PAUL PRETORIUS SC: [Indistinct].

CHAIRPERSON: Your mic.

ADV PAUL PRETORIUS SC: Apologies Chair. Mr van Tonder would you look please at page 30 of your Bundle T1.

MR ANDRIES JOHANNES VAN TONDER: I am there Chair.

ADV PAUL PRETORIUS SC: What is that document? Just place it in context in relation to evidence you gave this morning please.

20 **MR ANDRIES JOHANNES VAN TONDER:** That was a sheet we prepared in preparation for the SARS investigation to show where the processing plant equipment of the, the prawn processing plant equipment was sent to for, for, for use in the various kitchen facilities of the Bosasa Operations, but this was just a working document in preparation for our submission to SARS.

ADV PAUL PRETORIUS SC: Right and you are talking of the SARS investigation into

the assessed loss and its application by Bosasa?

MR ANDRIES JOHANNES VAN TONDER: That is what I refer to Chair.

ADV PAUL PRETORIUS SC: Yes and [intervenes].

CHAIRPERSON: [Intervenes], I am sorry Mr Pretorius I though you said 81, but when I look at 81 it does not look like we are on the same page.

ADV PAUL PRETORIUS SC: No, we are not Chair.

CHAIRPERSON: [Intervenes].

ADV PAUL PRETORIUS SC: Page 30.

CHAIRPERSON: 30, 3-0?

10 **ADV PAUL PRETORIUS SC:** Page 3-0.

CHAIRPERSON: Okay.

ADV PAUL PRETORIUS SC: Of T1.

CHAIRPERSON: Incidentally I see that 81 does appear to have Mr Watson's signature. Remember we have been told that he avoided signing documents. It is not on the page you are referring to. That is much earlier Mr Pretorius, but.

ADV PAUL PRETORIUS SC: I will get there and I will ask.

CHAIRPERSON: That is an aside. That is an aside.

ADV PAUL PRETORIUS SC: Okay.

CHAIRPERSON: You said 3-0.

20 **ADV PAUL PRETORIUS SC:** 3-0, Chair.

CHAIRPERSON: Yes, I have got it.

ADV PAUL PRETORIUS SC: Okay. You say that was a working document?

MR ANDRIES JOHANNES VAN TONDER: It was a working document, right Chair.

ADV PAUL PRETORIUS SC: It is a working document where preparation was being made in order to respond to the queries of the SARS investigators?

MR ANDRIES JOHANNES VAN TONDER: That is correct Chair.

ADV PAUL PRETORIUS SC: In relation to the application of the assessed loss of SeaArk?

MR ANDRIES JOHANNES VAN TONDER: Ja and also with specific reference to the, to the processing plant.

ADV PAUL PRETORIUS SC: Right and you told SARS according to your evidence that the components of the processing plant were distributed to various companies in Bosasa to show that the business continued in one form or another?

MR ANDRIES JOHANNES VAN TONDER: That is correct Chair.

10 **ADV PAUL PRETORIUS SC:** So for example in the middle of page 31 you will see a table. It is not legible, but tell the Chair please what was represented here or page 30 rather? What was represented here under the heading “Main Kitchen”?

MR ANDRIES JOHANNES VAN TONDER: That is, we indicated certain of the processing or specified certain of the processing plant equipment which was transferred to main kitchen.

ADV PAUL PRETORIUS SC: In one of the Bosasa catering premises?

MR ANDRIES JOHANNES VAN TONDER: That is correct Chair.

ADV PAUL PRETORIUS SC: So was the intention to represent to SARS that the equipment had been distributed amongst various premises?

20 **MR ANDRIES JOHANNES VAN TONDER:** That is exactly what was presented to SARS, yes Chair.

ADV PAUL PRETORIUS SC: Was that true?

MR ANDRIES JOHANNES VAN TONDER: It was not true Chair.

ADV PAUL PRETORIUS SC: Then if we can go back please to page 21 of T1. You talk of various WhatsApp messages between yourself and Jared Watson at the time of

departure and the departure of Angelo Agrizzi from, from Bosasa.

MR ANDRIES JOHANNES VAN TONDER: That is correct Chair.

ADV PAUL PRETORIUS SC: Did Jared Watson approach you on more than one occasion to meet with him?

MR ANDRIES JOHANNES VAN TONDER: Yes, Chair. He did.

ADV PAUL PRETORIUS SC: Was a meeting eventually held?

MR ANDRIES JOHANNES VAN TONDER: There was a meeting held, yes Chair.

ADV PAUL PRETORIUS SC: And what was the aim of yourself and Mr Agrizzi?

MR ANDRIES JOHANNES VAN TONDER: The aim was for, to get Gavin Watson to
10 sign the agreement.

ADV PAUL PRETORIUS SC: How would you do that?

MR ANDRIES JOHANNES VAN TONDER: By persuading Jared Watson to persuade his uncle to, to, to sign it. We basically, I took along some working notes which Angelo Agrizzi prepared and I took it along for discussion and that is what we have used.

ADV PAUL PRETORIUS SC: What would you have achieved if you had persuaded Gavin Watson actually to sign the document?

MR ANDRIES JOHANNES VAN TONDER: We could have shown that Gavin Watson has got unlimited funds that he always used to buy himself out of difficult situations and
20 by him, if we had an agreement that Gavin Watson signed we could have shown that he tried to buy himself out of this situation as well.

ADV PAUL PRETORIUS SC: No further agreement was in fact reached I understand from your evidence and that of Mr Agrizzi?

MR ANDRIES JOHANNES VAN TONDER: That is correct Chair.

ADV PAUL PRETORIUS SC: Mr van Tonder subject to the need to put various

versions of those parties that successfully apply to cross-examine you to you and to obtain your response thereto and subject to you commenting positively or otherwise on the matters relating to you contained in the transcript of Mr Agrizzi's evidence I understand that otherwise you are prepared to work with the investigators in their ongoing investigation?

MR ANDRIES JOHANNES VAN TONDER: I will give my full support to the investigators Chair.

ADV PAUL PRETORIUS SC: And that would include the surrender of any electronic equipment or electronic devices where data is recorded?

10 **MR ANDRIES JOHANNES VAN TONDER:** That is that is that is true.

ADV PAUL PRETORIUS SC: Chair that for the moment then is the evidence.

CHAIRPERSON: Mr van Tonder did you leave during the same, did you leave Bosasa the same month as Mr Agrizzi?

MR ANDRIES JOHANNES VAN TONDER: No, Chair.

CHAIRPERSON: Ja.

MR ANDRIES JOHANNES VAN TONDER: I did not.

CHAIRPERSON: You left in, I thought you said you left in November 2017.

MR ANDRIES JOHANNES VAN TONDER: Yes that is correct Chair.

20 **CHAIRPERSON:** Did he not leave the same month or he left in December of the same year?

MR ANDRIES JOHANNES VAN TONDER: No, Mr Agrizzi left a year prior to that.

CHAIRPERSON: Oh, oh okay; but I got the impression when he was giving evidence that the two of you appeared to have been quite close and maybe to be still quite close. Is that right?

MR ANDRIES JOHANNES VAN TONDER: That is correct Chair.

CHAIRPERSON: Yes. Had that been the case for many years before you left, you both left Bosasa?

MR ANDRIES JOHANNES VAN TONDER: I would say about 12 years Chair.

CHAIRPERSON: Oh, okay. Okay. No, thank you very much.

ADV PAUL PRETORIUS SC: No further questions for the moment. Thank you Chair.

CHAIRPERSON: Okay. Mr van Tonder for now I will release you. As Mr Pretorius indicated you may be required to come back and there may be implicated parties who might apply for leave to cross-examine you and there might well be other evidence that you, it might be decided you should come and give. So, but for now I will release you.

10 I just want to say thank you very much for coming forward to giving evidence to this Commission. You did indicate in your evidence that you are fearful, but I just want to thank you for coming forward to help the Commission. Thank you very much. You are excused for now.

MR ANDRIES JOHANNES VAN TONDER: Thank you for the opportunity to be here.

CHAIRPERSON: Thank you.

ADV PAUL PRETORIUS SC: Chair the next witness is ready to give evidence. He will be led by Ms Buthelezi. I have been asked however to ask for an indulgence in order to collate certain matters in the file. There is a new aspect of evidence that I think has to be checked and dealt with. May we take 10 minutes?

20 **CHAIRPERSON:** Okay. We will take, we will adjourn for 10 minutes. We will be back at 25 to three.

ADV PAUL PRETORIUS SC: Thank you Chair.

CHAIRPERSON: We adjourn.

REGISTRAR: All rise.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Yes Adv Zinhle Buthelezi.

ADV ZINHLE BUTHELEZI: Thank you Chair. Chair will ...(indistinct) the – I will – I would like the Chair to look – to refer – to refer the Chair to Exhibit T2. It is in the same file underneath the number 2.

CHAIRPERSON: The affidavits?

ADV ZINHLE BUTHELEZI: Yes the affidavit of Mr Frans Hendrik Steyn Vorster together with its annexures.

CHAIRPERSON: I have got Mr Vorster's statement, is that the one?

10 **ADV ZINHLE BUTHELEZI:** Yes.

CHAIRPERSON: Ja.

ADV ZINHLE BUTHELEZI: Sir may I request that the witness be sworn be in?

REGISTRAR: Please state your full names for the record?

FRANS HENDRIK STEYN VORSTER: Frans Hendrik Steyn Vorster.

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

FRANS HENDRIK STEYN VORSTER: No.

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

FRANS HENDRIK STEYN VORSTER: Yes.

20 **REGISTRAR:** Do you swear that the evidence you will give shall be the truth; the whole truth and nothing but the truth, if so please raise your right hand and say, so help me God.

FRANS HENDRIK STEYN VORSTER: So help me God.

CHAIRPERSON: I see Adv Zinhle Buthelezi that whereas Mr Agrizzi's statement was an affidavit this one.

ADV ZINHLE BUTHELEZI: It is a statement.

CHAIRPERSON: Well I do not know about that. It says statement and it does not start with the usual – I declare under oath or I swear but the commission of oaths at the end in his or her certificate says that Mr Vorster did swear before him or her but ...

ADV ZINHLE BUTHELEZI: I understand.

CHAIRPERSON: It does not – Mr Vorster does not say in the statement that he took an oath. It might not matter for present purposes I just noted the difference.

ADV ZINHLE BUTHELEZI: Thank you Chair. Chair I would like to confirm that Mr Vorster is legally represented by Advocate Witz who is present at the ...(indistinct).

CHAIRPERSON: No I am – it might not be necessary I assume he will confirm that
10 what is in the statement is true and correct and he will confirm under oath because he is under oath now.

ADV ZINHLE BUTHELEZI: Thank you Chair. Mr Vorster the document that is before you from page 1 up to page 8 do you confirm that that is the statement that you made for the commission?

MR FRANS HENDRIK STEYN VORSTER: Yes I do Chair.

ADV ZINHLE BUTHELEZI: And the signature that appears on page 7 of this document is that you signature?

MR FRANS HENDRIK STEYN VORSTER: That is correct Chair.

ADV ZINHLE BUTHELEZI: Do you confirm the correctness and that you have the
20 knowledge of what is contained in this document?

MR FRANS HENDRIK STEYN VORSTER: Yes I do Chair.

ADV ZINHLE BUTHELEZI: Thank you Chair. Mr Vorster before we start with your evidence. Were you warned that the evidence that you are about to give may incriminate you and were you also made aware of the legal implications thereof?

MR FRANS HENDRIK STEYN VORSTER: Yes Mr Chair.

ADV ZINHLE BUTHELEZI: And are you giving you evidence freely and voluntarily?

You have not be coerced or be promised anything by anyone?

MR FRANS HENDRIK STEYN VORSTER: I am giving it freely.

ADV ZINHLE BUTHELEZI: Thank you.

CHAIRPERSON: And you have not been promised any reward for giving the evidence?

MR FRANS HENDRIK STEYN VORSTER: No Mr Chair.

CHAIRPERSON: Thank you.

ADV ZINHLE BUTHELEZI: Thank you Chair. Would you please give us your works
10 history as stated in your statement?

MR FRANS HENDRIK STEYN VORSTER: Okay Chair I started off as a member of the South African Police Services in 1987 up to 1996 end of – end September 1996. In 1996 I joined Dyambu Operations as from the 1 October and I was there until the end of October 2017.

ADV ZINHLE BUTHELEZI: Yes and what is the current name of Dyambu Operations?

MR FRANS HENDRIK STEYN VORSTER: When I started off Meritem was just bought over and the name was changed to Dyambu Operations and around 2000, 2001 the name changed to Bosasa Operations and just before I left on the 1 September 2017 the name changed to African Global Operations.

20 **ADV ZINHLE BUTHELEZI:** Yes in paragraph 8 of your statement you give us information with – regarding the relationship that your late father Mr Paulus Vorster had with Mr Patrick Gillingham, could you please explain that to the Chair?

MR FRANS HENDRIK STEYN VORSTER: Chair my father was also an employee of Meritem and at those days he dealt with Patrick Gillingham who was at the Correctional Services as they were tendering for the Lindela Facility and we had a prior awaiting

facility for juveniles and that is how he met up with Patrick Gillingham as the youngsters and the immigrants were held at the various prisons and they cost them to be overcrowded and they had to be removed from there and that is how they met or how he met Patrick Gillingham.

ADV ZINHLE BUTHELEZI: And your father was he working for Bosasa?

MR FRANS HENDRIK STEYN VORSTER: My father was also working for Bosasa when Meritem changed to Dyambu. He was working for Dyambu and he was working for Bosasa just before he passed away in October 2001.

ADV ZINHLE BUTHELEZI: Yes and at the time of his passing what was your role in
10 Bosasa?

MR FRANS HENDRIK STEYN VORSTER: I was at that stage running the central division. I was heading up the central division and so that meant that a few mine hostels fell under me that I had to oversee as well as the Lindela Facility as well as the Juvenile Facility.

ADV ZINHLE BUTHELEZI: And can you tell us about what happened with regards to Lindela around 2001?

MR FRANS HENDRIK STEYN VORSTER: In or about 2001 Lindela Operations grew very quickly and I had to spend more time at the facility. We introduced or we purchased vehicles that we purposes built to transport the illegal immigrants from the
20 various police stations to the facility where we handed them over to the Department of Home Affairs that again would hand them back to us to accommodate them on their behalf.

ADV ZINHLE BUTHELEZI: Yes would you please tell us about the meeting that you had with Gavin Watson in 2003?

MR FRANS HENDRIK STEYN VORSTER: In 2003 Gavin came to my office at the

Lindela Facility Chair where he said he would like to speak to me alone and we went up to my office and he said to me that I need to get hold of Patrick again as he would love to tender for the catering contracts for Correctional Services.

ADV ZINHLE BUTHELEZI: And were Correctional Services catering outsourced at that stage?

MR FRANS HENDRIK STEYN VORSTER: At that stage it was not outsourced.

ADV ZINHLE BUTHELEZI: Yes and then what happened, did you talk to Patrick Gillingham?

MR FRANS HENDRIK STEYN VORSTER: I approached Patrick and then carried on
10 the relationship on Gavin's request and instruction that Patrick had with my late father. I explain to him that Bosasa would like to do and get involved in the catering sector in Correctional Services. I then from there met with Patrick regularly and yes at a stage – do you want me to continue Chair?

ADV ZINHLE BUTHELEZI: Yes.

MR FRANS HENDRIK STEYN VORSTER: At a stage I was called to Head Office by Gavin Watson. We went to the vault where he would hand cash to me. Those days it was not in the security bags as it was mentioned previously. Those days it was handed to you – I had to put it in my pocket and then I would go to my office from where I would stack the money into an A4 envelope so that it would look like it is documents.

20 **ADV ZINHLE BUTHELEZI:** And then what would you do with this cash that would be handed to you?

MR FRANS HENDRIK STEYN VORSTER: Then I would meet with Patrick at a certain restaurant usually in the Pretoria Centurion area. Chair and then we would discuss all the specs regarding the kitchens of Correctional Services and the menus and I would then hand over the envelope to Patrick and he would give me information in return that

I then would take back to the office and hand it over to Danny Mansell.

ADV ZINHLE BUTHELEZI: And how often did you have these meetings with Patrick Gillingham?

MR FRANS HENDRIK STEYN VORSTER: In the beginning it was bi-weekly, certain times we met every week. It depended on how much information was needed and that would lead me in having more or less meetings with Mr Gillingham.

ADV ZINHLE BUTHELEZI: And would you keep [intervenes].

CHAIRPERSON: Around which year was this now?

MR FRANS HENDRIK STEYN VORSTER: Chair this was in 2003.

10 **CHAIRPERSON:** 2003?

MR FRANS HENDRIK STEYN VORSTER: That is correct Chair.

CHAIRPERSON: Okay thank you.

ADV ZINHLE BUTHELEZI: Thank you Chair. And would you carry cash for each meeting that you had with Patrick?

MR FRANS HENDRIK STEYN VORSTER: No it was not cash for every meeting that we held. It was only when Gavin called me to Head Office that he gave me cash that cash would go with me. I do not know if he had an agreement with Patrick or – but I did not question it at that stage as we did not question the man. If he said just take this with and give it to Patrick that is what I did.

20 **ADV ZINHLE BUTHELEZI:** And do you still remember what – how much would you carry per visit or meeting?

MR FRANS HENDRIK STEYN VORSTER: It varied from R10 000,00 sometimes it was R5 000,00 the most was around R20 000,00 in cash.

CHAIRPERSON: Do you – do you remember whether during those days there would be some cash that you would hand over to Mr Gillingham every month or you cannot

say whether it was every month?

MR FRANS HENDRIK STEYN VORSTER: Chair it was not every month. It was only when Gavin called me to the office and said here is some stuff that you must take with for Patrick.

CHAIRPERSON: Yes.

MR FRANS HENDRIK STEYN VORSTER: That is when I then would go with Gavin to the vault, we will take the money out I will put it in my pocket.

CHAIRPERSON: Yes.

MR FRANS HENDRIK STEYN VORSTER: And I will go to my office, put it in the
10 envelope and take it with.

CHAIRPERSON: Okay.

ADV ZINHLE BUTHELEZI: And these meetings that you had with Patrick Gillingham did they bear any fruits? Did you get anything out of it?

MR FRANS HENDRIK STEYN VORSTER: Ja well that led to us getting the catering contract that was awarded to us in 2004.

ADV ZINHLE BUTHELEZI: Do you remember the value of that contract?

MR FRANS HENDRIK STEYN VORSTER: No unfortunately I was too busy at Lindela to concentrate on the value of the tender.

CHAIRPERSON: Do you – did you know what position Mr Gillingham held at
20 Correctional Services at that time?

MR FRANS HENDRIK STEYN VORSTER: At that stage he was a Provincial Commissioner of I think that is just when he came back from KZN he was Mpumalanga, Limpopo and I think Gauteng, he was the Provincial Commissioner for all three provinces at that stage.

CHAIRPERSON: You mean he – there was one Provincial Commissioner for three

provinces you mean?

MR FRANS HENDRIK STEYN VORSTER: At that stage there was one.

CHAIRPERSON: Oh.

MR FRANS HENDRIK STEYN VORSTER: He – when – after 1994 he was the Provincial Commissioner for Gauteng. From there he went – he was transferred to the KZN province. From the KZN province they brought him back and mainly was looking after Limpopo and Mpumalanga and then they added Gauteng again if I can remember correctly.

CHAIRPERSON: Okay. Thank you.

- 10 **ADV ZINHLE BUTHELEZI:** Thank you Chair. And in paragraph 12 you speak of an announcement that was made by CFO for DCS. When was this announcement made?

MR FRANS HENDRIK STEYN VORSTER: This was in 2004. At that stage Mr Gillingham was not the CFO of Correctional Services although the project was given to him to run with and he was the project leader of the tender.

ADV ZINHLE BUTHELEZI: And this CFO [intervenes].

CHAIRPERSON: I am sorry ADV ZINHLE BUTHELEZI. It looks like you might have skipped 11 which appears important or did I not hear him deal with it?

ADV ZINHLE BUTHELEZI: No I will go back to it thank you Chair.

CHAIRPERSON: Ja paragraph 11.

- 20 **ADV ZINHLE BUTHELEZI:** Mr Vorster the information – what did you do with the information that you received from Mr Gillingham?

MR FRANS HENDRIK STEYN VORSTER: As I mentioned Chair it was given to Danny Mansell and he worked on a presentation and a strategy and to assist and give the specs through on the tender or for the tender committee and the contract. At the end of 2003 the team met with Correctional Services top management and made a

presentation to the attending Correctional Services officials before it was known that DCS would be outsourcing the catering services.

CHAIRPERSON: Who made a presentation to whom?

MR FRANS HENDRIK STEYN VORSTER: Mr Danny Mansell.

CHAIRPERSON: Yes.

MR FRANS HENDRIK STEYN VORSTER: Made a presentation to the senior members of Correctional Services.

CHAIRPERSON: Senior management members of Correctional Services?

MR FRANS HENDRIK STEYN VORSTER: That is correct Chair.

10 **CHAIRPERSON**: Okay alright. Were you present in that presentation by any chance?

MR FRANS HENDRIK STEYN VORSTER: No I was not – I was not present I would have been but something happened and I could not attend.

CHAIRPERSON: Okay alright.

ADV ZINHLE BUTHELEZI: And you do not know who was – who attended this for the Department of Correctional Services?

MR FRANS HENDRIK STEYN VORSTER: Unfortunately I do not know but it would have been the senior management that would have been some of the Provincial Commissioners and senior management of Correctional Services.

ADV ZINHLE BUTHELEZI: Mr Danny Mansell what position did he hold at that time?

20 **MR FRANS HENDRIK STEYN VORSTER**: At that time Mr Mansell was consultant for Bosasa Operations.

ADV ZINHLE BUTHELEZI: Yes and then you deal with what happened in early 2004 in the same paragraph?

MR FRANS HENDRIK STEYN VORSTER: Yes and I mentioned already that early in 2004 Patrick Gillingham did the presentation regarding the outsourcing of the catering

services that was prepared for him by the Bosasa team.

CHAIRPERSON: Who was he making the presentation to?

MR FRANS HENDRIK STEYN VORSTER: He was making the presentation with Danny Mansell to senior management of Correctional Services.

CHAIRPERSON: And you say that presentation had been prepared by the Bosasa team?

MR FRANS HENDRIK STEYN VORSTER: That is correct Chair.

CHAIRPERSON: Was through that presentation was it intended to persuade management of Correctional Services that outsourcing the catering functions was the
10 right thing to do?

MR FRANS HENDRIK STEYN VORSTER: That is correct Chair. According to them it was needed to outsource it would save Correctional Services a lot of money.

CHAIRPERSON: Okay.

ADV ZINHLE BUTHELEZI: Thank you Chair. And the CFO that is mentioned in paragraph 12 is Mr Tshivhase did you at any stage had meeting with this person?

MR FRANS HENDRIK STEYN VORSTER: I never met with Mr Tshivhase.

ADV ZINHLE BUTHELEZI: Thank you. And you deal with the relationship that Mr Gavin Watson had with Mr Linda Mti can you elaborate on that?

MR FRANS HENDRIK STEYN VORSTER: Gavin Watson had a good and close
20 relationship with Mr Mti the Commissioner of Correctional Services and that led to Mr Gillingham be appointed in procurement for the tenders and from there he was appointed CFO and he was basically used as the driver of the process. Because Mr Mti could not drive the process. He had to approve. So the driver that was needed was Patrick Gillingham and he drove the process so that Mr Mti could approve the process.

CHAIRPERSON: Okay.

ADV ZINHLE BUTHELEZI: And in paragraph 14 you deal with what happened after Bosasa was awarded what you refer to as kitchens tender. When was this kitchens tender awarded to Bosasa?

MR FRANS HENDRIK STEYN VORSTER: As mentioned Chair it was awarded to Bosasa in 2004.

ADV ZINHLE BUTHELEZI: Yes.

MR FRANS HENDRIK STEYN VORSTER: After it was awarded Gavin came to me instructed me to meet up with Patrick Gillingham and assist him to procure a vehicle. The vehicle that Patrick was looking for excuse me was a Mercedes E270. At that
10 stage he was driving a gold Mercedes E240 that he sold to the company. We as Bosasa bought the vehicle from him. At that stage the vehicle – his vehicle or the trade-in vehicle was the value was about R80 – R90 000,00 and we paid him R155 000,00 for the vehicle. So that money was paid in by Bosasa into Patrick Gillingham's bank account.

CHAIRPERSON: What was R89 000,00?

MR FRANS HENDRIK STEYN VORSTER: The value of the old Mercedes that he was driving.

CHAIRPERSON: Yes.

MR FRANS HENDRIK STEYN VORSTER: He had a E240.

20 **CHAIRPERSON:** Yes.

MR FRANS HENDRIK STEYN VORSTER: Mileage was very high. The value of the vehicle I can remember the left front light was broken and out of order and the mileage was very high and the offer that he had on the vehicle was if I can remember correctly between R80 and R90 000,00.

CHAIRPERSON: That is the value of his car?

MR FRANS HENDRIK STEYN VORSTER: Of his car that he ...

CHAIRPERSON: That he sold to Bosasa?

MR FRANS HENDRIK STEYN VORSTER: That he sold to Bosasa.

CHAIRPERSON: And you bought it for that amount or for another amount?

MR FRANS HENDRIK STEYN VORSTER: No we bought it then at the amount of R155 000,00. So at a much higher – we paid much more for the vehicle than what it was worth.

CHAIRPERSON: Yes.

MR FRANS HENDRIK STEYN VORSTER: And that money was paid directly into his
10 bank account.

CHAIRPERSON: Yes.

MR FRANS HENDRIK STEYN VORSTER: I did the deal Chair.

CHAIRPERSON: Yes.

MR FRANS HENDRIK STEYN VORSTER: So I negotiated everything but he did the financing part. He did himself on that specific vehicle.

CHAIRPERSON: Okay thank you.

ADV ZINHLE BUTHELEZI: Thank you Chair. And in 2005 you also assisted in getting another car for Mr Gillingham. Would you please give us details?

MR FRANS HENDRIK STEYN VORSTER: In 2005 Gavin phoned me and said Frans
20 you better get hold of Patrick he needs a car for his wife and I got hold of Patrick and I said yes Patrick how can I assist? And he said no he would love to buy a VW Golf for his wife. I then went to VW The Glen again negotiated the deal. Then after everything was negotiated he phoned back and said but he wants a few extras on the vehicle. Now the vehicle was already ordered. I was not involved in the finance of that vehicle but Doctor Smith deposited the money into Patrick's account and he settled the vehicle.

So I had to issue a Bosasa order for the extras on the vehicle and Bosasa also paid for the extras on the vehicle.

ADV ZINHLE BUTHELEZI: Yes and do you know how much was involved in that deal?

MR FRANS HENDRIK STEYN VORSTER: It is fourteen years back unfortunately I cannot tell you now how much it was.

ADV ZINHLE BUTHELEZI: Yes and Sir if I may ask what was your role at Bosasa at that stage in 2005?

10 **MR FRANS HENDRIK STEYN VORSTER:** 2005 I was still heading up the central division so that meant – and Lindela at that stage got so busy that it took up a lot of my time.

ADV ZINHLE BUTHELEZI: Okay but then you will be called to secure or to assist Mr Gillingham in acquiring these vehicles?

MR FRANS HENDRIK STEYN VORSTER: Mr Gillingham had that relationship with my father and he knew exactly that when it came to vehicles he only dealt with or my father at that stage he passed away so he only dealt with me. Because he knew that I could negotiate the best deal at that stage.

ADV ZINHLE BUTHELEZI: Yes and in paragraph 16 you talk about another vehicle that you assisted to secure for Mr Gillingham?

20 **MR FRANS HENDRIK STEYN VORSTER:** During April 2006 Gavin phoned me and said Frans Patrick's son needs a vehicle. I went to VW Krugersdorp the local dealership. I negotiated the whole deal and Mr Mansell through his company paid for that specific vehicle. Patrick could not take delivery of the vehicle so I had to take delivery of the vehicle, drove it through to Pretoria and I handed it to him in Pretoria.

CHAIRPERSON: So this one was for his son?

MR FRANS HENDRIK STEYN VORSTER: This one was for his son.

CHAIRPERSON: So now in the household of the Gillingham's the father was driving a car bought by Bosasa. His wife was driving a car bought by Bosasa. The son was now also going to drive a car bought by Bosasa?

MR FRANS HENDRIK STEYN VORSTER: Let me just assist you there Chair. The second son.

CHAIRPERSON: Second son?

MR FRANS HENDRIK STEYN VORSTER: Ja the oldest son never received the vehicle.

CHAIRPERSON: Yes.

10 **MR FRANS HENDRIK STEYN VORSTER**: The mid – middle child so the second son he received also a vehicle.

CHAIRPERSON: Ja but the father.

MR FRANS HENDRIK STEYN VORSTER: The mother.

CHAIRPERSON: The mother and one of the sons?

MR FRANS HENDRIK STEYN VORSTER: Ja and then in one vehicle well we will get to a second Mercedes that I had to buy for him.

CHAIRPERSON: Yes.

MR FRANS HENDRIK STEYN VORSTER: But the daughter I was not available I was on leave and Andries Van Tonder had to deal with that one.

20 **CHAIRPERSON**: Ja okay alright.

ADV ZINHLE BUTHELEZI: Thank you. And on paragraph 17 I guess it was time for upgrade. Tell us about the car that you bought for Mr Gillingham?

MR FRANS HENDRIK STEYN VORSTER: In – Chair you are quite right if you say it was time for an upgrade. The E270 gave a bit of problems before it reached 100 000 kilometres and Gavin phoned me and said: Frans Patrick has got problems with the car

we need to replace the vehicle.

CHAIRPERSON: This was now in February 2007 when you got the instruction?

MR FRANS HENDRIK STEYN VORSTER: That is correct Sir. From Mr Watson. He phoned me Chair and he said Patrick needs a new vehicle.

CHAIRPERSON: Yes.

ADV ZINHLE BUTHELEZI: Yes. And what vehicle was this?

MR FRANS HENDRIK STEYN VORSTER: This was a Mercedes E320.

ADV ZINHLE BUTHELEZI: Yes and how did you go about in securing this vehicle?

MR FRANS HENDRIK STEYN VORSTER: Well at that stage it was and I refer to it in
10 my statement because it is the truth at that stage it was a situation when Mr Tony Yengeni had a problem with the Mercedes, his Mercedes and Mercedes changed their procedure of which I was – I did not know about. So I did not have Mr Gillingham's new residential address as he moved from Centurion to Midstream. So I then had to order the E320 in my name.

CHAIRPERSON: Yes.

MR FRANS HENDRIK STEYN VORSTER: So what happened there was when the – it was close to delivery date we went together to Mercedes and this vehicle was ordered from Constantia Kloof Mercedes and we said okay I am not – I am no longer going to buy the vehicle but Patrick Gillingham will be buying this vehicle and they said to me
20 sorry Frans it is not that easy. Procedure has been changed if you order a car in your name and you not taking that car only a family member or a partner in business can take over that vehicle from you. And I was basically then forced to go and buy a Shelf CC and that is the one that I referred to in my statement it is Oakridge Trading 114CC. There were only two members in that CC it was myself and Patrick Gillingham and we used that CC as a way to.

CHAIRPERSON: To say you were partners?

MR FRANS HENDRIK STEYN VORSTER: To say we were partners here is the proof because I had to take the documents to Mercedes and show them that we are partners so that I could transfer the vehicle over to Patrick Gillingham.

ADV ZINHLE BUTHELEZI: Yes. There is an agreement that appears on page 9 of your statement which is – it is a credit agreement between yourself and Mr Patrick Gillingham. There is a signature.

CHAIRPERSON: What page?

ADV ZINHLE BUTHELEZI: Page 9 of TT.

10 **CHAIRPERSON**: Okay.

ADV ZINHLE BUTHELEZI: Yes it goes up to page 17. Are you with me Mr Vorster?

MR FRANS HENDRIK STEYN VORSTER: Before – Chair before I get to this contract between myself and Mr Patrick Gillingham.

CHAIRPERSON: Yes.

MR FRANS HENDRIK STEYN VORSTER: We had to pay in R180 000,00 on this new E320 Mercedes.

CHAIRPERSON: That is Bosasa?

MR FRANS HENDRIK STEYN VORSTER: That is Bosasa.

CHAIRPERSON: Yes.

20 **MR FRANS HENDRIK STEYN VORSTER**: So that created a problem and the money went through a few bank accounts as been stipulated in the SIU report.

ADV ZINHLE BUTHELEZI: Yes.

MR FRANS HENDRIK STEYN VORSTER: And we then had to pay over the money. I was called in and the plan that we made for this deal was to say okay Angelo Agrizzi at that stage would receive a bonus. I then went to Angelo and said okay Angelo I need

some money can you borrow me some money and he said Frans no problem I am getting a bonus this month I will just make sure that they pay over the bonus to you and then I said okay Angelo in December I am getting bonus and then I will refund you. Alright.

ADV ZINHLE BUTHELEZI: Yes.

MR FRANS HENDRIK STEYN VORSTER: So he phoned Carlos Bonifacio and he instructed Carlos to pay over the money to me. I went to Carlos and I said Carlos do not pay the money to me pay the money directly into Patrick Gillingham's bank account.

ADV ZINHLE BUTHELEZI: Yes.

10 **MR FRANS HENDRIK STEYN VORSTER:** I then got a disciplinary hearing that they held on me, a pretended one.

ADV ZINHLE BUTHELEZI: Is it the ...

MR FRANS HENDRIK STEYN VORSTER: It is also in my ...

ADV ZINHLE BUTHELEZI: It is on page 18 there is a ...

CHAIRPERSON: But maybe before you get to the disciplinary hearing let us just get the journey that this money followed correctly. Now this was – the money you are talking about is the money that was ultimately going to pay for the Mercedes – new Mercedes for Mr Gillingham, is that right?

MR FRANS HENDRIK STEYN VORSTER: That is correct Sir. Remember we had the
20 E270.

CHAIRPERSON: Yes.

MR FRANS HENDRIK STEYN VORSTER: We sold the E270.

CHAIRPERSON: Yes.

MR FRANS HENDRIK STEYN VORSTER: Then the shortfall was R180 000,00.

CHAIRPERSON: Yes.

MR FRANS HENDRIK STEYN VORSTER: Bosasa had to pay the R180 000,00.

CHAIRPERSON: Yes.

MR FRANS HENDRIK STEYN VORSTER: That went ...

CHAIRPERSON: Ja where did it start and where?

MR FRANS HENDRIK STEYN VORSTER: It started from Bosasa.

CHAIRPERSON: Yes.

MR FRANS HENDRIK STEYN VORSTER: Then paid to Mr Agrizzi.

CHAIRPERSON: As a bonus?

MR FRANS HENDRIK STEYN VORSTER: As a bonus from there it went to one – it
10 went to I think if I can remember correctly it went through to Carlos Bonifacio's account.

CHAIRPERSON: Yes.

MR FRANS HENDRIK STEYN VORSTER: Then to the lady working for Carlos into her
account.

CHAIRPERSON: Ja.

MR FRANS HENDRIK STEYN VORSTER: Then back to Bosasa and then from
Bosasa it went through to Mr Gillingham's account.

CHAIRPERSON: And you did not want it to come to your account?

MR FRANS HENDRIK STEYN VORSTER: At that stage we needed the money
urgently so it would just delay it. Mr Gillingham wanted his new car. So – and he could
20 not take delivery if we do not settle the outstanding amount.

CHAIRPERSON: And what was the purpose of this zigzag trip on the – for this money?

MR FRANS HENDRIK STEYN VORSTER: Top confuse any person that would
investigate.

CHAIRPERSON: Okay, okay.

MR FRANS HENDRIK STEYN VORSTER: The case.

CHAIRPERSON: So – but it reached Mr Gillingham's account without going through your account?

MR FRANS HENDRIK STEYN VORSTER: No.

CHAIRPERSON: Okay yes you may continue.

ADV ZINHLE BUTHELEZI: Yes. Let us first start with what in on page 18 the notice to attend an inquiry. There was a disciplinary hearing that was held against you.

MR FRANS HENDRIK STEYN VORSTER: Ja.

ADV ZINHLE BUTHELEZI: How did it come about?

MR FRANS HENDRIK STEYN VORSTER: Like I said I had to pretend that I mislead
10 the company with the relationship that I had with Gillingham and.

CHAIRPERSON: Just hang on Mr Vorster. Ms Buthelezi the ...

ADV ZINHLE BUTHELEZI: It is on page 18.

CHAIRPERSON: This bundle is confusing now. I thought that it had – it had the same pagination from beginning to end.

ADV ZINHLE BUTHELEZI: Oh unfortunately it does not but there are five dividers in between. We now focussing on the affidavit or the statement that is behind number 2.

CHAIRPERSON: So how do you refer to – to the parts that are on this side?

ADV ZINHLE BUTHELEZI: It is – it is Exhibit TT.

CHAIRPERSON: To make sure there is no confusion on the transcript.

20 **ADV ZINHLE BUTHELEZI**: Oh it is Exhibit T2, page 17.

CHAIRPERSON: H'm.

ADV ZINHLE BUTHELEZI: Sorry it is page 18 of T2.

CHAIRPERSON: So you have Exhibit T.

ADV ZINHLE BUTHELEZI: That is T.

CHAIRPERSON: And then you have

ADV ZINHLE BUTHELEZI: Number 1.

CHAIRPERSON: T1.

ADV ZINHLE BUTHELEZI: Yes that is

CHAIRPERSON: Then you have T2.

ADV ZINHLE BUTHELEZI: Yes. We now focussing on.

CHAIRPERSON: T3.

ADV ZINHLE BUTHELEZI: Yes. We have not reached T3. It is another witness.

CHAIRPERSON: T4.

ADV ZINHLE BUTHELEZI: Yes.

10 **CHAIRPERSON**: And then do you start the pagination afresh each time?

ADV ZINHLE BUTHELEZI: Yes Sir.

CHAIRPERSON: Okay alright.

ADV ZINHLE BUTHELEZI: We now focussing on T2 and I am on page 18 of T2.

CHAIRPERSON: Yes.

ADV ZINHLE BUTHELEZI: Yes there is a notice that is directed to Mr Vorster to attend an enquiry from Bosasa. My question was how did this enquiry come about?

MR FRANS HENDRIK STEYN VORSTER: Chair also to mislead any person that would investigate if need be I was given a notice to attend an enquiry.

ADV ZINHLE BUTHELEZI: Yes.

20 **MR FRANS HENDRIK STEYN VORSTER**: And a lot of charges were added to that. That disciplinary hearing never took place. It was just being put there if – if we need to use it if the company would be investigated they could say Frans Vorster was the culprit and we dealt with him accordingly. Now

CHAIRPERSON: So you say although we have here a document written – a notice to attend an enquiry and we have a document after that that is now page 19 of T.

ADV ZINHLE BUTHELEZI: T2.

CHAIRPERSON: Of T2. We have one that says Final Written Warning and that says the warning was given to you in respect of a number of alleged offences written there. All this was just fabrication there was really no hearing and it was meant to protect the company in case there was an investigation and they came across the fact that some money had been used to buy a car for Mr Gillingham?

MR FRANS HENDRIK STEYN VORSTER: That is correct Chair. It was a smoke screen.

CHAIRPERSON: Yes.

10 **MR FRANS HENDRIK STEYN VORSTER:** It never took place.

CHAIRPERSON: Yes.

MR FRANS HENDRIK STEYN VORSTER: We only did the paperwork.

CHAIRPERSON: Ja okay. Thank you.

MR FRANS HENDRIK STEYN VORSTER: Because Mr Chair if you look at page 19.

CHAIRPERSON: Yes.

MR FRANS HENDRIK STEYN VORSTER: For the offences there just to get a final written warning that meant I was very lucky.

CHAIRPERSON: You are right.

ADV ZINHLE BUTHELEZI: Yes and Mr Agrizzi is listed as a complainant there?

20 **MR FRANS HENDRIK STEYN VORSTER:** Mr Agrizzi was the complainant. Mr Gumede that is now the chairman of the company was supposed to be the chairperson.

CHAIRPERSON: The chairperson of the hearing?

MR FRANS HENDRIK STEYN VORSTER: That is correct Chair.

CHAIRPERSON: Yes. Okay.

ADV ZINHLE BUTHELEZI: And this outcome is dated 7 November 2008?

MR FRANS HENDRIK STEYN VORSTER: That is correct. Now we can go back to ..

CHAIRPERSON: And who said all this must be done? Whose idea was it?

MR FRANS HENDRIK STEYN VORSTER: Well this...

CHAIRPERSON: To say we must have some paperwork that suggest that there was a hearing when they knew there was no hearing?

MR FRANS HENDRIK STEYN VORSTER: Chair that was a decision that was taken by Gavin, Angelo, myself, the group at that stage.

CHAIRPERSON: Oh okay so you too were part of it?

MR FRANS HENDRIK STEYN VORSTER: That is correct Chair.

10 **CHAIRPERSON:** Yes but it was an arrangement that was made.

MR FRANS HENDRIK STEYN VORSTER: That was an instruction basically that came from Gavin saying how are we going to handle this scenario?

CHAIRPERSON: Okay.

MR FRANS HENDRIK STEYN VORSTER: The SIU picked up on this money now.

CHAIRPERSON: Yes.

MR FRANS HENDRIK STEYN VORSTER: How are we dealing with it?

CHAIRPERSON: Okay, okay. Thank you.

ADV ZINHLE BUTHELEZI SC: So when this hearing or inquiry was staged it was at the time when the SIU was investigating Bosasa?

20 **MR FRANS HENDRIK STEYN VORSTER:** That is correct.

ADV ZINHLE BUTHELEZI SC: Thank you. Okay let us go back to page 9. The agreement between yourself and Mr Gillingham, how did that agreement come about?

MR FRANS HENDRIK STEYN VORSTER: Okay, Gavin Watson wanted all of us to have written agreements with Patrick Gillingham to protect ourselves, to protect the company and to protect Patrick Gillingham and we were taken to an attorney and he

back dated and he drew up the agreement that was between myself and Patrick Gillingham.

ADV ZINHLE BUTHELEZI SC: So when was this document produced? It is dated April 2007, when was it produced?

MR FRANS HENDRIK STEYN VORSTER: This document was produced a day before we signed it and it was signed on 4 April 2007.

ADV ZINHLE BUTHELEZI SC: Yes, you are saying it was backdated so do the dates that appear on this – the dates that are appearing on this document are correct dates?

MR FRANS HENDRIK STEYN VORSTER: If we go back to the statement you will see,
10 let me just get there.

ADV ZINHLE BUTHELEZI SC: It is page 3 of your statement.

MR FRANS HENDRIK STEYN VORSTER: In February 2007 I was instructed to procure the vehicle. At that stage the vehicle came two and a half months later.

ADV ZINHLE BUTHELEZI SC: Yes?

MR FRANS HENDRIK STEYN VORSTER: And Patrick took delivery of his vehicle. When they found out, when they first heard about the SIU that would come and raid our offices.

ADV ZINHLE BUTHELEZI SC: Yes?

MR FRANS HENDRIK STEYN VORSTER: They said that we need to get contracts in
20 place between all the role players, so they backdated it then to 2007.

ADV ZINHLE BUTHELEZI SC: 2007.

MR FRANS HENDRIK STEYN VORSTER: 2007.

ADV ZINHLE BUTHELEZI SC: So, but was it produced in 2007 or later than 2007?

MR FRANS HENDRIK STEYN VORSTER: It was produced in 2007 a bit later, but backdated so it was later in the year but we backdated it to April 2007.

ADV ZINHLE BUTHELEZI SC: Thank you.

CHAIRPERSON: So are you able to remember around when in 2007 you signed the agreement?

MR FRANS HENDRIK STEYN VORSTER: Chair, we signed it, it was much later in 2007, I cannot recall...[intervenes]

CHAIRPERSON: You cannot remember the month?

MR FRANS HENDRIK STEYN VORSTER: No, I cannot recall the date, but we backdated it so that it was close to the delivery date of the vehicle.

CHAIRPERSON: Yes.

10 **ADV ZINHLE BUTHELEZI SC:** Yes, and the signatures that are on this document page 16 is that your signature?

MR FRANS HENDRIK STEYN VORSTER: Page 16 is my signature.

ADV ZINHLE BUTHELEZI SC: And on page 17?

MR FRANS HENDRIK STEYN VORSTER: That is the signature of Patrick Gillingham.

ADV ZINHLE BUTHELEZI SC: Okay, thank you.

CHAIRPERSON: So the idea of this agreement between yourself and Mr Gillingham, whose idea was it? Who came up with the idea that the two of you must conclude a loan agreement?

20 **MR FRANS HENDRIK STEYN VORSTER:** Chair, that was Gavin Watson's idea, but I do not know if Andries added his, but he also had a contract that was drawn up then the contract between Angelo and myself, I was looking for that, I could not find it, there was a contract between the two of us for him paying me his bonus and then I would have paid him back my bonus, but that money, my bonus did go through my bank account.

CHAIRPERSON: Yes.

MR FRANS HENDRIK STEYN VORSTER: I paid tax on that.

CHAIRPERSON: Yes.

MR FRANS HENDRIK STEYN VORSTER: At the end of the financial year, although I had to pay it back to Angelo and he paid it back to the company.

CHAIRPERSON: So, after Bosasa had paid this amount of R180 000 to Mr Gillingham through these transactions that you have told about which involved Mr Agrizzi, yourself, Mr Bonafacio, I am not sure if there is another one, after that this idea of this agreement came about or what did it precede the actual transaction?

MR FRANS HENDRIK STEYN VORSTER: Chair, it did not precede the transaction it only, Gavin decided that it needs to be done after we found out that there is a possible
10 investigation from SIU side.

CHAIRPERSON: Okay. But the whole idea is your evidence that the whole idea of the agreement was simply to try and conceal the true nature of the transactions?

MR FRANS HENDRIK STEYN VORSTER: That is correct.

CHAIRPERSON: Namely that Bosasa had paid Mr Gillingham money to enable him to get the vehicle?

MR FRANS HENDRIK STEYN VORSTER: That is correct, Chair.

CHAIRPERSON: Thank you.

ADV ZINHLE BUTHELEZI SC: Thank you, Chair. According to your knowledge how many vehicles were bought for Mr Gillingham by Bosasa in total?

20 **MR FRANS HENDRIK STEYN VORSTER:** Mr Gillingham got two himself.

ADV ZINHLE BUTHELEZI SC: Yes.

MR FRANS HENDRIK STEYN VORSTER: Two Mercedes.

ADV ZINHLE BUTHELEZI SC: His family?

MR FRANS HENDRIK STEYN VORSTER: His wife got a Golf, his son got a Polo and the one that Andries van Tonder bought was for the daughter that was also a Polo, so

according to me it was two, three, four vehicles.

CHAIRPERSON: Is it not five?

ADV ZINHLE BUTHELEZI SC: Should be five.

MR FRANS HENDRIK STEYN VORSTER: Two, three, four, five vehicles, sorry, Chair.

CHAIRPERSON: Okay.

MR FRANS HENDRIK STEYN VORSTER: Five vehicles.

CHAIRPERSON: Okay.

ADV ZINHLE BUTHELEZI SC: Thank you. And on paragraph 18 you also mention that the house in Witstream was built...[intervenes]

10 **CHAIRPERSON:** Before the house, I am sorry, let me go back to the issue of the agreement between yourself and Mr Gillingham. You mentioned that other people also were required to have agreements with Mr Gillingham. You said Mr Agrizzi and Mr van Tonder, is that right?

MR FRANS HENDRIK STEYN VORSTER: Sorry, Chair, Mr Agrizzi with me.

CHAIRPERSON: Oh, yes.

MR FRANS HENDRIK STEYN VORSTER: Not with Patrick. Then myself with Patrick Gillingham.

CHAIRPERSON: Yes.

MR FRANS HENDRIK STEYN VORSTER: For this specific vehicle the E320.

20 **CHAIRPERSON:** Yes.

MR FRANS HENDRIK STEYN VORSTER: And then Mr van Tonder with Mr Gillingham for the Polo for the daughter.

CHAIRPERSON: Okay, okay, thank you.

ADV ZINHLE BUTHELEZI SC: Thank you. Thank you sir. On paragraph 18 you talk about the house that was built for Mr Gillingham. How did you get to know of this?

MR FRANS HENDRIK STEYN VORSTER: Well it was common knowledge that we had to or the rumour, not the rumour, those that were close, Patrick told me that we are busy building a house for him and we also used Riaan Hoeksma from Riekele Construction that was well known to me as the person the builder building the house.

So I was aware of the house that was built for Mr Gillingham.

ADV ZINHLE BUTHELEZI SC: Yes, and other than Mr Gillingham did you build houses for any of the Correctional Services officials?

MR FRANS HENDRIK STEYN VORSTER: Well I was aware of the house of Mr Mti at Savannah Hills that Mr Hoeksma also built for the company for Mr Mti to stay in the
10 house.

ADV ZINHLE BUTHELEZI SC: And who was Mr Hoeksma?

MR FRANS HENDRIK STEYN VORSTER: Riaan Hoeksma.

ADV ZINHLE BUTHELEZI SC: And his relationship with the company?

MR FRANS HENDRIK STEYN VORSTER: Well Riaan Hoeksma like I said he became a service provider to the group through my father at that stage as my father was heading up procurement and we did a lot of maintenance especially on the kitchens on the hostels, we build it, big high walls around the Lindela facility, around the two North hostels and around the Luiperdsvlei hostel where also later changed Luiperdsvlei to the prawn farm that would also be discussed later in the SARS query that will also come up
20 in my statement.

ADV ZINHLE BUTHELEZI SC: Yes, and in paragraph 20 you state that the full details for these purchases would be in Bosasa's accounts? Were these houses paid directly by Bosasa?

MR FRANS HENDRIK STEYN VORSTER: Okay 20 refers to the vehicle not the houses, but it was the houses were not paid directly so if you do not know where to

look you will not – you will not find, but it was indirectly paid through – Bosasa paid for the houses, but they had many ways as I just explained on the one vehicle they used various companies and ways and means to deal with that. So you will not just go there and just pick it up, because the external auditors could not pick it up.

ADV ZINHLE BUTHELEZI SC: Yes.

MR FRANS HENDRIK STEYN VORSTER: So if you do not know what to look for and where to look for you will not be able to get the invoices, but it did go through the books.

ADV ZINHLE BUTHELEZI SC: Yes, and the vehicles that you referred to in
10 paragraph 20 you now referred to the vehicle that was also purchased Mr Mti. Did you take part in securing that vehicle?

MR FRANS HENDRIK STEYN VORSTER: Again I was instructed in 2005 to procure a vehicle for Mr Mti. It was a VW Toureg V8 silver in colour. I did the whole deal – I negotiated the whole deal, the vehicle was purchased from Lindsey Suiker Krugersdorp and I was not part of the finances. How they handled the finances on that deal. What happened the SIU started with their investigation a bit later in 2007/8 I think, I got a phone call from the dealership and said hey SIU is here, they are asking a lot of questions about Mr Mti's vehicle and what needs to be done and I said well give them the answers and they then said okay, what they are going to do, they will assist them,
20 but they will not hand over the file to them.

So the file was taken away from the dealership and the file was destroyed by myself.

CHAIRPERSON: Did you take it from the dealership?

MR FRANS HENDRIK STEYN VORSTER: They phoned me, I went to the dealership, I collected the file, I did not even check what was in the file, I placed the orders

everything so my name and everything appeared in there and I destroyed the file.

CHAIRPERSON: With the cooperation of the dealer?

MR FRANS HENDRIK STEYN VORSTER: The dealer came and said, yes, Chair, well it was not the dealer itself it was one of the employees at the dealership.

CHAIRPERSON: Yes, but whoever you dealt with when you took the file they knew your intentions?

MR FRANS HENDRIK STEYN VORSTER: They knew my intention, they knew what it was all about.

CHAIRPERSON: And that was to destroy the file?

10 **MR FRANS HENDRIK STEYN VORSTER:** To destroy the file.

CHAIRPERSON: How did you destroy it?

MR FRANS HENDRIK STEYN VORSTER: I burned the file.

CHAIRPERSON: You burnt it?

MR FRANS HENDRIK STEYN VORSTER: Yes.

CHAIRPERSON: Okay, thank you.

ADV ZINHLE BUTHELEZI SC: And when was this, which year did you destroy this file?

MR FRANS HENDRIK STEYN VORSTER: This was close to between 2007/2008 when the SIU just started with their investigation.

20 **CHAIRPERSON:** Do you know whether the SIU later on went to the dealer for the file and found that the file was no longer there?

MR FRANS HENDRIK STEYN VORSTER: They went to the dealership, Chair, and they could not find the file. They took a full statement from the dealership and they took a full statement from the salesperson that dealt with me.

CHAIRPERSON: And do you know what the dealership said happened to the file?

MR FRANS HENDRIK STEYN VORSTER: No idea sir, I have not seen...[intervenes]

CHAIRPERSON: You do not know?

MR FRANS HENDRIK STEYN VORSTER: I have not seen that statement.

CHAIRPERSON: Okay, thank you.

ADV ZINHLE BUTHELEZI SC: Thank you. And this, that was also paid by Bosasa even though you were not involved?

MR FRANS HENDRIK STEYN VORSTER: I cannot say whether it was paid by Bosasa, I presume it was paid for by Bosasa.

10 **ADV ZINHLE BUTHELEZI SC:** Thank you. Then on paragraph 22 you deal with...[intervenes]

CHAIRPERSON: I am sorry, obviously there was something wrong that had been done in regard to this vehicle that is why you wanted to destroy the file, that is why you destroyed the file, is it not?

MR FRANS HENDRIK STEYN VORSTER: That is correct, Chair, I was asked by Mr Watson to go and get the file and destroy the file. So I was not aware exactly how the finances took place. I just followed the instruction, like I said I did not know, I was not involved in the financial part of that specific vehicle.

CHAIRPERSON: Yes.

20 **MR FRANS HENDRIK STEYN VORSTER:** So I did not even open to see whether it was paid by Bosasa.

CHAIRPERSON: Yes.

MR FRANS HENDRIK STEYN VORSTER: Was it paid cash.

CHAIRPERSON: Yes.

MR FRANS HENDRIK STEYN VORSTER: How it was paid, I just took the file and I just burned the file.

CHAIRPERSON: Okay, thank you.

ADV ZINHLE BUTHELEZI SC: Thank you, Chair. In paragraph 22 you deal with...[intervenes]

CHAIRPERSON: I guess that is when they say files disappear.

MR FRANS HENDRIK STEYN VORSTER: Yes, Chair.

CHAIRPERSON: Yes Ms Buthelezi?

ADV ZINHLE BUTHELEZI SC: Thank you, Chair. In paragraph 22 you deal with your responsibilities at Lindela, can you elaborate on what were your responsibilities at Lindela?

10 **MR FRANS HENDRIK STEYN VORSTER:** Okay then when I handed now everything to Danny Mansell I had to concentrate on Lindela to make a lot of money so that we could pay Riekele Construction for all the work that was done. Gavin came to me and instructed me to get the figures up, he needed more money, he wanted more money. We got paid per person per day staying over in the facility so he wanted us to get the numbers up.

ADV ZINHLE BUTHELEZI SC: And how were you going to achieve this?

MR FRANS HENDRIK STEYN VORSTER: At that stage we purchased buses and trucks and they were purposely built for us, they would look exactly like the vehicles from the South African Police Services that they used to transport prisoners between
20 the police cells prisons and the courts. Ours were just much bigger. Theirs is about 3/4 ton we used 8 and 10 ton vehicles with the same more or less body on.

We then went to the various police stations and assisted them in transporting the people to the Lindela facility. The police had no problem with that as they had a shortage of manpower. They had a shortage of vehicles and it was always a problem, because they had one vehicle that need to pick up prisoners from the prisons and take

them court. So it was also always an issue to get the illegals to the facility.

So we climbed in there as an ex-policeman station commander I knew most of the people and we spoke to them and they agreed that we could pick up the people and transport them to Lindela where we would hand them over to Home Affairs and then Home Affairs would do their job and hand them back to us to accommodate them.

ADV ZINHLE BUTHELEZI SC: And which region were you dealing with or which police stations?

MR FRANS HENDRIK STEYN VORSTER: Well I also had a team, two teams of security officers as we were a registered security company as well that worked with the
10 SAPS. They would book us in advance then we would assist them. They would catch the people, we will then load them onto our vehicles, transport them to the various police stations. There they would do the paperwork. We would then load them back onto our vehicles, transport them to the Lindela facility where we would hand them over.

So I had vehicles going around to various police stations and then I had teams with vehicles that were operating with the members of the SAPS. I had one team looking after the West Rand and Johannesburg and then I had one team looking after the Pretoria area and the East Rand.

CHAIRPERSON: How many such vehicles did you have?

20 **MR FRANS HENDRIK STEYN VORSTER:** Chair, at a stage we had two buses and six trucks.

CHAIRPERSON: Okay.

MR FRANS HENDRIK STEYN VORSTER: That could pick up people, but you would know today the police will – we would in the morning I had a team, they would come in, they would phone the police and say okay Sandton police how many illegal

immigrants? Six. You will phone Honeydew they will say four, so you would go you will pick up six from there you will go to Honeydew and pick up the four so it was until we had a bus load full and then we would bring them through to the facility.

CHAIRPERSON: Yes. Okay.

ADV ZINHLE BUTHELEZI SC: Yes, and around that time how many people could you accommodate at Lindela?

MR FRANS HENDRIK STEYN VORSTER: At this stage, Chair, we had enough beds for 5 000 immigrants, but at a stage Hillbrow had a massive operation where the SAPS immigration they then phoned us and immigration also came to us to assist where they
10 had the massive operation and they arrested a lot of people and at that stage we pushed up the figure to about nearly 7 000 immigrants in the facility.

What we would do is we would get extra mattresses in, it was bunk beds so you would have one sleeping at the bottom one on top and then between the beds you would lay down a mattress where the other people then would sleep on. So that is how we pushed up the number as we got paid per person per day.

ADV ZINHLE BUTHELEZI SC: Yes. And...[intervenes]

CHAIRPERSON: Do you remember more or less what the – well what was paid per person at any particular time?

MR FRANS HENDRIK STEYN VORSTER: Chair, we started off when we started the
20 company I can remember it was R28,99 per person per day. When I left there I am speaking now under correction it was close to R45,00 per person per day.

CHAIRPERSON: And that is what year now?

MR FRANS HENDRIK STEYN VORSTER: I left – I was transferred from Lindela in 2006.

CHAIRPERSON: Okay, thank you.

ADV ZINHLE BUTHELEZI SC: Yes. And the year in which you had about 7 000 was it around 2004 is that correct?

MR FRANS HENDRIK STEYN VORSTER: Yes, and then usually the numbers will go up around the festive season, because Transnet could not provide trains to Home Affairs to deport the people back, because the Mozambique and Zimbabweans they would deport them by train and then immigration officers and members from the South African Police Services would man the train. So usually at the end of November the last trains will go through and then again here the last week in January then the first trains again for the new year and as the police were arresting people the numbers grew
10 just bigger, bigger, bigger over the festive season as well.

So the company was smiling, they did not complain. We were working very hard over the festive seasons, because we had to keep these guys calm, everybody then wanted to go home and you would always have a lot of riots in the facility when Home Affairs could not assist the people to be deported.

ADV ZINHLE BUTHELEZI SC: Yes, in paragraph 25 you deal about how well Bosasa was doing at the time. How did you get to know of the finances?

MR FRANS HENDRIK STEYN VORSTER: Well I was heading up the facility. I had a lot of managers reporting to me from that facility and I was also responsible for the invoice that we invoiced Home Affairs to be taken to the Head Office of Home Affairs.
20 Those days we were not paid by EFT, they still issued cheques and I would hand in the invoice and I will sit and wait until they give me my cheque and that was part of my responsibility and then I would come back with the cheque and hand the cheque to Andries van Tonder to be paid into the bank account.

ADV ZINHLE BUTHELEZI SC: Yes, and in paragraph 26 you deal with what happened in 2006 with regards to...[intervenes]

MR FRANS HENDRIK STEYN VORSTER: 2006 was a very good year at the Lindela facility.

ADV ZINHLE BUTHELEZI SC: Yes?

MR FRANS HENDRIK STEYN VORSTER: We finished the budget for the Lindela facility that was allocated by Home Affairs in six months. In the half year budget and at that stage Mr Trevor Manuel was the Minister of Finance and in his half year speech he mentioned that he had to allocate another R120-million to the Lindela facility, because at that stage we had so many people in the facility and we used up the budget that was allocated to the facility in six months.

10 **ADV ZINHLE BUTHELEZI SC:** Yes, and then what happened when Arthur Frazer became the DDG or the DG of Home Affairs?

MR FRANS HENDRIK STEYN VORSTER: At the end of 2006 round, during the year he became the Director General Mr Frazer of Home Affairs. To the end of 2006 he came to the facility and he was you know I think he was under pressure for not be able to explain why the budget was used in that short period of time.

ADV ZINHLE BUTHELEZI SC: Yes.

MR FRANS HENDRIK STEYN VORSTER: He came and from there on he had the discussion with our Directors and myself and immigration officers, top management of immigration where he issued an instruction that Bosasa or Bosasa security Lindela
20 would not be allowed to transport any people from the South African Police Services or assist if the South African Polices had special operations where they went out to catch the illegal immigrants.

I then had to speak to a few reservist and you know they did not get paid by the South African Police Services, they were full members, they had uniform, they would go and book on duty and then I would use them to drive the vehicles, to man the

vehicles, to pick up the various people from the police stations and still take them through to the Lindela facility.

ADV ZINHLE BUTHELEZI SC: Yes, and in paragraph 28 you deal with your transfer, why were you transferred?

MR FRANS HENDRIK STEYN VORSTER: Mr Frazer also came and Home Affairs made it difficult, because they found out that we used police reservists and they put a stop to that and the numbers came down tremendously. The count was nearly half the count that it used to be.

ADV ZINHLE BUTHELEZI SC: Yes.

- 10 **MR FRANS HENDRIK STEYN VORSTER:** And Gavin was upset with me for that and he wanted to get rid of me. He used me, he abused me now he wanted to get rid of me. So usually if you are in trouble they would transfer you to Lindela and you would resign 99.9% of the guys would resign in a month. Now I ran Lindela it was nothing for me so they transferred me to the technical division as a junior. I had nothing to do basically there. To belittle me in the hope that I would resign of which I did not do.

The oke heading up technical felt bad and he at that stage gave me the fleet of the group to run as we also had our own workshop where we serviced the vehicles and vehicles then became my responsibility.

ADV ZINHLE BUTHELEZI SC: And which year was it?

- 20 **MR FRANS HENDRIK STEYN VORSTER:** That was 2007.

ADV ZINHLE BUTHELEZI SC: Yes.

MR FRANS HENDRIK STEYN VORSTER: Beginning of 2007.

ADV ZINHLE BUTHELEZI SC: Okay, and then on paragraph 29 you deal with your introduction?

MR FRANS HENDRIK STEYN VORSTER: Sorry, Chair, before that...[intervenes]

ADV ZINHLE BUTHELEZI SC: Yes?

MR FRANS HENDRIK STEYN VORSTER: Angelo then in 2008, because you are jumping that that paragraph, he transferred me.

CHAIRPERSON: Huh-uh.

MR FRANS HENDRIK STEYN VORSTER: To Head Office to become the Head of Procurement, Logistics and I kept vehicles. So I was heading up the whole Procurement Division for the Group.

CHAIRPERSON: Okay.

MR FRANS HENDRIK STEYN VORSTER: As from 2008.

10 **CHAIRPERSON:** Okay. Thank you.

ADV ZINHLE BUTHELEZI SC: And then tell us about what happened in 2008.

MR FRANS HENDRIK STEYN VORSTER: During the middle of 2008 Gavin came to my office with a gentleman and he introduces that gentleman to me as Kevin Wakeford. I did not really know Kevin. I saw his vehicle and I saw him a few times at the front offices where the Directors were sitting and he said to me that Kevin would phone me regularly to order cement and that I had, need to assist him and I must give him what he wants.

ADV ZINHLE BUTHELEZI SC: And did you know what the relationship between Kevin Wakeford and your company was, Bosasa?

20 **MR FRANS HENDRIK STEYN VORSTER:** At that stage I was not aware exactly what the relationship between him and Gavin was. Sometimes you did not question Gavin and ask him why he, he did certain things. He would often tell you just do what I tell you to do. If I ask you to do this just do it. You are a White man and there is no job for you on the outside and I will make sure that you do not get another job. So just do what I tell you to do. So you would follow instructions especially if he had a crowd of

people with him like at this stage it was Kevin Wakeford and there were some of the Directors with. So you did not, you did not question the man especially not in front of a crowd of people.

ADV ZINHLE BUTHELEZI SC: He would show off. Is that what you mean?

MR FRANS HENDRIK STEYN VORSTER: Say again.

ADV ZINHLE BUTHELEZI SC: He will show off.

MR FRANS HENDRIK STEYN VORSTER: Definitely. Well he, Gavin is one of those guys in front of a crowd he, he would take you head on. One on one, he will you take you on.

10 **ADV ZINHLE BUTHELEZI SC:** Alright.

MR FRANS HENDRIK STEYN VORSTER: He needed a crowd.

ADV ZINHLE BUTHELEZI SC: Okay. Then what, what happens during late 2009?

MR FRANS HENDRIK STEYN VORSTER: Hm.

ADV ZINHLE BUTHELEZI SC: We are still on, in paragraph 29.

MR FRANS HENDRIK STEYN VORSTER: In 2009 Gavin Watson called me and said that Kevin will speak to me and instruct me to buy and deliver wet and dry cement. Now Chair if I refer to wet cement that is cement that you order that comes in these big trucks that has been mixed. It is mixed according to your specification. So it cannot be used by somebody else. If you do not use the, the whole truck full of cement they
20 would dump it somewhere, but that is what is referred to as wet cement. Now I had to.

CHAIRPERSON: Hm.

MR FRANS HENDRIK STEYN VORSTER: Order wet cement from W G Wearne in Randfontein. Now if you.

CHAIRPERSON: And dry cement would be cement that you can buy at wherever?

MR FRANS HENDRIK STEYN VORSTER: [Intervenes] cement, a bag of cement that

you would buy.

CHAIRPERSON: Ja which is not ordered specifically.

MR FRANS HENDRIK STEYN VORSTER: That is not ordered specific.

CHAIRPERSON: Ja.

MR FRANS HENDRIK STEYN VORSTER: Specifically.

CHAIRPERSON: Okay.

MR FRANS HENDRIK STEYN VORSTER: So we, I had to place orders for, excuse me. If he wanted wet cement he will phone me and.

CHAIRPERSON: Mr Wakeford?

10 **MR FRANS HENDRIK STEYN VORSTER:** Mr Wakeford would phone me and say Frans I need 20 cubes or 30 cubes wet cement and he would give me exactly the specs what he needed to be mixed according to and then he gave me a specific address where this cement needed to be delivered. Now the address that was given to me was at Meyer Park Eco Estate in Meyerton. Now wet cement like I mentioned was ordered from W G Wearne and.

ADV ZINHLE BUTHELEZI SC: Yes.

MR FRANS HENDRIK STEYN VORSTER: Sometimes I had to order dry cement. A truck full at a stage that was ordered from Randfontein Trading Centre called RTC and of which we had an account with them. I would phone Butch who was the husband of
20 the owner and say Butch I need 10 tons or 15 tons cement to be delivered to Meyer Park Eco Estate and I would issue the order, give him the order number and he would make sure that it gets delivered to the specific address.

ADV ZINHLE BUTHELEZI SC: Do you know why you were buying this cement for Mr Wakeford?

MR FRANS HENDRIK STEYN VORSTER: I understand at the end of the day that

Kevin assisted through another person which he was the owner of the vehicle. This I found out after I did some of my own investigations, to assist Bosasa in a SARS matter.

ADV ZINHLE BUTHELEZI SC: Do you know that person?

MR FRANS HENDRIK STEYN VORSTER: According to my knowledge the person was George Papadakis.

ADV ZINHLE BUTHELEZI SC: George Papadakis?

MR FRANS HENDRIK STEYN VORSTER: That is correct. He is the, he is the owner of the house at Meyer Park Eco Estate. At that stage we had no street number, because it was new. So you only had a strand number, but if you ask at the gate they
10 would tell you exactly where to deliver, to deliver the stuff.

ADV ZINHLE BUTHELEZI SC: Okay.

CHAIRPERSON: Was, was Mr Wakeford building a house? What was he needing the cement for? Do you know?

MR FRANS HENDRIK STEYN VORSTER: It looks like Mr Wakeford was just a middle man between Bosasa and George Papadakis.

CHAIRPERSON: And did, did you buy cement for him over a certain period of time or was it once or twice that he asked for?

MR FRANS HENDRIK STEYN VORSTER: Chair it was over a period of time. It was nearly a year over a period of a year.

20 **CHAIRPERSON:** Yes.

MR FRANS HENDRIK STEYN VORSTER: Of a year.

CHAIRPERSON: Yes.

MR FRANS HENDRIK STEYN VORSTER: So he would not every week phone me. He would phone me as and when needed.

CHAIRPERSON: Okay and do you have an idea as to what the monetary value would

have been of the total cement that Bosasa paid, bought for Mr Wakeford?

MR FRANS HENDRIK STEYN VORSTER: Chair it was roundabout R600 000 cement at that stage.

CHAIRPERSON: All in all?

MR FRANS HENDRIK STEYN VORSTER: All in all.

CHAIRPERSON: Okay.

MR FRANS HENDRIK STEYN VORSTER: Because at the stage I thought these okes are building a palace, because.

CHAIRPERSON: Ja.

10 **MR FRANS HENDRIK STEYN VORSTER:** Of, of, of the number of cement that they needed.

CHAIRPERSON: What is it that helps you to remember that number?

MR FRANS HENDRIK STEYN VORSTER: Well I, I.

CHAIRPERSON: That figure.

MR FRANS HENDRIK STEYN VORSTER: I, I can remember I, I, I sort of on the side-line, I do not have it with me. I kept book more or less of the amounts that that, that was ordered.

CHAIRPERSON: Yes.

20 **MR FRANS HENDRIK STEYN VORSTER:** So I could, I could see more or less how much it was, because if I got questioned that by accounts or by Mr Watson I could answer him.

CHAIRPERSON: Yes. Okay, thank you.

ADV ZINHLE BUTHELEZI SC: For how long did you stay at the Technical Division of Bosasa?

MR FRANS HENDRIK STEYN VORSTER: Okay. So we going back. At Technical I

was more or less one year, at the Technical Division before I was transferred to Head Office and became the Head of Procurement.

ADV ZINHLE BUTHELEZI SC: Yes and in 2011 around July what happened?

MR FRANS HENDRIK STEYN VORSTER: July 2011 I was called by Angelo Agrizzi and said that they have a massive problem at Kgwerano Financial Services where we had the contract with Government to be the maintenance plan for subsidised vehicles and the contract was a RT62 Contract. They were running at a loss of nearly R2 million a month and I had to go and fix it.

ADV ZINHLE BUTHELEZI SC: Yes.

10 **MR FRANS HENDRIK STEYN VORSTER:** So, so I was called in by Angelo and by Gavin, sat down and said this is the last chance. I must go and fix it. If I cannot fix it then they will have to terminate the contract or try and get out of the contract.

ADV ZINHLE BUTHELEZI SC: Yes. Kgwerano is spelled K-G-W.

MR FRANS HENDRIK STEYN VORSTER: W.

ADV ZINHLE BUTHELEZI SC: E.

MR FRANS HENDRIK STEYN VORSTER: R-A-N-O.

ADV ZINHLE BUTHELEZI SC: Thank you.

MR FRANS HENDRIK STEYN VORSTER: Kgwerano Financial Services.

20 **ADV ZINHLE BUTHELEZI SC:** Thank you and what was your role at Kgwerano Financial Services?

MR FRANS HENDRIK STEYN VORSTER: I was the Head of Operations.

ADV ZINHLE BUTHELEZI SC: And your duties there?

MR FRANS HENDRIK STEYN VORSTER: Well I was responsible for everything at Kgwerano Financial Services. I had to deal with the clients although I had members that, in every province, Relation Officers and Managers who dealt with the clients. So I

had to oversee all nine provinces on their side. I had the Call Centre reporting to me with two Managers on everything that we did on the vehicles and I had to get the contract back in line to start making money. The only thing that we did to get it back inline I had to retrench two Senior Managers.

ADV ZINHLE BUTHELEZI SC: Yes.

MR FRANS HENDRIK STEYN VORSTER: And that caused a lot of problems of which I dealt with and then in three months I, I turned the company around to, to break even. When I left in the end of October beginning November 2017 the loan account from; that Bosasa had with Kgwerano Financial Services was nearly R19 million. So I had, I had
10 turned that whole contract around to the extent where I had to show 7.5 percent of net profit before tax that we paid over to Bosasa as well. At that stage Mr Leshabane wanted to negotiate a, a salary increase for the Directors and we had to hide the financials. So it did not look that good. So, and that was also one of the reasons we, we had to that, but we turned that whole contract around. The only thing that I did I worked strictly according to the contract.

ADV ZINHLE BUTHELEZI SC: Yes.

MR FRANS HENDRIK STEYN VORSTER: I got certain Managers in certain positions and we stuck strictly according to the contract and that is that is how we turned it around. Just by doing proper work and be disciplined in what we did.

20 **ADV ZINHLE BUTHELEZI SC:** Yes and what happened in October 2013?

MR FRANS HENDRIK STEYN VORSTER: 2013. Okay that was one of the, the dates that you had to change. So that was October 2017.

CHAIRPERSON: That is in paragraph 31?

ADV ZINHLE BUTHELEZI SC: Yes.

MR FRANS HENDRIK STEYN VORSTER: Paragraph 31?

CHAIRPERSON: So that should be 2017, not 2013?

MR FRANS HENDRIK STEYN VORSTER: Yes, 9 October 2017.

CHAIRPERSON: Okay.

ADV ZINHLE BUTHELEZI SC: 2017, oh okay.

CHAIRPERSON: Okay.

MR FRANS HENDRIK STEYN VORSTER: Remember we discussed.

ADV ZINHLE BUTHELEZI SC: Hm.

MR FRANS HENDRIK STEYN VORSTER: That the date was wrong there?

ADV ZINHLE BUTHELEZI SC: Yes. Is it the one above or the one, there are two

10 **Octobers.** There is in para, in line three where you say I became HO.

MR FRANS HENDRIK STEYN VORSTER: I became.

ADV ZINHLE BUTHELEZI SC: HOD of [intervenes].

MR FRANS HENDRIK STEYN VORSTER: I became the HOD in 2011 already not
October 2013.

CHAIRPERSON: Oh.

ADV ZINHLE BUTHELEZI SC: That also needs to be changed?

MR FRANS HENDRIK STEYN VORSTER: That also needs to be changed.

CHAIRPERSON: So the 2013 in line three should be 2011?

ADV ZINHLE BUTHELEZI SC: Yes.

20 **CHAIRPERSON:** And the other 2013 in the same paragraph should be 2017. Is that
right?

MR FRANS HENDRIK STEYN VORSTER: Sorry, Chair.

CHAIRPERSON: I am saying the first 2013 which is in line three becomes 2011.

MR FRANS HENDRIK STEYN VORSTER: That is [indistinct].

CHAIRPERSON: Ja, the second 2013 becomes 2017?

MR FRANS HENDRIK STEYN VORSTER: No, sorry Chair. I made a mistake there.

ADV ZINHLE BUTHELEZI SC: Hm.

MR FRANS HENDRIK STEYN VORSTER: That I, I see now. That one must, must be 2013.

ADV ZINHLE BUTHELEZI SC: It must be 2013.

CHAIRPERSON: Which one?

MR FRANS HENDRIK STEYN VORSTER: The, the, the second one.

CHAIRPERSON: Should, should remain 2013?

MR FRANS HENDRIK STEYN VORSTER: Ja, in line one, two, three, four in line five.

10 **CHAIRPERSON:** Oh.

MR FRANS HENDRIK STEYN VORSTER: It must stay.

CHAIRPERSON: Okay, okay.

ADV ZINHLE BUTHELEZI SC: Thank you.

CHAIRPERSON: Alright.

ADV ZINHLE BUTHELEZI SC: Then tell us about what happened in October?

MR FRANS HENDRIK STEYN VORSTER: Okay.

ADV ZINHLE BUTHELEZI SC: 2013?

20 **MR FRANS HENDRIK STEYN VORSTER:** That is that is where we dealt with the SARS query where SARS queried us moving equipment from SeaArk in PE up to Gauteng. They prepared, Pauline came to me and she had a, a statement prepared for me to say that I used our own vehicles to transport the equipment from PE to Gauteng. I also had to change certain entries in the logbooks of these vehicles.

ADV ZINHLE BUTHELEZI SC: Yes.

MR FRANS HENDRIK STEYN VORSTER: To prove that these vehicles were in PE and that they did collect the equipment and they brought the equipment back.

ADV ZINHLE BUTHELEZI SC: And how did you go about doing that?

MR FRANS HENDRIK STEYN VORSTER: Okay. If we, I just want to see the attachment. There is an attachment.

ADV ZINHLE BUTHELEZI SC: So if I may refer you to page 27 of T2. There is an affidavit that you made. There is another on page 28.

MR FRANS HENDRIK STEYN VORSTER: Okay. I would read the one on page 28 first, because that was the first one and the second one was on page 27. They drew up the statement and I had to sign it though I was not happy with it.

ADV ZINHLE BUTHELEZI SC: Hm.

10 **CHAIRPERSON:**

MR FRANS HENDRIK STEYN VORSTER: It says:

“I the undersigned then my full names, ID name.”

ADV ZINHLE BUTHELEZI SC: Yes.

MR FRANS HENDRIK STEYN VORSTER: “Hereby confirm the following:

20 the Bosasa Group has various operational units regionally throughout South Africa and we have internal transportation vehicles for such purposes. Regarding to SARS query dated 9 October 2013 we do not have internal documentation for moving equipment. When we transport from one area to another we utilise our own transportation vehicles to the maximum regarding space when moving equipment from our premises to any other premises within the group.”

I signed it. It was commissioned by Colleen Trudy Janse van Rensburg who was one of our CAs working in the group. After that I was again on 18 March 2014.

ADV ZINHLE BUTHELEZI SC: Is that the document on page 27?

MR FRANS HENDRIK STEYN VORSTER: That is the document, page 27.

ADV ZINHLE BUTHELEZI SC: Yes.

MR FRANS HENDRIK STEYN VORSTER: It reads affidavit.

“I the undersigned again full names, ID number, confirm the following: I refer to my affidavit dated 24 October 2013 and to the statement made in response letters to the findings dated 7 February 2014 where at paragraph 8.2.14 it is stated that I attest which I hereby do to the fact that I am aware of the assets that were transported from PE Prawn Facility to Bosasa Operations (Pty) Ltd in some of the empty trucks.”

10

ADV ZINHLE BUTHELEZI SC: So is.

MR FRANS HENDRIK STEYN VORSTER: And I had to sign it, dated 18 March 2014.

Unfortunately I did not have the second part of this document where it was commissioned again by Colleen.

ADV ZINHLE BUTHELEZI SC: Yes and these two affidavits that you signed you prepared and signed were meant to mislead SARS?

CHAIRPERSON:

MR FRANS HENDRIK STEYN VORSTER: That was to mislead SARS where apparently I understand there were 44 million SARS queries that the company had to handle and I understand that Andries van Tonder dealt with the whole enquiry already.

20

ADV ZINHLE BUTHELEZI SC: Yes and so [intervenes].

CHAIRPERSON: Ms Buthelezi we are at five past four.

ADV ZINHLE BUTHELEZI SC: Okay.

CHAIRPERSON: But we are left with very little so we should finish.

ADV ZINHLE BUTHELEZI SC: Thank you.

CHAIRPERSON: I think we are left with about two or three paragraphs or maybe four.

ADV ZINHLE BUTHELEZI SC: It is about six.

CHAIRPERSON: Or maybe six.

[Laughing]

CHAIRPERSON: Okay, alright.

ADV ZINHLE BUTHELEZI SC: Thank you.

CHAIRPERSON: But we, I am sure we can finish, ja.

ADV ZINHLE BUTHELEZI SC: Yes. You said Colin Van Rensburg who commissioned.

MR FRANS HENDRIK STEYN VORSTER: Colleen, Colleen.

10 **ADV ZINHLE BUTHELEZI SC:** Colleen, it is Colleen?

MR FRANS HENDRIK STEYN VORSTER: Yes.

ADV ZINHLE BUTHELEZI SC: Yes.

MR FRANS HENDRIK STEYN VORSTER: Colleen, it is a lady.

ADV ZINHLE BUTHELEZI SC: Oh, it is a lady. What is [intervenes]?

MR FRANS HENDRIK STEYN VORSTER: It is a lady.

ADV ZINHLE BUTHELEZI SC: What was her position?

MR FRANS HENDRIK STEYN VORSTER: She was, she is a CA in the company in the Accounts Department. So she is a Chartered Accountant.

ADV ZINHLE BUTHELEZI SC: Thank you.

20 **CHAIRPERSON:** I am sorry Ms Buthelezi. Mr Pretorius in case you have a commitment that you have to attend to you are excused.

ADV PAUL PRETORIUS SC: Thank you Chair. I believe it has been postponed.

CHAIRPERSON: Okay, alright.

ADV ZINHLE BUTHELEZI SC: Thanks.

CHAIRPERSON: Thank you.

ADV ZINHLE BUTHELEZI SC: Was Colleen aware that these affidavits that were drawn up and signed by yourself that she commissioned were meant to mislead SARS?

MR FRANS HENDRIK STEYN VORSTER: No, she was aware.

ADV ZINHLE BUTHELEZI SC: Thank you.

MR FRANS HENDRIK STEYN VORSTER: They forced me to sign this. I did not want to sign this. They even commissioned it before it was sent to me to be signed.

ADV ZINHLE BUTHELEZI SC: Thank you.

CHAIRPERSON: And who was they?

MR FRANS HENDRIK STEYN VORSTER: Colleen, she commissioned it as the, as
10 Commissioner of Oaths.

CHAIRPERSON: Yes.

ADV ZINHLE BUTHELEZI SC: So who, who, was it, who prepared the affidavits, what is contained in the affidavits itself?

MR FRANS HENDRIK STEYN VORSTER: Colleen prepared the affidavit.

CHAIRPERSON: You, you mentioned some, you mentioned a figure of 44 million. Now I did not hear what you were talking about in relation to SARS and these affidavits.

MR FRANS HENDRIK STEYN VORSTER: Chair it came to, after a discussion, it came to the; it was pointed out that there was a SARS query of R44 million that we had to deal with between the prawn farm that we had at SeaArk. So to get that sorted out we
20 had to prove that we moved a lot of the equipment that was at SeaArk in PE that we moved that equipment to our Gauteng operations.

CHAIRPERSON: Okay.

MR FRANS HENDRIK STEYN VORSTER: So, and that was why I had to do the statements and that is why I had to do certain entries into the logbooks of the vehicles.

CHAIRPERSON: Yes.

MR FRANS HENDRIK STEYN VORSTER: These three logbooks were then confiscated and they were locked up in one of the vaults of Mr Watson.

CHAIRPERSON: Okay.

ADV ZINHLE BUTHELEZI SC: Yes and then in paragraph 32 you deal with the events that took place in the middle of 2015.

MR FRANS HENDRIK STEYN VORSTER: Chair yes, this was not the first time, but we will deal with this one. In, at the end of November Gavin phoned me and said Frans.

CHAIRPERSON: November 2015, hey?

10 **MR FRANS HENDRIK STEYN VORSTER:** That was.

ADV ZINHLE BUTHELEZI SC: Yes.

MR FRANS HENDRIK STEYN VORSTER: November 2015.

CHAIRPERSON: Yes.

MR FRANS HENDRIK STEYN VORSTER: Frans, Minister Mokonyane's daughter needs a vehicle. She wants a Cabriolet. Please make sure that you get a Cabriolet. Rent the vehicle in your name and deliver the vehicle to her house, to the daughter.

ADV ZINHLE BUTHELEZI SC: Yes.

MR FRANS HENDRIK STEYN VORSTER: Why he did not ask Angelo to do that, because at that stage Angelo was handling the daughter. I was not involved with, with
20 that anymore, but it looks like he was upset with Angelo and he phoned me.

CHAIRPERSON: Yes.

MR FRANS HENDRIK STEYN VORSTER: To do so. I phoned.

CHAIRPERSON: When you say Angelo you mean Mr Agrizzi?

MR FRANS HENDRIK STEYN VORSTER: Angelo, Mr Agrizzi, yes.

CHAIRPERSON: Ja.

MR FRANS HENDRIK STEYN VORSTER: Yes, Chair. So I, I, I used, well we usually used Brian Travel, Blakes Travel.

ADV ZINHLE BUTHELEZI SC: Yes.

MR FRANS HENDRIK STEYN VORSTER: So I phoned Brian directly, speak to Brian. I said Brian I need a Cabriolet. It is for the Minister's daughter. It is urgent. It is senior. Please get me a Cabriolet. He was phoning all over. He came back to me.

CHAIRPERSON: I am, I am sorry. You are talking about Brian now.

MR FRANS HENDRIK STEYN VORSTER: Brian, yes from Blakes.

CHAIRPERSON: Is that somebody from Blakes Travel?

10 **MR FRANS HENDRIK STEYN VORSTER:** No, Brian the owner of Blakes Travel.

CHAIRPERSON: Yes. That is what I.

MR FRANS HENDRIK STEYN VORSTER: I spoke to him directly.

CHAIRPERSON: Yes, okay. What was his surname?

MR FRANS HENDRIK STEYN VORSTER: Blake, Brian.

CHAIRPERSON: Oh, okay, okay yes.

MR FRANS HENDRIK STEYN VORSTER: So there; that is why it is Blakes Travel, Chair.

CHAIRPERSON: Continue.

20 **MR FRANS HENDRIK STEYN VORSTER:** So I spoke to Brian. I said please get me a Cabriolet. He tried all over the country. He came back to me. He said Frans I cannot get a Cabriolet. It is festive season. All the Cabriolets are rented already. I can get one, but it is in Cape Town. I said, I am not flying down to Cape Town to drive a vehicle back. So I phoned Gavin and I said Gavin I cannot get a Cabriolet. Can we not a small luxury vehicle for her to drive with and he said Frans if you get a Cabriolet then get a luxury vehicle. So.

CHAIRPERSON: Get a what?

MR FRANS HENDRIK STEYN VORSTER: A luxury vehicle.

CHAIRPERSON: Vehicle, okay.

MR FRANS HENDRIK STEYN VORSTER: So we ordered an Audi A3 silver in colour. Blakes rented that from Bidvest Rentals in Krugersdorp and they are situated in Voortrekker Road and I had to pick up the vehicle and take it through to the Minister's house. At that stage she as a Minister of Water Affairs. Now knowing previously that she bumped the vehicle I insisted.

CHAIRPERSON: I am sorry. Just say that again.

- 10 **MR FRANS HENDRIK STEYN VORSTER:** Knowing that she previously, when we rented vehicles for her she bumped the vehicles.

CHAIRPERSON: Oh, this was not the first time?

MR FRANS HENDRIK STEYN VORSTER: This was not the first time Chair.

CHAIRPERSON: Okay.

MR FRANS HENDRIK STEYN VORSTER: As I have mentioned.

CHAIRPERSON: Yes.

MR FRANS HENDRIK STEYN VORSTER: I said she needs to be added as a second driver on the account. If.

CHAIRPERSON: You were the first driver?

- 20 **MR FRANS HENDRIK STEYN VORSTER:** I was the first driver.

CHAIRPERSON: Yes.

MR FRANS HENDRIK STEYN VORSTER: She was the second driver, okay. So I forced them to get a copy of her driver's licence so that I could send it through to Blakes so that they could add her as the second driver. I was afraid that she would write off the vehicle and then we need to pay four or R500 000 in, because she was not

added as a driver. Okay, so I arranged with Richard le Roux to assist me to pick up the vehicle as he was working a lot at the Minister's house.

ADV ZINHLE BUTHELEZI SC: Sorry, who is Richard le Roux?

MR FRANS HENDRIK STEYN VORSTER: Richard le Roux is an employee of Sondolo IT. He was working on special projects. So he was working a lot at the Minister's house.

ADV ZINHLE BUTHELEZI SC: Thank you.

MR FRANS HENDRIK STEYN VORSTER: So I asked him just to accompany me so that we could collect the vehicle from Bidvest. I signed for the vehicle everything. He
10 drove the vehicle to the Minister's house in Krugersdorp there in Noordheuwel and we parked the vehicle, handed over the key and I left the vehicle there. Now this vehicle we would have only rented for the month of December.

ADV ZINHLE BUTHELEZI SC: Yes.

MR FRANS HENDRIK STEYN VORSTER: To the end of December I was phoned again by the daughter and said she needs to extend the rental. So I phoned Gavin Watson, I said Gavin I am not going to take this on me. Do we extend this yes or no? He said to me Frans do whatever she wants. So it was extended till mid-January. In mid-January she phoned me again and said we need to extend it to the end of January.

20 **ADV ZINHLE BUTHELEZI SC:** That is now 2016?

MR FRANS HENDRIK STEYN VORSTER: This is now 2016. So I extended the vehicle. Every time I just had to get the kilometre reading and give it through to Bidvest because they had to book it out again on a new invoice.

ADV ZINHLE BUTHELEZI SC: Yes.

MR FRANS HENDRIK STEYN VORSTER: So they needed the opening and the

closing kilometres. So she had to send through the kilometres. She phoned it through to me and I gave it through to Bidvest so that we could extend the vehicle every time. So at the, at the, at the end of January 2016 I asked Richard to accompany me to go and fetch the vehicle. I just dropped Richard off at the gate and I.

CHAIRPERSON: That is Mr Le Roux?

MR FRANS HENDRIK STEYN VORSTER: That is Mr Le Roux, Richard le Roux Chair and he phoned me and said Mr Vorster or he calls me Oom Frans. He says Oom Frans please I am not taking this vehicle. This vehicle is bumped. I said, how do you mean it is bumped Richard? He says Oom Frans it is bumped at the back. I said okay I am
10 turning around. So I had to turn around. I had to go and see the vehicle for myself. So the vehicle was bumped at the back. It was not serious, but it was bumped. So I said Richard let us take the vehicle. Let us take the vehicle back. We took it back to Bidvest. They insisted as the vehicle was rented in my name. I had to complete the paperwork. So I did all the paperwork as if I was driving the vehicle.

ADV ZINHLE BUTHELEZI SC: Yes.

MR FRANS HENDRIK STEYN VORSTER: So we did all of that and we handed all of that to, to Bidvest.

CHAIRPERSON: So you had to say how it got bumped?

MR FRANS HENDRIK STEYN VORSTER: Chair I just I reversed and I did not see the
20 pole behind me and I hit the pole. It was on the bumper left back. Like I say it was not that serious, but it was a few thousand Rands damage.

CHAIRPERSON: Hm.

MR FRANS HENDRIK STEYN VORSTER: Especially on an Audi.

CHAIRPERSON: Okay.

ADV ZINHLE BUTHELEZI SC: And who paid for that damage?

MR FRANS HENDRIK STEYN VORSTER: Well Bosasa had to pay the access. It was added to, to the bill. This caused a lot of problems. I have not even mentioned it here in my statement.

ADV ZINHLE BUTHELEZI SC: [Intervenes].

MR FRANS HENDRIK STEYN VORSTER: But I can mention to you.

CHAIRPERSON: Ja.

MR FRANS HENDRIK STEYN VORSTER: That I got phoned by Angelo because...

CHAIRPERSON: By Mr Agrizzi?

MR FRANS HENDRIK STEYN VORSTER: Mr Agrizzi

10 **ADV ZINHLE BUTHELEZI:** Yes.

MR FRANS HENDRIK STEYN VORSTER: Sorry Chair as he – the agreement was if one of the seniors is doing something the other senior would countersign and sign it off before it gets paid. Now Mr Watson thought that okay Frans is going to sign it off. Mr Agrizzi will not know about it and it will go through the normal channels and nothing would happen. So Mr Agrizzi phoned me and said Frans I see you rented a vehicle for two months what is it for? And I said, Mr Agrizzi I say this is for Mr – Mrs Nomvula's daughter because it was a big amount a luxury vehicle for two months.

ADV ZINHLE BUTHELEZI: Yes.

20 **MR FRANS HENDRIK STEYN VORSTER:** And the excess on the damage of the vehicle came to a big amount.

CHAIRPERSON: What was the amount can you still remember?

MR FRANS HENDRIK STEYN VORSTER: I cannot remember Chair.

CHAIRPERSON: Okay.

MR FRANS HENDRIK STEYN VORSTER: The amount was – it was high, it was close to R100 000,00.

CHAIRPERSON: Okay.

MR FRANS HENDRIK STEYN VORSTER: For the rental for the two months plus the excess.

CHAIRPERSON: Ja.

MR FRANS HENDRIK STEYN VORSTER: And Angelo was annoyed. He then had a discussion with Gavin Watson. Gavin Watson was very upset with me, he phoned me. And he shout at me. I was so embarrassed I had some of my managers sitting in front of me and they could hear the whole conversation. They felt so embarrassed that they stood up and they walked out of my office. Where he fired me on the telephone for –
10 and his reason was that I am trying to bring him – I am trying to create problems for him. That was his words. You trying to create problems for me. And I said but Gavin what is the issue? If I have signed it you know that Mr Angelo Agrizzi must countersign it so I followed your instruction now you want to fire me? But in any case it is fine I will deal with it.

CHAIRPERSON: What did he say you did wrong? Was it that you

MR FRANS HENDRIK STEYN VORSTER: No he was unhappy.

CHAIRPERSON: You told Mr Agrizzi or what?

MR FRANS HENDRIK STEYN VORSTER: He was unhappy because I reported it to Angelo. But – Mr Agrizzi because Mr Agrizzi had to sign. I signed everything off then
20 accounts would take to him to countersign. If he is not there Mr Andries Van Tonder will – the CFO will countersign as long as there is two seniors signature on there.

CHAIRPERSON: Okay.

MR FRANS HENDRIK STEYN VORSTER: Mine plus or Mr Agrizzi or Mr Van Tonder.

CHAIRPERSON: Okay.

MR FRANS HENDRIK STEYN VORSTER: In this stage it was Mr Agrizzi that had to sign because they took everything to him. So he confronted Mr Watson, he was upset and he phoned me and he was upset.

CHAIRPERSON: Did you say he fired you on the phone?

MR FRANS HENDRIK STEYN VORSTER: It was not the first time Mr Chair.

CHAIRPERSON: Ja.

MR FRANS HENDRIK STEYN VORSTER: But ja I got fired telephonically.

CHAIRPERSON: Ja.

MR FRANS HENDRIK STEYN VORSTER: I phoned Mr Agrizzi I said Angelo what is –
10 what is his story now? He said Frans come to my office. So I went to Mr Agrizzi's office and we had a discussion and he said to me, relax, just relax. I will deal with it and nothing came of it after that. But again for a long time I was threatened. If he walked past my office he would belittle me especially if he had a crowd of people with him you know he would always say because he does not like big people so he would say yeah there is fat Fransie you know he is creating problems for me. And he is going to lose his job. And I said, yes Gavin it is fine we will – we will handle it. That was always my response but I knew that if he could fire me he would fire me there and then. And sometimes it was more than threats that it is like Mr Agrizzi mentioned there were a dustbin and if your name were in that dustbin they had to work you out. And that was
20 not the first time that they had to work me out.

CHAIRPERSON: Okay let us go back to the hiring of this vehicle for Minister Nomvula Mokonyane's daughter. Ultimately Bosasa hired this vehicle for two months, December and January?

MR FRANS HENDRIK STEYN VORSTER: That is correct Chair.

CHAIRPERSON: For her December 2016 and January 2016.

MR FRANS HENDRIK STEYN VORSTER: 16.

CHAIRPERSON: Ja. From what you have said it was not the first time that Bosasa hired a vehicle for Minister Nomvula Mokonyane's daughter, is that right?

MR FRANS HENDRIK STEYN VORSTER: That is correct Sir.

CHAIRPERSON: Did it happen – did it happen once before, did it happen a number of times before?

MR FRANS HENDRIK STEYN VORSTER: Well it happened a few times before where I was involved personally and then it was given to Mr Agrizzi to handle because it was the minister's daughter and they did not want me to handle it anymore. So Mr Agrizzi
10 would have handled it and then suddenly in November 2015 at the end of November I got phoned again and say please Frans do the necessary. So I did not question and say Gavin why are you not speaking to Angelo, Mr Agrizzi? So – and he was adamant that I need to do it and that is exactly what I did.

CHAIRPERSON: Okay.

MR FRANS HENDRIK STEYN VORSTER: I could not get the cabriolet and I gave him feedback the whole time.

CHAIRPERSON: Was it always for the same daughter I do not know how many daughters the Minister has?

MR FRANS HENDRIK STEYN VORSTER: I also do not know how many daughters
20 she had got but it was for the same person.

CHAIRPERSON: Oh for the same person?

MR FRANS HENDRIK STEYN VORSTER: Same person Mr Chair.

CHAIRPERSON: Did you know on what kind of occasions she would require a hired car? For example this was in November – was in December and January that is most

of that would be festive season but I do not know whether that might have been the reason and other occasions do you know what would have happened?

MR FRANS HENDRIK STEYN VORSTER: Chair that was the reason for this specific one. The other times when she needed the vehicle apparently she is a student I do not know if she – whether she had her own vehicle or not but I on two previous occasions I had to rent a vehicle and then it was taken away from me and Mr Agrizzi handled it.

CHAIRPERSON: Now on the – you say there were two other previous occasions when you were involved?

MR FRANS HENDRIK STEYN VORSTER: Where I handled it, I handled it ja.

10 **CHAIRPERSON**: On those two occasions did you get it hired in your name just as a ...(indistinct).

MR FRANS HENDRIK STEYN VORSTER: The instruction was always and even to Mr Agrizzi who will rent a vehicle in your name. They must not be able to link it to

CHAIRPERSON: To the daughter?

MR FRANS HENDRIK STEYN VORSTER: To the daughter or to

CHAIRPERSON: Of the minister?

MR FRANS HENDRIK STEYN VORSTER: To the minister's details.

CHAIRPERSON: Okay thank you.

20 **ADV ZINHLE BUTHELEZI**: Thank you and do you know what could have been the reason that Gavin did not want or Mr Agrizzi was not happy with this whole transaction?

MR FRANS HENDRIK STEYN VORSTER: Chair I cannot tell you what was the reason why. I was asked and I cannot tell you, you will have ask Mr Agrizzi what was the reason he and Mr Watson were arguing for me renting the vehicle for the daughter. I cannot answer that.

CHAIRPERSON: How – you delivered the motor vehicle to this now in December – December 2015. Did you say you delivered to Minister Mokonyana's residence?

MR FRANS HENDRIK STEYN VORSTER: Her residential address in Noordhill.

CHAIRPERSON: Yes. Now did you go to that residence only once or you were there a few times?

MR FRANS HENDRIK STEYN VORSTER: Chair I only went to that specific house twice. That is when we delivered the vehicle.

CHAIRPERSON: Yes.

MR FRANS HENDRIK STEYN VORSTER: And when we collected the vehicle.

10 **CHAIRPERSON:** Yes.

MR FRANS HENDRIK STEYN VORSTER: But when she was staying in Kenmere Extension 1 I visited the house a few times.

CHAIRPERSON: So you know two houses where she stayed now?

MR FRANS HENDRIK STEYN VORSTER: She sold the house in Kenmere Chair and then she purchase the house in Noordhill.

CHAIRPERSON: Okay thank you.

ADV ZINHLE BUTHELEZI: And the – when you were being updated with regards to the kilometres on the car by Ms – Minister Mokonyane's daughter was it done on a voice call or via sms?

20 **MR FRANS HENDRIK STEYN VORSTER:** No voice call. She spoke to me and said she needs an extension and then I would always phone Mr Watson and say Sir can we extend it and he would say yes do whatever she asks you to do and then when I extended after the first time I knew I had to ask for the kilometres because the first time when I extended it they asked for the kilometres, she did not give it to me. I had to phone back and say, just please give me the kilometre reading. So when we extended

again in – at the end of December I already asked for the kilometre readings so that I could give it through to Bidvest and again in mid-January she already knew to give me the kilometre reading.

ADV ZINHLE BUTHELEZI: Was it on a cell phone or a landline?

MR FRANS HENDRIK STEYN VORSTER: Cell phone, cell phone.

ADV ZINHLE BUTHELEZI: And from her side was she calling you from a cell phone as well?

MR FRANS HENDRIK STEYN VORSTER: She – ja I had to give Mr Watson I gave – well he had my number so he gave her my cell phone number.

10 **ADV ZINHLE BUTHELEZI:** Okay and do you why were you doing all this for Ms – Minister Mokonyane or Bosasa was doing this for Minister Mokonyane?

MR FRANS HENDRIK STEYN VORSTER: Well Ms Mokonyane she had a lot of influence and I am sure she opened a lot of doors for Mr Watson because we always had to jump when it was for her and make sure that she gets special treatment. She was – she did not wait for anything. If he said do that you would do it immediately and make sure whatever was asked was delivered.

ADV ZINHLE BUTHELEZI: Yes in fact you deal with this on page – on paragraph 35 of your statement.

20 **MR FRANS HENDRIK STEYN VORSTER:** Ja I often questioned Gavin, Angelo and the other directors why I had to drop everything to attend to the minister and the family and it became apparent over the years that she was the key person and link and had huge political contacts even to the previous president of South Africa and I had to do what I was instructed to do.

ADV ZINHLE BUTHELEZI: And which president are you referring to?

MR FRANS HENDRIK STEYN VORSTER: Say again?

ADV ZINHLE BUTHELEZI: Which president – previous president that you are referring to?

MR FRANS HENDRIK STEYN VORSTER: That was even in Mr Mbeki's time and Mr Zuma's time because I – when she was staying in Kenmere that was early 2000's.

CHAIRPERSON: So are you saying that what you were informed was that you had to drop everything when Minister Mokonyane wanted something because she had influence with previous presidents including or previous President Mbeki and President Zuma, is that what you are saying?

MR FRANS HENDRIK STEYN VORSTER: That is correct Chari.

10 **CHAIRPERSON:** That is what you were told?

MR FRANS HENDRIK STEYN VORSTER: That is what I was told.

CHAIRPERSON: And who told you that?

MR FRANS HENDRIK STEYN VORSTER: Well Gavin Watson.

CHAIRPERSON: Okay thank you.

MR FRANS HENDRIK STEYN VORSTER: It was not a secret Sir.

CHAIRPERSON: Okay.

MR FRANS HENDRIK STEYN VORSTER: Amongst us seniors Sir.

CHAIRPERSON: Yes.

ADV ZINHLE BUTHELEZI: Thank you.

20 **CHAIRPERSON:** Thank you.

ADV ZINHLE BUTHELEZI: Let us go back to paragraph 33 where you deal with what transpired in May 2016.

MR FRANS HENDRIK STEYN VORSTER: In – let me just if that date

CHAIRPERSON: I am not seeing May 2016. Did you say May 2016?

ADV ZINHLE BUTHELEZI: Yes on paragraph 33 Chair.

CHAIRPERSON: Oh I am ahead of you.

ADV ZINHLE BUTHELEZI: Sorry.

CHAIRPERSON: Paragraph 33 Mr Vorster.

MR FRANS HENDRIK STEYN VORSTER: Yes Sir in 2016 I was approached by Johannes Gumede with the instruction to fix Mr Netshishivhe it is difficult for me pronounce maybe

CHAIRPERSON: That is N-e-t-s-h-i-s-h-i-v-h-e.

MR FRANS HENDRIK STEYN VORSTER: That is correct Sir.

CHAIRPERSON: Netshishivhe I think it is but my own pronunciation may be wrong.

10 Netshishivhe but I think I am probably close to it.

ADV ZINHLE BUTHELEZI: Thank you Chair.

MR FRANS HENDRIK STEYN VORSTER: It was a Isuzu bakkie that he owned that was at Westvaal Motors in Nelspruit.

ADV ZINHLE BUTHELEZI: Yes.

MR FRANS HENDRIK STEYN VORSTER: I then said – he said to me that it is on the instruction of Gavin Watson. I said if that is the case because it was always said that Mr Watson will sign nothing.

ADV ZINHLE BUTHELEZI: Yes.

20 **MR FRANS HENDRIK STEYN VORSTER:** Well I was lucky I got a signature because I just refused bluntly and said or Mr Gumede or Mr Watson will sign the quotation.

ADV ZINHLE BUTHELEZI: Yes.

MR FRANS HENDRIK STEYN VORSTER: It was taken to Mr Watson.

ADV ZINHLE BUTHELEZI: Yes.

MR FRANS HENDRIK STEYN VORSTER: And he is the man that put his signature.

ADV ZINHLE BUTHELEZI: That is the quotation that appears on page 23 of Exhibit TT.

MR FRANS HENDRIK STEYN VORSTER: That is correct Chair page 23. You will see that is Mr Watson's signature.

CHAIRPERSON: Oh so that is one of the few times when he signed?

MR FRANS HENDRIK STEYN VORSTER: That is one of the few times. One of the lucky times where we got a signature from Mr Watson.

ADV ZINHLE BUTHELEZI: Yes.

CHAIRPERSON: And who Ms Netshishivhe?

10 **MR FRANS HENDRIK STEYN VORSTER:** Sir according to my understanding he was sitting on the security cluster of the Mpumalanga Province and he had an influence to assist the company to get the security contract at the hospitals in the Mpumalanga Province. And later on it – that was allocated to Bosasa. As I as a fleet manager as well the group had to purchase a vehicle for them to fulfil their function in the province.

CHAIRPERSON: So when you were approached by Mr Gumede with instruction that you must fix Ms Netshishivhe's Isuzu bakkie Bosasa had not – did not have any contract in Mpumalanga relating to hospitals?

MR FRANS HENDRIK STEYN VORSTER: Relating hospitals Chair nothing.

20 **CHAIRPERSON:** But later on Bosasa did get awarded such a contract or such contracts in Mpumalanga?

MR FRANS HENDRIK STEYN VORSTER: That is correct Chair.

CHAIRPERSON: Okay. Thank you.

ADV ZINHLE BUTHELEZI: And do you know when that was done? When they were awarded the contract?

MR FRANS HENDRIK STEYN VORSTER: I am – it was a bit later but I am not hundred percent sure now I cannot remember the exact time when the contracts were allocated to the group.

ADV ZINHLE BUTHELEZI: Yes the quotation that is on page 23 amounts to R16 043,14 but the amount that you said was paid or – on paragraph 33 is R29 000,00.

MR FRANS HENDRIK STEYN VORSTER: Chair yes the original quote was for R16 000,00.

ADV ZINHLE BUTHELEZI: Yes.

MR FRANS HENDRIK STEYN VORSTER: But then the workshop manager when I
10 spoke to him to arrange for payment he said to me that there is other work that needs to be done as well and if we do not do that it is not worthwhile to spend the R16 000,00. I spoke to Mr Johannes Gumede and informed him and he said go ahead. So I said okay if you instruct me to go ahead we will go ahead and that is exactly what we have done. And that is why the invoice came to the amount of R29 239,79.

ADV ZINHLE BUTHELEZI: Yes is that the...

CHAIRPERSON: Sorry I think I must just correct something. I referred to Ms Netshishivhe but actually MS which I thought was Ms are the initials and it is a Mr. Is that correct Mr Vorster?

MR FRANS HENDRIK STEYN VORSTER: Ja it is a Mr.

20 **CHAIRPERSON:** It is Mr M S Netshishivhe.

MR FRANS HENDRIK STEYN VORSTER: That is correct Chair.

CHAIRPERSON: Okay thank you.

ADV ZINHLE BUTHELEZI: Thank you. And that invoice is the invoice that appears on page 26?

MR FRANS HENDRIK STEYN VORSTER: That is correct Chair.

ADV ZINHLE BUTHELEZI: Thank you. Okay let us move onto paragraph 36 where you talk about the events of 2015 relating to ANC?

MR FRANS HENDRIK STEYN VORSTER: Paragraph?

ADV ZINHLE BUTHELEZI: 36 of your evidence

MR FRANS HENDRIK STEYN VORSTER: 36?

ADV ZINHLE BUTHELEZI: Yes.

MR FRANS HENDRIK STEYN VORSTER: Chair I only used the one side of the call centre for my team. The other side of the call centre was standing empty and in 2015 we were instructed to prepare for the ANC for them to run their national call centre from
10 our facility.

ADV ZINHLE BUTHELEZI: Who instructed you?

MR FRANS HENDRIK STEYN VORSTER: Gavin Watson, Papa Leshabane and Joe the three of them came and said that we need to prepare and get that part of the call centre ready for the ANC to use for the elections, the national elections.

CHAIRPERSON: Did you – you said Joe you mean Mr Joe Gumede?

MR FRANS HENDRIK STEYN VORSTER: Mr Joe Gumede Mr Chair.

CHAIRPERSON: Okay.

ADV ZINHLE BUTHELEZI: Yes.

CHAIRPERSON: What elections were those?

20 **MR FRANS HENDRIK STEYN VORSTER:** That was national elections.

CHAIRPERSON: Which year can you remember?

MR FRANS HENDRIK STEYN VORSTER: I think it is.

CHAIRPERSON: There were national elections in 2014 I think.

ADV ZINHLE BUTHELEZI: 14 yes 14.

CHAIRPERSON: I think.

MR FRANS HENDRIK STEYN VORSTER: Ja I think it was 2014 this is wrong it was 2014 and they stayed – they stayed over for a period. They did not vacate immediately. They – but a correction that that was in 2014 not 2015.

ADV ZINHLE BUTHELEZI: Okay. And what were they doing at your premises?

MR FRANS HENDRIK STEYN VORSTER: The IT department had to set up their computers where they also had open phone lines for them to use. So exactly what they did from the call centre I am not a hundred percent sure. There were about 20, 25 people that manned the call centre.

ADV ZINHLE BUTHELEZI: And who paid the expenses?

10 **MR FRANS HENDRIK STEYN VORSTER:** The expenses were carried by Kgwerano Financial Services.

ADV ZINHLE BUTHELEZI: And spell – could you please spell that for the record?

MR FRANS HENDRIK STEYN VORSTER: K-g-w-e-r-a-n-o, Kgwerano

ADV ZINHLE BUTHELEZI: Kgwerano. Was this one of the Bosasa companies that you worked for?

MR FRANS HENDRIK STEYN VORSTER: One of the companies in the group.

ADV ZINHLE BUTHELEZI: Yes.

CHAIRPERSON: In the Bosasa Group?

MR FRANS HENDRIK STEYN VORSTER: In the Bosasa Group Chair.

20 **CHAIRPERSON:** Okay.

ADV ZINHLE BUTHELEZI: Yes and then what happened then afterwards?

MR FRANS HENDRIK STEYN VORSTER: At the same time a massive marquee tent was set up in one of the parking areas in front of our national stores and that was handled by Alistair Esso. Alistair was referred to as GM as he used to be general manager of a hotel. He was a general manager of the office park and the restaurant

that we had on the office park was also his responsibility. We also had lots there where we had twenty rooms and where usually the people that would come for training would sleep over and be trained on our premises. So we refer to Alistair always as a GM, the general manager.

ADV ZINHLE BUTHELEZI: And was he working for Bosasa?

MR FRANS HENDRIK STEYN VORSTER: He was full time employed by Bosasa Operations.

ADV ZINHLE BUTHELEZI: And these marquees that you said were erected in your premises?

10 **MR FRANS HENDRIK STEYN VORSTER:** The marquees, the renting of the crockery, cutlery, the food, everything was paid for by Bosasa Operations. He had to handle the full facility around – that was after the elections and the ANC won they had a massive function on the premises of Bosasa Operations.

ADV ZINHLE BUTHELEZI: So this was an ANC function?

MR FRANS HENDRIK STEYN VORSTER: This was an ANC function.

ADV ZINHLE BUTHELEZI: And who arranged for this?

MR FRANS HENDRIK STEYN VORSTER: This was arranged with Alistair through Gavin. The person from the ANC that drove the process was Minister Mokonyane. She drove the process.

20 **CHAIRPERSON:** How long – how long was the marquees there?

MR FRANS HENDRIK STEYN VORSTER: Chair they set up everything. It was there for about two weeks.

CHAIRPERSON: Okay.

MR FRANS HENDRIK STEYN VORSTER: It was set up just before the elections so they were hundred percent sure they are going to win. So – and after the function it took about a week to remove everything from the premises.

CHAIRPERSON: And do you know what it cost Bosasa?

MR FRANS HENDRIK STEYN VORSTER: Chair that I cannot answer I have got no idea.

CHAIRPERSON: You do not know. Okay.

MR FRANS HENDRIK STEYN VORSTER: But it was a function for about 400 plus people so it cost a lot of money.

10 **CHAIRPERSON:** Okay.

ADV ZINHLE BUTHELEZI: And – so how was Kgwerano paid, were Kgwerano invoiced?

MR FRANS HENDRIK STEYN VORSTER: No Kgwerano did not pay for that one.

ADV ZINHLE BUTHELEZI: Yes.

MR FRANS HENDRIK STEYN VORSTER: I had to carry the cost.

ADV ZINHLE BUTHELEZI: Yes.

MR FRANS HENDRIK STEYN VORSTER: Of the people in the call centre so their tea, their coffee, their lunch, toilet paper, cleaning of bathrooms, all of that I had to carry on Kgwerano cost.

20 **ADV ZINHLE BUTHELEZI:** Yes and this marquee was paid for by the ANC?

MR FRANS HENDRIK STEYN VORSTER: No that was – that was carried by head office.

ADV ZINHLE BUTHELEZI: That is the Bosasa office.

MR FRANS HENDRIK STEYN VORSTER: Bosasa Head Office so I cannot answer that question I have got no idea.

ADV ZINHLE BUTHELEZI: Okay. Thank you Sir that will be all for Mr Vorster for today. I am not in a position to close his evidence as well as we have not received any applications for his cross-examination. I have explained to Mr Vorster that he may need to come back in order to finalise his evidence.

CHAIRPERSON: Okay alright. Thank you very much Mr Vorster. I will release you but you probably will need to come back at some stage and I am sure there may be some assistance that the investigators might still ask of you but I take this opportunity to thank you for having come forward to assist the commission with your evidence. Thank you very much. You are released for now.

10 **MR FRANS HENDRIK STEYN VORSTER:** Thank you Chair.

CHAIRPERSON: Thank you. We are going to adjourn and resume at ten o'clock tomorrow. We adjourn.

INQUIRY ADJOURNS TO 31 JANUARY 2019