

**COMMISSION OF INQUIRY INTO STATE CAPTURE**

**HELD AT**

**PARKTOWN, JOHANNESBURG**

10

**31 JANUARY 2019**

**DAY 44**

20

**PROCEEDINGS HELD ON 31 JANUARY 2019**

**CHAIRPERSON:** Good Morning Mr Pretorius, good morning everybody.

**ADV PAUL PRETORIUS SC:** Good morning, Chair.

**CHAIRPERSON:** Thank you.

**ADV PAUL PRETORIUS SC:** Chair, we are running ahead of schedule. There are two witnesses set down for today. They are Mr Richard le Roux.

**CHAIRPERSON:** Yes.

**ADV PAUL PRETORIUS SC:** Who will be led by Ms Molefe and Mr Leon van Tonder who would be led by adv Buthelezi.

10 **CHAIRPERSON:** Thank you. Who are you starting with?

**ADV RIFILWE MOLEFE SC:** Good morning, Chair, we will be starting with Mr Richard le Roux that appears under T3.

**CHAIRPERSON:** Yes, Registrar you can administer the oath or affirmation.

**RICHARD LE ROUX** (duly sworn, states)

**CHAIRPERSON:** Yes, Ms Molefe you may proceed.

**ADV RIFILWE MOLEFE SC:** Thank you, Chair. Mr le Roux please turn to page 1 of T3 before you. Is that your statement to the Commission?

**MR RICHARD LE ROUX:** That is correct.

20 **ADV RIFILWE MOLEFE SC:** Can you turn to page 12? Is that your signature appearing on that page?

**MR RICHARD LE ROUX:** That is correct.

**ADV RIFILWE MOLEFE:** And still staying on page 12 as is dated there of 28 January 2019 is that the date on which you made this affidavit?

**MR RICHARD LE ROUX:** That is correct, Chair.

**ADV RIFILWE MOLEFE SC:** Are there any corrections you wish to make to this

affidavit?

**MR RICHARD LE ROUX:** Yes, on page RLR004 paragraph 19 it says:

"The procedure to do the special projects was as follows:

Firstly the side survey would be done to determine..."

I want to change where it says and in particular Mr Gavin Watson to I.

**ADV RIFILWE MOLEFE SC:** Okay so that last sentence in that paragraph. So how would it then read?

**CHAIRPERSON:** I am sorry is that paragraph 19?

**ADV RIFILWE MOLEFE SC:** Paragraph 19 on page 4, Chair.

10 **CHAIRPERSON:** Okay, just tell me again where you want to correct?

**MR RICHARD LE ROUX:** Chair, after it says African Global Group and in particular Mr Gavin Watson.

**CHAIRPERSON:** Yes?

**MR RICHARD LE ROUX:** I would like to take and in particular Mr Gavin Watson out and change that to I.

**CHAIRPERSON:** So it should say and I gave?

**MR RICHARD LE ROUX:** And I gave yes.

**CHAIRPERSON:** So we delete in particular Mr Gavin Watson and insert I in its place?

**MR RICHARD LE ROUX:** That is correct, Chair.

20 **CHAIRPERSON:** Okay.

**ADV RIFILWE MOLEFE SC:** Thank you. Do you now confirm the correctness of this statement?

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

**ADV RIFILWE MOLEFE SC:** Do you understand Mr le Roux the contents of and incidents referred to in your statement may incriminate you in potentially serious

offences?

**MR RICHARD LE ROUX:** I do, Chair.

**ADV RIFILWE MOLEFE SC:** And is the evidence about to give and that contained in your statement being given without any promise of a reward or incentive?

**MR RICHARD LE ROUX:** There was no reward or incentive given.

**ADV RIFILWE MOLEFE SC:** And is the same evidence being given freely and voluntarily?

**MR RICHARD LE ROUX:** Free and voluntarily, yes, Chair.

**ADV RIFILWE MOLEFE SC:** Thank you. You are currently employed with  
10 Global Technology Systems which is abbreviated as GTS, is this correct?

**MR RICHARD LE ROUX:** That is correct.

**ADV RIFILWE MOLEFE SC:** And GTS was previously known as Bosasa, is this correct?

**MR RICHARD LE ROUX:** No GTS was previously known as Sondolo IT, Chair.

**ADV RIFILWE MOLEFE SC:** Sondolo IT. And is Sondolo IT a subsidiary of Bosasa?

**MR RICHARD LE ROUX:** Yes, it is, Chair.

**ADV RIFILWE MOLEFE SC:** In what position are you currently employed?

**MR RICHARD LE ROUX:** I am currently employed as a Regional Technical Coordinator, Chair.

20 **CHAIRPERSON:** Let us just get this out of the way, is your appearance in this Commission as a result of a summons that has been served on you?

**MR RICHARD LE ROUX:** That is correct, Chair.

**CHAIRPERSON:** Okay, thank you.

**ADV RIFILWE MOLEFE SC:** Thank you, Chair. In what position are you currently employed at GTS?

**MR RICHARD LE ROUX:** I am currently employed as a Regional Technical Coordinator, Chair.

**ADV RIFILWE MOLEFE SC:** And who do you report to at GTS?

**MR RICHARD LE ROUX:** My immediate supervisor is Vizile,

**ADV RIFILWE MOLEFE SC:** Is this the position you refer to the same position that you held at the time of preparing the statement?

**MR RICHARD LE ROUX:** That is correct.

**ADV RIFILWE MOLEFE SC:** And how long have you been employed at GTS?

**MR RICHARD LE ROUX:** I started at GTS in 2002 where before I went overseas in  
10 2006 my responsibilities was as a Regional Technical Coordinator and then I was reporting to a gentleman by the name of Retief van der Merwe and Trevor Mathenjwa.

**ADV RIFILWE MOLEFE SC:** And in the year 2006 why did you leave the employ of GTS?

**MR RICHARD LE ROUX:** Chair, I had as I say greener pastures out in the United Kingdom.

**ADV RIFILWE MOLEFE SC:** And you returned to GTS in the year 2008 is this correct?

**MR RICHARD LE ROUX:** That is correct, Chair.

**ADV RIFILWE MOLEFE SC:** At whose instance did you return to GTS?

**MR RICHARD LE ROUX:** Sorry madam?

20 **ADV RIFILWE MOLEFE SC:** At whose instance did you return to GTS?

**MR RICHARD LE ROUX:** In 2008 I returned to South Africa to resume my responsibilities as a Regional Technical Coordinator. I was asked to return after a call from the Chief Operations Officer Angelo Agrizzi. Part of my responsibilities apart from the security installations were to the opening and closing of the office park as well as to tend to the wildlife in the park. I had to make sure that orders were placed to give them

feed and to make sure that they were looked after at the park.

**ADV RIFILWE MOLEFE SC:** Okay, just to take you back, you earlier mentioned that GTS was previously Sondolo IT Pty Ltd I assume?

**MR RICHARD LE ROUX:** That is correct, Chair.

**ADV RIFILWE MOLEFE SC:** So in the year 2002 you were in fact employed by Sondolo IT?

**MR RICHARD LE ROUX:** Sondolo IT.

**ADV RIFILWE MOLEFE SC:** Okay. And you say that what were your duties when you returned?

10 **MR RICHARD LE ROUX:** Can you repeat the question madam?

**ADV RIFILWE MOLEFE SC:** What were your duties when you returned?

**MR RICHARD LE ROUX:** What was my duties when I returned?

**ADV RIFILWE MOLEFE SC:** Yes?

**MR RICHARD LE ROUX:** I resumed the responsibilities as a Regional Technical Coordinator.

**ADV RIFILWE MOLEFE SC:** And who did you report to?

**MR RICHARD LE ROUX:** I then reported to Trevor Mathenjwa.

**ADV RIFILWE MOLEFE SC:** Say that again please?

**MR RICHARD LE ROUX:** Trevor Mathenjwa.

20 **ADV RIFILWE MOLEFE SC:** Thank you. And in paragraph 7 of your statement...[intervenes]

**CHAIRPERSON:** Sorry, Mr Trevor Mathenjwa is one of the Directors of Bosasa, is that right?

**MR RICHARD LE ROUX:** That is correct, Chair.

**CHAIRPERSON:** Thank you.

**ADV RIFILWE MOLEFE SC:** Thank you, Chair. And in paragraph 7 of your statement on page 2 you set out there that you have always been a skilled employee in your field and that you did your work to the best of your ability and as instructed by the Directors of Bosasa/African Global, is that correct?

**MR RICHARD LE ROUX:** That is correct.

**MR RICHARD LE ROUX:** That is correct, Chair.

**ADV RIFILWE MOLEFE SC:** And which company is African Global?

**MR RICHARD LE ROUX:** Sorry, can you repeat that question madam.

**ADV RIFILWE MOLEFE SC:** African Global referred to in paragraph 7 how does that  
10 fit within the scheme insofar as Bosasa or Sondolo IT or GTS?

**MR RICHARD LE ROUX:** Well it was originally called Bosasa and then it changed to African Global.

**ADV RIFILWE MOLEFE SC:** Thank you. In paragraph 8 of your statement you introduced what is called special projects, is this correct?

**MR RICHARD LE ROUX:** That is correct, Chair.

**ADV RIFILWE MOLEFE SC:** Chair, Mr le Roux will later give evidence of the properties of government officials and politicians whose properties were maintained by GTS, however, we will return to this property as he deals with it in much later paragraphs in detail. Please go with me to paragraph 9 where you set out your  
20 residential arrangement. Can you take the, Chair, through this please?

**MR RICHARD LE ROUX:** Chair, my family resides at the company owned premises since 2012 after Gavin Watson insisted I vacate the smallholding I was residing at and move to the office park accommodation as it suited him for me to attend to the wildlife and to keep an eye on the park for him. I was instructed to open and close the offices when Andrew the caretaker went on leave.

**CHAIRPERSON:** Sorry, Mr le Roux.

**MR RICHARD LE ROUX:** Yes, Chair?

**CHAIRPERSON:** If you can try and just tell us the story and not read your statement, but if you need to refresh your memory you can have a look, but try and just tell us your story as naturally as you can.

**MR RICHARD LE ROUX:** Okay, Chair, I apologise, Chair.

**CHAIRPERSON:** Okay, alright.

**MR RICHARD LE ROUX:** My family resided in the company premises. We were told to vacate our smallholding in Randfontein so that I could take care of the wildlife in the  
10 park and also to tend to the needs of the park when Andrew the caretaker would go on leave or he would go on rest days.

I was then instructed to open and close the offices when he was on leave or on rest days and when he went on retirement I was then asked to open and close the offices permanently on a permanent basis.

**ADV RIFILWE MOLEFE SC:** Okay, now you say you stay with your family at the property, who in particular?

**MR RICHARD LE ROUX:** Can you repeat that?

**ADV RIFILWE MOLEFE SC:** Who in particular do you stay with at the property?

**MR RICHARD LE ROUX:** My wife.

20 **ADV RIFILWE MOLEFE SC:** Is your wife also employed by GTS?

**MR RICHARD LE ROUX:** Yes, she is employed by African Global.

**ADV RIFILWE MOLEFE SC:** Are there any other members of your family employed by GTS?

**MR RICHARD LE ROUX:** Yes, my two sons are employed by GTS.

**ADV RIFILWE MOLEFE SC:** And you just stated that it suited Mr Gavin Watson that



you stay on the company premises so that you can attend to the wildlife and to keep an eye on the park?

**MR RICHARD LE ROUX**: That is correct.

**ADV RIFILWE MOLEFE SC**: And you have just given evidence that you were later entrusted with opening and closing the offices?

**MR RICHARD LE ROUX**: That is correct, Chair.

**ADV RIFILWE MOLEFE SC**: Is this your current responsibility?

**MR RICHARD LE ROUX**: No, it is not it is not my current responsibility that was an extra responsibility that was added onto my duties.

10 **ADV RIFILWE MOLEFE SC**: And from when were you entrusted with this responsibility?

**MR RICHARD LE ROUX**: I cannot remember the date, Chair.

**ADV RIFILWE MOLEFE SC**: Can you recall the year?

**MR RICHARD LE ROUX**: No, I do not want to put myself into and commit to a year, but if we go back to the documentation.

**CHAIRPERSON**: Yes, you can give an estimate if you think that might help?

**MR RICHARD LE ROUX**: Chair, it would have been probably in 2013/2014 somewhere around there I am not 100% sure.

**CHAIRPERSON**: Okay.

20 **ADV RIFILWE MOLEFE SC**: And you have also stated in paragraph 9 that you would open the offices sometimes during the weekends, is that correct?

**MR RICHARD LE ROUX**: That is correct, Chair.

**ADV RIFILWE MOLEFE SC**: You further state that this would be by instruction from some of the Directors and Mr Gavin Watson, is this correct?

**MR RICHARD LE ROUX**: That is correct, Chair.

**CHAIRPERSON:** Ms Molefe please try and let him give the evidence.

**ADV RIFILWE MOLEFE SC:** Certainly, Chair.

**CHAIRPERSON:** Put your questions in such a way that he gives the evidence.

**ADV RIFILWE MOLEFE SC:** Certainly, Chair, thank you very much. At whose instruction would you be opening and closing the offices?

**MR RICHARD LE ROUX:** It would be the Directorate of Bosasa.

**ADV RIFILWE MOLEFE SC:** And for what purpose would you be opening and closing the offices?

**MR RICHARD LE ROUX:** What would be required, Chair, they would phone me up  
10 either on a Friday night or a Saturday morning and they would say that they have got a  
VIP visit coming through to the office park. I would not know who the VIP was and I  
would just be instructed to open up either the whole office park or certain offices within  
the park itself.

**ADV RIFILWE MOLEFE SC:** Yes, and you earlier said that you had been residing on  
the premises since 2012?

**MR RICHARD LE ROUX:** That is correct.

**ADV RIFILWE MOLEFE SC:** And you were later entrusted with opening and closing  
the offices since roughly 2013?

**MR RICHARD LE ROUX:** That is correct.

20 **ADV RIFILWE MOLEFE SC:** So you know the property fairly well?

**MR RICHARD LE ROUX:** I do, Chair.

**ADV RIFILWE MOLEFE SC:** Are you aware of any vaults in the premises?

**MR RICHARD LE ROUX:** I am aware of vaults in the premises, Chair, I am aware of  
four vaults in the premises.

**ADV RIFILWE MOLEFE SC:** And where are they situated?

**MR RICHARD LE ROUX:** The one vault is situated in the secretary's office, the other vault is situated close to the petty cash office, the one vault is situated in Gavin Watson's office and the other vault is situated in the bid office where Jacques van Zyl sits.

**ADV RIFILWE MOLEFE SC:** In paragraph 10 of your statement you narrate events that took place in or around the 7<sup>th</sup> or 8 November 2017, is that correct?

**MR RICHARD LE ROUX:** That is correct, Chair.

**ADV RIFILWE MOLEFE SC:** Can you please tell the, Chair, what happened on one of these dates?

10 **MR RICHARD LE ROUX:** Chair on the 7<sup>th</sup> or 8 November 2017 Gavin Watson gave me a call which was not normal for him to give me a call, but he gave me a call which disturbed me quite a bit. He asked me where my loyalties laid within the organisation.

**CHAIRPERSON:** On the phone already?

**MR RICHARD LE ROUX:** Sorry sir?

**CHAIRPERSON:** He was asking that on the phone?

**MR RICHARD LE ROUX:** Yes, Chair.

**CHAIRPERSON:** Okay.

**MR RICHARD LE ROUX:** I asked him what I had done wrong, if he is asking me where does my loyalties lay at the end of the day alright and he did not say much he just said  
20 to me I need to know where your loyalties lay. Chair, what he had done was he just said to me your loyalties where do they lay do they lay with the company or do they lay with certain individuals?

**ADV RIFILWE MOLEFE SC:** Pardon me, and what was your response to Mr Gavin Watson?

**MR RICHARD LE ROUX:** I just said to him, my response to him was my loyalties lay

with the company and not to any individual at the end of the day, because my loyalties laid with the personnel of the company not with any Directors or owners of companies or anything like that.

**ADV RIFILWE MOLEFE SC:** And do you know Mr Watson asked this question?

**MR RICHARD LE ROUX:** I do believe, Chair, Johan Aubrey gave me a call he is the Human Resources Manager, he asked me to come to his office and he reiterated what Gavin Watson had said to me and I said to him but why is this coming to everybody's attention? He said to me that this was due to a Facebook comment that I had made on Angelo Agrizzi's webpage.

10                   He posted something about, some Christian message and I said amen.

**ADV RIFILWE MOLEFE SC:** And in, pardon me.

**MR RICHARD LE ROUX:** I would just like to reiterate, Chair...[intervenes]

**CHAIRPERSON:** You said amen and?

**MR RICHARD LE ROUX:** When I was in his office he held up his cell phone and he said to me that this is the message that you posted on Angelo Agrizzi's Facebook.

**CHAIRPERSON:** Who was saying that to you now?

**MR RICHARD LE ROUX:** Johan Aubrey our Human Resources Manager.

**CHAIRPERSON:** What is his name?

**MR RICHARD LE ROUX:** Johan Aubrey.

20                   **CHAIRPERSON:** Okay, yes?

**MR RICHARD LE ROUX:** Now that was very concerning for me, because I felt that my privacy had been invaded.

**ADV RIFILWE MOLEFE SC:** Okay so in addition to Mr Watson asking you about where your loyalties lie you were asked the same question by Mr Johan Aubrey?

**MR RICHARD LE ROUX:** That is correct.

**ADV RIFILWE MOLEFE SC:** And what position did Mr Johan Aubrey hold?

**MR RICHARD LE ROUX:** He is the Human Resources Manager at African Global, Chair.

**CHAIRPERSON:** Yes, before you proceed let us go back to your conversation with Mr Gavin Watson. Did you relate the whole conversation? You said you asked him what you had done wrong?

**MR RICHARD LE ROUX:** That is correct, Chair.

**CHAIRPERSON:** What was his response?

**MR RICHARD LE ROUX:** He never responded to me.

10 **CHAIRPERSON:** And is that how the conversation...[intervenes]

**MR RICHARD LE ROUX:** He just said to me you need to know, you need to decide where your loyalties lay at the end of the day.

**CHAIRPERSON:** Yes, and then that was the end of the conversation?

**MR RICHARD LE ROUX:** That was the end of the conversation sir.

**CHAIRPERSON:** And then sometime later you say you got a call from the Human Resource Manager?

**MR RICHARD LE ROUX:** It was the very same day, Chair, that I got a call from Johan Aubrey.

**CHAIRPERSON:** Yes.

20 **MR RICHARD LE ROUX:** And he asked me to come to his office.

**CHAIRPERSON:** Yes.

**MR RICHARD LE ROUX:** And he reiterated what Gavin Watson had said to me.

**CHAIRPERSON:** Yes.

**MR RICHARD LE ROUX:** Because of the Facebook comment that I had made to Angelo Agrizzi.

**CHAIRPERSON:** Yes, now after the Human Resource Manager had shown you the Facebook message what did you say and what did he say?

**MR RICHARD LE ROUX:** Chair, if I can recall I said to him that I am not happy with it and he said to me Angelo Agrizzi's Facebook page, telephones, everything was being monitored by the IT department of African Global. I did not want to get into it, I did not want to entertain anything like that, but it just disturbed me at the end of the day, that on his phone he could show me the comment that I had made to Angelo Agrizzi at the end of the day.

**CHAIRPERSON:** Yes, at that time had Mr Agrizzi left Bosasa?

10 **MR RICHARD LE ROUX:** He had, Chair.

**CHAIRPERSON:** Okay, thank you. You may proceed Ms Molefe.

**ADV RIFILWE MOLEFE SC:** Thank you, Chair. Did you at any point during your conversation with Mr Watson feel threatened?

**MR RICHARD LE ROUX:** Chair, Mr Watson he is a very – he comes across as a very strong person. If Gavin phoned you, you would drop what you were doing and you will go and attend to whatever he wanted you to attend to. I felt threatened by Gavin Watson, yes, Chair.

**CHAIRPERSON:** Sorry?

**MR RICHARD LE ROUX:** I said I felt threatened by Gavin Watson definitely, Chair.

20 **CHAIRPERSON:** Yes, okay.

**MR RICHARD LE ROUX:** He was intimidating.

**CHAIRPERSON:** Okay.

**ADV RIFILWE MOLEFE SC:** And still on paragraph 10 of your statement did Mr Gavin Watson at any point threaten you directly?

**MR RICHARD LE ROUX:** No, he did not, Chair, he only phoned me.

**ADV RIFILWE MOLEFE SC:** Well you say here in paragraph 10 that he threatened me that my family worked at Bosasa and I needed to be careful. Did this or did this not happen?

**MR RICHARD LE ROUX:** Paragraph 10?

**ADV RIFILWE MOLEFE SC:** Paragraph 10 on page 2.

**MR RICHARD LE ROUX:** Oh, that is correct, Chair, but that was over the phone. He did threaten me that my family works there and I need to see where my loyalties lay.

**ADV RIFILWE MOLEFE SC:** Thank you. Moving on to paragraph 11 of your statement on page 3 you narrate events that took place on or about 20 November 2017, is this  
10 correct?

**MR RICHARD LE ROUX:** That is correct, it was on 20 November 2017.

**ADV RIFILWE MOLEFE SC:** What happened on this date?

**MR RICHARD LE ROUX:** At exactly 18:18, Chair, Gavin Watson called me and instructed me to go to Lindsey Watson first thing in the morning and to do an affidavit stating that Angelo Agrizzi had instructed me to do the special projects that had been done to date, that everything was done under his instruction.

**ADV RIFILWE MOLEFE SC:** And what was your response to Mr Gavin Watson's request or question?

**MR RICHARD LE ROUX:** My response, Chair, was I said to him I do not want to get in  
20 between arguments between Angelo Agrizzi and Gavin Watson.

**CHAIRPERSON:** This was about three days after his earlier call to you where he asked you where your loyalties lay, is that right?

**MR RICHARD LE ROUX:** It was quite a few days...[intervenes]

**CHAIRPERSON:** A few weeks?

**MR RICHARD LE ROUX:** It was quite a few days after, Chair.

**CHAIRPERSON:** It was a few weeks after that.

**MR RICHARD LE ROUX:** It was about two weeks after that.

**CHAIRPERSON:** About two weeks after that, okay.

**ADV RIFILWE MOLEFE SC:** You have just stated that you did not want to get in between arguments?

**MR RICHARD LE ROUX:** Between Gavin Watson and Angelo Agrizzi.

**ADV RIFILWE MOLEFE SC:** And why did you say that?

**MR RICHARD LE ROUX:** Well it would have been incorrect to be untruthful at the end of the day. I mean they were having a fight between the two of them and I was not  
10 prepared to get involved in their arguments or what their disputes were at the end of the day and it would not be fair of me to go and do a statement like that when it is untruthful.

**ADV RIFILWE MOLEFE SC:** When what is untruthful?

**MR RICHARD LE ROUX:** Where Angelo Agrizzi instructed me to do special projects. It was not only Angelo Agrizzi that instructed me to do special projects.

**ADV RIFILWE MOLEFE SC:** Who else instructed you?

**MR RICHARD LE ROUX:** Gavin Watson and the Directorate of the company.

**ADV RIFILWE MOLEFE SC:** And who?

**MR RICHARD LE ROUX:** And the Directorate of the company.

20 **ADV RIFILWE MOLEFE SC:** Can you state who the other Directorate members were?

**MR RICHARD LE ROUX:** I acted under instructions from Gavin Watson, Angelo Agrizzi, Papa Leshabane, Joe Gumede, Trevor Mathenjwa and Sivion Dlamini and I have stated that in RLR011.

**CHAIRPERSON:** Yes, so your unpreparedness to depose to the kind of affidavit that Mr Gavin Watson wanted you to depose to was not because Mr Agrizzi had never



instructed you to carry out what you call special projects, but your objection was that as you understood the instruction you were being required to depose to an affidavit where you would say it was only him who were giving you those instructions.

**MR RICHARD LE ROUX:** That is correct, Chair, and that is what I did not want to do, because it would be untruthful at the end of the day.

**CHAIRPERSON:** Thank you.

**ADV RIFILWE MOLEFE SC:** So having received this request from Mr Gavin Watson to go to Lindsey Watson what then happened after?

10 **MR RICHARD LE ROUX:** I said I did not want to get between arguments and I would – it would be incorrect of me and untruthful to say that Angelo Agrizzi had instructed me to do the special projects. This was not the truth. I was primarily instructed by Gavin Watson, Angelo Agrizzi and other Directors to attend to those special projects.

**ADV RIFILWE MOLEFE SC:** Okay, and...[intervenes]

**CHAIRPERSON:** But let us talk about the conversation between you and Mr Gavin Watson. He calls you, he gives you this instruction, you respond that you do not want to get involve and then how did the conversation end? Did he proceed beyond that or what happened?

**MR RICHARD LE ROUX:** No, Chair, it did not proceed beyond that.

**CHAIRPERSON:** He seemed to accept what you said or he left you alone?

20 **MR RICHARD LE ROUX:** He just left me alone, Chair.

**CHAIRPERSON:** Yes, okay, thank you.

**ADV RIFILWE MOLEFE SC:** And did you receive any further communication about this instruction?

**MR RICHARD LE ROUX:** I did, Chair. I received a missed call from Lindsey Watson at 19:14. I was not able to answer the phone.

**CHAIRPERSON:** And she was the daughter?

**MR RICHARD LE ROUX:** She is the daughter of Mr Gavin Watson.

**CHAIRPERSON:** Gavin Watson, okay.

**ADV RIFILWE MOLEFE SC:** Thank you, Chair. And this is what is stated at paragraph 12.1 of your statement?

**MR RICHARD LE ROUX:** That is correct, Chair.

**ADV RIFILWE MOLEFE SC:** Chair, Mr le Roux has attached what he calls phone records, however, they were not attached to the statement. I have since received them from the investigators and I would beg leave to hand them up. There will be other  
10 several documents that I would wish to hand up and so I am seeking directions from the, Chair, whether I hand up the documents as and when the evidence is led or...[intervenes]

**CHAIRPERSON:** Were they supposed to have been Annexures to the affidavit?

**ADV RIFILWE MOLEFE SC:** They were, Chair.

**CHAIRPERSON:** So the affidavit does refer to them?

**ADV RIFILWE MOLEFE SC:** Paragraph 12.1 refers to phone records, however, since the precognition of Mr le Roux he had wish to add three further documents.

**CHAIRPERSON:** Okay, no, I just want to clear up one thing. Are we talking about documents that were – that should have been annexed to the affidavit, but were not  
20 annexed or are we talking about documents that are – were not meant to be annexed to the affidavit, but that you wish to hand up?

**ADV RIFILWE MOLEFE SC:** It is the former, Chair. There are documents that Mr le Roux wishes to be annexed to the statement which he speaks to throughout the statement.

**CHAIRPERSON:** Which were not annexed and should have been annexed?

**ADV RIFILWE MOLEFE SC:** Certainly so, Chair.

**CHAIRPERSON:** Okay. He would have seen them by now, so it is a question of attaching them to the affidavit.

**ADV RIFILWE MOLEFE SC:** Indeed so, Chair.

**CHAIRPERSON:** Okay, no that is fine, that is in order.

**ADV RIFILWE MOLEFE SC:** Thank you, Chair.

**CHAIRPERSON:** Do you have them ready?

**ADV RIFILWE MOLEFE SC:** I do. Chair, for the ease of reference I flagged all the documents for both the, Chair, and Mr le Roux and will refer to during the course of his  
10 evidence. They are flagged RR1 to RR4 individually.

**CHAIRPERSON:** Does the affidavit say they are annexed as Annexure what what what or does it not?

**ADV RIFILWE MOLEFE SC:** No, no, no, Chair, it does not. If I can refer the, Chair, to paragraph 12.1 as an example there Mr le Roux says that phone records are attached hereto. The naming of the Annexures is the proposal from the legal team.

**CHAIRPERSON:** I think let us deal with them separately for now and then you must decide later on whether it would not be more appropriate to either deal with them separately from the affidavit or to do supplementary affidavit that just says that deals with them. So you can decide which one you want to do later. We can deal with them  
20 separately now and not as part of the affidavit and then later on you can decide whether they should remain separate from the affidavit or whether a supplementary affidavit will be done by the witness to which those Annexures will be attached, because from what you are telling me they are not referred to – they are not marked. You know, the affidavit does not say it is going to be Annexure what what what.

So when you attach them without that it could cause confusion. It might be

cleaner if we either deal with them separately as exhibits or later on you can attach them to a supplementary affidavit that explains that.

**ADV RIFILWE MOLEFE SC:** Certainly, Chair. I am instructed by Mr Pretorius that a supplementary affidavit may be filed in due course.

**CHAIRPERSON:** *Ja*, no that is fine, but we can deal with them now on that understanding that a supplementary affidavit can be made and then what – and the Annexure, what Annexure they will be then must also – we must use the same Annexures or Annexure name to identify them as you will use in the supplementary affidavit.

10 **ADV RIFILWE MOLEFE SC:** Certainly, Chair, we will do so.

**CHAIRPERSON:** Okay.

**ADV RIFILWE MOLEFE SC:** Might I beg leave to hand them up?

**CHAIRPERSON:** Okay.

**ADV RIFILWE MOLEFE SC:** Thank you, Chair, one copy is being handed up to you and another copy is being handed up to Mr le Roux.

**CHAIRPERSON:** Thank you.

**ADV RIFILWE MOLEFE SC:** Mr le Roux the document that is in front of you is that the document that you refer to in paragraph 12.1?

**MR RICHARD LE ROUX:** That is correct, Chair.

20 **CHAIRPERSON:** I see that you have marked the document RR1, is that what you are going to use throughout?

**ADV RIFILWE MOLEFE SC:** Indeed so, Chair.

**CHAIRPERSON:** Oh, okay, I think maybe you can just mention so that the transcript will reflect that we are talking about RR1.

**ADV RIFILWE MOLEFE SC:** Certainly, Chair, thank you. There is a document,

Mr le Roux is the document that is marked RR1 and this is a document that will be contained in your supplementary affidavit as RR1 and you have just confirmed that this is the document that you refer to in paragraph 12.1?

**MR RICHARD LE ROUX:** That is correct, Chair.

**ADV RIFILWE MOLEFE SC:** And can you explain what this document is?

**MR RICHARD LE ROUX:** Chair, it basically says that I got a missed call from Lindsey Watson. I tried again on 21 November at...[intervenes]

**ADV RIFILWE MOLEFE SC:** Sorry can I, sorry to interrupt you Mr le Roux. There are two pages of that Annexure. When you say that the document shows that you had a  
10 missed called from Ms Lindsey Watson, can you clarify if that is on the first page or the second page of the document before you marked RR1?

**MR RICHARD LE ROUX:** It is on the second page, Chair.

**CHAIRPERSON:** Yes?

**ADV RIFILWE MOLEFE SC:** Yes, please proceed there are two...[intervenes]

**CHAIRPERSON:** What tells me this is a missed call here, I do not see anything written missed call or there is missed at the top, is that what you are talking about? On the left hand side of the word edit on the second page, is that what you are talking about? When you say you noticed that there was a missed call from Lindsey Watson?

**MR RICHARD LE ROUX:** That is correct Chair.

20 **CHAIRPERSON:** How do you see that who the missed call was from on the document?

**MR RICHARD LE ROUX:** Chair I, this, this, this copy that is here it does not, where it says Lindsay Watson other, alright.

**CHAIRPERSON:** Sorry.

**MR RICHARD LE ROUX:** Where it says Lindsay Watson other.

**ADV REFILWE MOLEFE SC:** The.

**MR RICHARD LE ROUX:** I took, I took that to be the missed call.

**ADV REFILWE MOLEFE SC:** Sorry. I am going to interrupt you. Can you point us from the top and all the entries that are listed there where Lindsay Watson other is listed starting with that number that is 011, the second being wife can you count down further?

**CHAIRPERSON:** I see Lindsay Watson is number three from the bottom on the second page. Is that what you are talking about?

**MR RICHARD LE ROUX:** That is correct Chair. I took that as the missed call from  
10 Lindsay Watson.

**CHAIRPERSON:** Are those, are those all missed calls that appear on?

**MR RICHARD LE ROUX:** No, Chair. There are some missed calls and made calls.

**CHAIRPERSON:** My question is how do you see that it is a missed call? There is no missed call, there is no word “missed” or “missed call” next to Lindsay Watson.

**MR RICHARD LE ROUX:** No, Chair there is not.

**CHAIRPERSON:** What tells you it is a missed call?

**MR RICHARD LE ROUX:** Only my recollection Chair.

**CHAIRPERSON:** Oh, so this does not help us with that?

**MR RICHARD LE ROUX:** It does not tell you whether it is a missed call or a made call.

20 **CHAIRPERSON:** Okay.

**ADV REFILWE MOLEFE SC:** But it shows the list of calls either received or made or possibly missed as is your evidence?

**MR RICHARD LE ROUX:** Yes.

**ADV REFILWE MOLEFE SC:** And you had informed; I am, I am made aware that you have informed the investigators that phone records from the network providers can be

procured should this become a contentious issue.

**MR RICHARD LE ROUX:** They can be procured Chair.

**CHAIRPERSON:** I am sorry I missed that. Just repeat that. That question and the answer.

**ADV REFILWE MOLEFE SC:** I am informed by the investigators that you had stated that the phone records can be obtained from this cellular phone network providers. Is this correct?

**MR RICHARD LE ROUX:** That is correct Chair from Vodacom.

**ADV REFILWE MOLEFE SC:** And you would be able to show whether the call was  
10 missed and who it was missed from?

**MR RICHARD LE ROUX:** Well yes because it will on the, on the actual statement itself it will tell you whether it is a missed call or a made call.

**ADV REFILWE MOLEFE SC:** And it will show the number of the person who is, whose call was missed or made?

**MR RICHARD LE ROUX:** It will show the number. It will not show the name.

**ADV REFILWE MOLEFE SC:** So.

**MR RICHARD LE ROUX:** This, this name is the name that comes off the phone.

**ADV REFILWE MOLEFE SC:** But it will show the number?

**MR RICHARD LE ROUX:** It will show the number, yes.

20 **ADV REFILWE MOLEFE SC:** Chair this can be ascertained by investigators through the network service providers.

**CHAIRPERSON:** Ja. That is fine, but does this document help us with anything?

**ADV REFILWE MOLEFE SC:** Well as is Mr Le Roux's evidence this is the document that he attached as phone records where he says that he tried to show that he received a missed call from Ms Watson and he further said that the list of entries appearing there

are either calls that were made or missed.

**CHAIRPERSON:** Ja, but does it help us? I thought he does say that it is his recollection whether it; that call from Lindsay Watson was a missed call or not, not because the document helps him with that.

**ADV REFILWE MOLEFE SC:** Pardon me Chair.

**CHAIRPERSON:** [No audible reply].

**ADV REFILWE MOLEFE SC:** Apologies Chair. As Mr Le Roux has stated Chair the document shows that there was communication with Ms Lindsay Watson whether it be having missed the call from Ms Watson or having received the call and as I have been  
10 informed by investigators this can be corroborated through the cellular network providers.

**CHAIRPERSON:** Well I cannot, I cannot remember some of the other things that he says in his affidavit. I do not know if there is anything of crucial importance about that call whether it happened or did not happen. I leave it to you.

**ADV REFILWE MOLEFE SC:** Thank you Chair.

**CHAIRPERSON:** Hm.

**ADV REFILWE MOLEFE SC:** Mr Le Roux you stated at paragraph 9, 12.1 rather that you received a missed call from Ms Lindsay Watson. Is that not correct?

**MR RICHARD LE ROUX:** That is correct Chair.

20 **ADV REFILWE MOLEFE SC:** And what then happened after you missed this call?

**MR RICHARD LE ROUX:** The morning after Chair on 21 November at 06:36 I called Lindsay Watson. The call was not answered. I then tried again at 06:45. I called her again and she answered and she said that I had to come and see her with regards to an affidavit that her father said I must come and do with her.

**ADV REFILWE MOLEFE SC:** And did you go and see Ms Lindsay Watson as she had



requested?

**MR RICHARD LE ROUX:** I did not go and see her, no Chair.

**ADV REFILWE MOLEFE SC:** And what did you say in response to Ms Lindsay Watson?

**MR RICHARD LE ROUX:** Chair I said to her that I was not comfortable with doing the affidavit against Angelo Agrizzi, because it would in fact be unlawful to say that Angelo Agrizzi is the one who gave me the instructions. When the instructions came from Gavin Watson, the Directorate and Angelo Agrizzi.

**ADV REFILWE MOLEFE SC:** So did you refuse to make the statement?

10 **MR RICHARD LE ROUX:** I did refuse to make a statement.

**ADV REFILWE MOLEFE SC:** Did you eventually have to make a statement?

**MR RICHARD LE ROUX:** I did Chair have to make a statement, yes.

**ADV REFILWE MOLEFE SC:** Please explain how this came about.

**MR RICHARD LE ROUX:** I was getting pressure from, from Lindsay Watson and Gavin Watson. You know the phone call the previous day from Gavin to say that I had to do this. What I had done was because I was working for African or GTS.

**CHAIRPERSON:** Ja. Let us, let us make, let us get the story to connect properly. You called Ms Lindsay Watson at 06:36 on 21 November 2017 and she did not answer?

**MR RICHARD LE ROUX:** That is correct Chair.

20 **CHAIRPERSON:** And then you called her again at 06:45, same morning and she answered?

**MR RICHARD LE ROUX:** That is correct Chair.

**CHAIRPERSON:** And then she said to you, you had to come and do an affidavit?

**MR RICHARD LE ROUX:** That is correct Chair.

**CHAIRPERSON:** You understood that the affidavit she was talking about was an

affidavit in which you would put all blame on Mr Agrizzi?

**MR RICHARD LE ROUX:** That is correct Chair.

**CHAIRPERSON:** On, as being the person who had given instructions to you to do, carry out the Special Projects?

**MR RICHARD LE ROUX:** That is correct Chair.

**CHAIRPERSON:** And you refused?

**MR RICHARD LE ROUX:** I did refuse Chair.

**CHAIRPERSON:** Let us complete that conversation. What did she say when you refused? Let us, let us get, let us get a complete picture.

10 **MR RICHARD LE ROUX:** Chair what she said to me was that Gavin Watson and Bosasa paid my salary and I had to comply with what her father had said and I said to her it would not be honest or, or truthful for me to do an affidavit in that, in that state to say that Angelo Agrizzi had given me the instruction to, to do the Special Projects. I said to her it would be unlawful and would not be truthful.

**CHAIRPERSON:** Yes and what, what was her response? Just give us the conversation until you ended and how you ended. How that conversation [intervenes].

**MR RICHARD LE ROUX:** From, from what my recollection can be Chair is she then turned around and said to me that I need to be aware that Bosasa pays my salary and Gavin Watson pays my salary, alright and that I had a, a loyalty to, to, to the company  
20 and to Gavin Watson, alright and I just said to her Chair I would not be happy signing that thing and doing it of free will at the end of the day.

**CHAIRPERSON:** And is that how the conversation ended?

**MR RICHARD LE ROUX:** Ended, yes Chair.

**CHAIRPERSON:** And then what followed after that?

**MR RICHARD LE ROUX:** Chair I then approached Angelo Agrizzi, alright and I, I gave

him a phone call and I said to him that this is what Gavin wants me to do and I said to him it would not be ethical or, it would, it would be lying at the end of the day to say that he is the one who instructed me, alright. I am not saying that he did not instruct me, but the instructions from ultimately Gavin Watson, Angelo Agrizzi and the Director of the Company. He then said to me not a problem, come and see me, alright and let us do another statement to say that you were; that you were under stress and duress to make the statement.

**CHAIRPERSON:** That that, that is now Mr Agrizzi saying that to you?

10 **MR RICHARD LE ROUX:** That is correct Chair. Alright, because he also felt that it was wrong.

**CHAIRPERSON:** But, just repeat what you say he said to you.

**MR RICHARD LE ROUX:** What he said to me Chair is that it was very wrong of them to, to ask me to do a statement like that, because it would be untruth, it would not be truthful at the end of the day.

**CHAIRPERSON:** Yes and then he said you must come to him for what purpose?

20 **MR RICHARD LE ROUX:** Come to his place so that we can do a statement, give it to Lindsay Watson and to Gavin Watson, alright. He said at the end of the day to take stress of you, because you are working for the company, alright and the stress there is, is quite a lot. He said to me that come, we will do something. We will put a; I have got a statement that I have given to, to the investigators where I have signed what she requested from me.

**CHAIRPERSON:** Okay, alright. Ms Molefe you can take it from there.

**ADV REFILWE MOLEFE SC:** Thank you Chair. You have mentioned that there is a document that you had handed, you had handed over rather to the investigators?

**MR RICHARD LE ROUX:** That is correct.

**ADV REFILWE MOLEFE SC:** And this document would be the statement that you state you prepared with Mr Angelo Agrizzi?

**MR RICHARD LE ROUX:** That is correct Chair.

**ADV REFILWE MOLEFE SC:** Chair, this is the second document that I would beg leave to hand up.

**CHAIRPERSON:** Okay. Thank you. You, this one is marked RR2.

**ADV REFILWE MOLEFE SC:** Certainly Chair.

**CHAIRPERSON:** Is this referred to in the affidavit?

**ADV REFILWE MOLEFE SC:** The statement itself is referred to under paragraph 14 of  
10 the statement.

**CHAIRPERSON:** Okay.

**ADV REFILWE MOLEFE SC:** And Mr Le Roux has also just given evidence about the statement. Mr Le Roux the document that is placed before you marked RR2 can you explain what that document is?

**MR RICHARD LE ROUX:** Chair this is the document that the Lindsay and Gavin Watson instructed me to do.

**ADV REFILWE MOLEFE SC:** And what is contained in the statement?

**MR RICHARD LE ROUX:** It basically just says:

20 “Statement from Richard Le Roux: I, Richard Le Roux resident  
of Summerfield Village hereby state that Angelo Agrizzi the ex-  
Chief Operations Officer instructed me and my team to do  
Special Projects at various sites.”

**ADV REFILWE MOLEFE SC:** What does the statement further say?

**MR RICHARD LE ROUX:** “The above is true and binding on me.”

Signed, I signed this 20 November 2017 at Roodepoort.

**ADV REFILWE MOLEFE SC:** And to whom was the statement directed?

**MR RICHARD LE ROUX:** To Lindsay Watson and Gavin Watson.

**ADV REFILWE MOLEFE SC:** And is that what appears at the top of the document?

There is statement to it is written L Watson. Does L stand Lindsay?

**MR RICHARD LE ROUX:** It does Chair.

**ADV REFILWE MOLEFE SC:** And you said it was also directed to Mr Gavin Watson?

**MR RICHARD LE ROUX:** That is correct Chair.

**CHAIRPERSON:** Who prepared the statement?

**MR RICHARD LE ROUX:** Chair, Angelo Agrizzi helped me to prepare the statement.

10 **CHAIRPERSON:** Oh, okay. That same day that you called him?

**MR RICHARD LE ROUX:** The day after Chair.

**CHAIRPERSON:** The day after. Okay and between the times when you had a conversation with Ms Lindsay Watson and the preparation of the statement neither Mr Gavin Watson nor Ms Lindsay Watson had called you?

**MR RICHARD LE ROUX:** That is correct Chair. They never phoned me again.

**CHAIRPERSON:** Yes. Okay, alright. You may proceed Ms Molefe.

**ADV REFILWE MOLEFE SC:** Thank you Chair. Were there any further discussions between yourself and Mr Angelo Agrizzi about the statement?

**MR RICHARD LE ROUX:** No, there was not Chair.

20 **ADV REFILWE MOLEFE SC:** Now you have earlier testified that the instruction from Ms Lindsay, Ms Lindsay Watson rather and Mr Gavin Watson that you depose to such an affidavit resulted you, in you making a false statement in that Mr Agrizzi was not the only one who gave instructions insofar as the Special Projects?

**MR RICHARD LE ROUX:** Well yes Chair, because the statement in my eyes were not the truth at the end of the day.

**ADV REFILWE MOLEFE SC:** And did you do anything about this untruth insofar as the statement?

**MR RICHARD LE ROUX:** We.

**CHAIRPERSON:** Maybe before, before that was the statement after you had signed it given or sent to Mr Watson or mister or Ms Lindsay Watson?

**MR RICHARD LE ROUX:** Chair if I can recall I think I emailed it through to, to Lindsay Watson.

**CHAIRPERSON:** Okay, thank you.

**ADV REFILWE MOLEFE SC:** Thank you and did you do anything further in respect of  
10 the statement that you said you emailed to Ms Lindsay Watson?

**MR RICHARD LE ROUX:** I did nothing further.

**ADV REFILWE MOLEFE SC:** Did you wish, did you ever amend the statement at any point?

**MR RICHARD LE ROUX:** I did Chair.

**ADV REFILWE MOLEFE SC:** In what way?

**MR RICHARD LE ROUX:** In a way that I said that I had done it under duress, under pressure. You have got another statement, your investigators and it was signed by two witnesses as well.

**ADV REFILWE MOLEFE SC:** And did you prepare a separate statement in this  
20 respect?

**MR RICHARD LE ROUX:** Sorry, can you repeat that?

**ADV REFILWE MOLEFE SC:** Did you prepare a separate statement in this respect?

**MR RICHARD LE ROUX:** That is correct.

**ADV REFILWE MOLEFE SC:** The statement itself were there any changes made on the statement?

**MR RICHARD LE ROUX:** No, no changes were made on the statement. It was only handwritten underneath the statement about that I was put under pressure and I was doing it under duress.

**ADV REFILWE MOLEFE SC:** And this is the document you state you have given to the investigators?

**MR RICHARD LE ROUX:** That is correct Chair.

**ADV REFILWE MOLEFE SC:** Chair I beg leave to hand up this document.

**CHAIRPERSON:** Do we not have the statement somewhere? I seem to have seen both statements or were they also annexed to Mr Agrizzi's affidavit? I have seen them  
10 both, both of them.

**ADV REFILWE MOLEFE SC:** They were Chair. However a decision was taken to.

**CHAIRPERSON:** Okay. They are not attached here.

**ADV REFILWE MOLEFE SC:** Indeed.

**CHAIRPERSON:** Okay, alright.

**ADV REFILWE MOLEFE SC:** Thank you. I beg leave to hand up the documents.

**CHAIRPERSON:** Ja. This one is marked RR3?

**ADV REFILWE MOLEFE SC:** Indeed so Chair.

**CHAIRPERSON:** Did you make a copy of the statement that you sent to Ms Lindsay Watson namely RR2 and then write at the bottom thereof by hand?

20 **MR RICHARD LE ROUX:** That is correct Chair.

**CHAIRPERSON:** Okay. You may proceed Ms Molefe.

**ADV REFILWE MOLEFE SC:** Thank you Chair and the document before you marked RR3 which has handwritten notes at the bottom of what was the contents of RR2 are those the handwritten notes you refer to?

**MR RICHARD LE ROUX:** You want me to read the, the document?

**ADV REFILWE MOLEFE SC:** No, no first answer. Are those the handwritten notes that you earlier referred to?

**MR RICHARD LE ROUX:** That is correct Chair.

**ADV REFILWE MOLEFE SC:** And why, whose handwritten note is that?

**MR RICHARD LE ROUX:** 21 November 2017, 10:35 sent to Bosasa Lindsay Watson after pressure to do a false affidavit. Therefore not of any effect. Witnessed Andries van Tonder and Leon van Tonder.

**ADV REFILWE MOLEFE SC:** Okay. Who wrote this note?

**MR RICHARD LE ROUX:** Angelo Agrizzi did.

10 **ADV REFILWE MOLEFE SC:** And.

**CHAIRPERSON:** I am sorry. Who made the note?

**MR RICHARD LE ROUX:** Angelo Agrizzi Chair.

**CHAIRPERSON:** Okay.

**ADV REFILWE MOLEFE SC:** And did you agree to the, the, the, what is stated in that handwritten note?

**MR RICHARD LE ROUX:** I did agree Chair.

**ADV REFILWE MOLEFE SC:** The signatures that appear as handwritten there is a signature just on the far right of the document next to the date. Whose signature is that?

20 **MR RICHARD LE ROUX:** It is my signature Chair.

**ADV REFILWE MOLEFE SC:** And you earlier stated that the document was witnessed by Mr Andries van Tonder?

**MR RICHARD LE ROUX:** That is correct Chair.

**ADV REFILWE MOLEFE SC:** And is that his signature next to his name?

**MR RICHARD LE ROUX:** That is correct Chair.



**ADV REFILWE MOLEFE SC:** You also stated that the document was witnessed by Leon van Tonder?

**MR RICHARD LE ROUX:** That is correct Chair.

**ADV REFILWE MOLEFE SC:** And is that his signature next to his name?

**MR RICHARD LE ROUX:** That is correct Chair.

**ADV REFILWE MOLEFE SC:** Thank you.

**CHAIRPERSON:** So this note was made a day after you had signed [clearing throat] excuse me. The one that you sent to Ms Lindsay Watson?

**MR RICHARD LE ROUX:** That is correct Chair.

10 **CHAIRPERSON:** How did this come about? The making of this note here. Whose idea was it? How did it come about that a note must be made on this?

**MR RICHARD LE ROUX:** Chair I asked Angelo for advice, because I am not a lawyer at the end of the day. I do not know the law that well and I just said to him Angelo I need your help, because at the end of the day what I am doing alright is not lawful at the end of the day and I do not want to, can I be frank Chair?

**CHAIRPERSON:** [No audible reply].

**MR RICHARD LE ROUX:** I said to, to Angelo straight. If I have said that his, he was the one who instructed me to do Special Projects he would have dragged me through the courts for how many years thereafter. I do not have the money for the courts at the  
20 end of the day. If I had said Gavin Watson had instructed me he would have also dragged me through the courts for I do not know how many years thereafter. So that is why I said to him it would have been very untruthful to say it was either this party or that party, because it was not; it was both parties and the Directorate of the company that instructed me to do Special Projects.

**CHAIRPERSON:** Ja, ja. Okay, thank you and this note that was made here was it

shown to the, to Mr Gavin Watson, to Ms Lindsay Watson?

**MR RICHARD LE ROUX:** No, it was not Chair.

**CHAIRPERSON:** Was it just left to be in the document?

**MR RICHARD LE ROUX:** It was just left to be in the document Chair.

**CHAIRPERSON:** Yes, okay alright.

**MR RICHARD LE ROUX:** Because if I had sent this document through Chair.

**CHAIRPERSON:** Ja.

**MR RICHARD LE ROUX:** I am still working at the, at the company. I would have gotten pressure right from the word go again.

10 **CHAIRPERSON:** Yes.

**MR RICHARD LE ROUX:** I was just trying to elevate pressure and, and, and, and on me at the end of the day.

**CHAIRPERSON:** Yes.

**MR RICHARD LE ROUX:** That is all I was allowed to do.

**CHAIRPERSON:** Okay. Thank you.

**ADV REFILWE MOLEFE SC:** Thank you Chair. So just to make sure that we have this correctly. The statement without the handwritten notes on RR2 that was submitted to Ms Lindsay Watson and Mr Gavin Watson.

**MR RICHARD LE ROUX:** That is correct Chair.

20 **ADV REFILWE MOLEFE SC:** And the statement with the handwritten notes on it marked RR3 that was kept by yourself or was it kept by Mr Agrizzi or did you both have copies?

**MR RICHARD LE ROUX:** It was kept by myself and by Mr Agrizzi.

**ADV REFILWE MOLEFE SC:** And the statement with the handwritten notes was never handed over to either Ms Lindsay Watson or Mr Gavin Watson?

**MR RICHARD LE ROUX:** To my recollection no Chair.

**ADV REFILWE MOLEFE SC:** That is fine and did you do anything further in respect of the statements and the contents of the statements?

**MR RICHARD LE ROUX:** No, Chair.

**CHAIRPERSON:** The notes that were made there to say that the earlier statement of 20 November had been made under pressure was that intended to help you in case later on Mr Gavin Watson used your statement RR2 to say Mr Agrizzi was the one, was the only one who gave you instructions about Special Projects?

**MR RICHARD LE ROUX:** That is correct Chair.

10 **CHAIRPERSON:** Okay.

**ADV REFILWE MOLEFE SC:** Thank you Chair. Can you then move on to paragraph 15 of your statement where you set out events since returning from the United Kingdom? Can you tell the Chair what happened once you returned from the UK to GTS?

**MR RICHARD LE ROUX:** During my, the course of my employment at the Bosasa Group of Companies and since returning from the United Kingdom I was in charge of the Head Office's security cameras. I was in charge of the maintenance of the server itself, the camera server not the, the, the IT servers. Just the camera server and the footage of that server.

20 **ADV REFILWE MOLEFE SC:** Okay. So it is Bosasa Group not GTS?

**MR RICHARD LE ROUX:** Sorry, can you repeat that?

**ADV REFILWE MOLEFE SC:** It is Bosasa Group and not GTS?

**MR RICHARD LE ROUX:** The Bosasa Group and GTS.

**ADV REFILWE MOLEFE SC:** Okay and you say that you were in charge of maintenance of the cameras?

**MR RICHARD LE ROUX:** The camera systems at the office park.

**ADV REFILWE MOLEFE SC:** In what respect?

**MR RICHARD LE ROUX:** I was in charge of the server. I was in charge to make sure that the server ran smoothly, to make sure that the cameras were always operational.

**ADV REFILWE MOLEFE SC:** Okay and in paragraph 16 of your statement on page 4 you then set out events relating to an instruction. Can you please tell the Chair about this instruction?

**MR RICHARD LE ROUX:** Chair I was instructed on numerous occasions when the office park was visited by VIP guests or VVIP guests. That after the visit it was  
10 instructed by Gavin Watson or Angelo Agrizzi to delete the footage of that visit and to delete the cameras the server, the camera server.

**ADV REFILWE MOLEFE SC:** Yes and you say this instruction was from Mr Gavin Watson and Mr Angelo Agrizzi?

**MR RICHARD LE ROUX:** Or Angelo Agrizzi.

**ADV REFILWE MOLEFE SC:** And the VIP or VVIP guests who you refer to can you recall who these were?

**MR RICHARD LE ROUX:** In this paragraph no I cannot recall who they were.

**ADV REFILWE MOLEFE SC:** Well did you later come to know who these VIP and VVIP guests were?

20 **MR RICHARD LE ROUX:** No.

**ADV REFILWE MOLEFE SC:** Pardon.

**MR RICHARD LE ROUX:** No.

**ADV REFILWE MOLEFE SC:** And do you recall when these visits took place?

**MR RICHARD LE ROUX:** I do not recall. They would sometimes take place once a week, sometimes twice a week, sometimes once a month.

**ADV REFILWE MOLEFE SC:** Now were you told why you should delete the footage and the server, well information on the server?

**MR RICHARD LE ROUX:** I was just told to delete it and I complied with the instruction given by my employer.

**CHAIRPERSON:** Did, did you know whether the so called VIPs and VVIP guests were from, were Government Officials or some of them?

**MR RICHARD LE ROUX:** Chair I would know, have no idea, but I am sure if it is VIP or if it was VVIP alright, because the VVIP was the very, very important visitors. I would have presumed it would be from Government, but I cannot, I cannot be 100 percent.

10 **CHAIRPERSON:** You, you came back from, did you say the UK?

**MR RICHARD LE ROUX:** The United Kingdom, yes Chair.

**CHAIRPERSON:** 2006?

**MR RICHARD LE ROUX:** 2008.

**CHAIRPERSON:** 2008?

**MR RICHARD LE ROUX:** That is correct Chair.

**CHAIRPERSON:** And when you came back part of your job was to maintain and look after the cameras that you are talking about?

**MR RICHARD LE ROUX:** The camera server, yes Chair.

20 **CHAIRPERSON:** Ja and from that time; okay, let me ask this question. As of now is that still your responsibility?

**MR RICHARD LE ROUX:** No, Chair it is not.

**CHAIRPERSON:** Where?

**MR RICHARD LE ROUX:** That responsibility was taken away from me.

**CHAIRPERSON:** When was it taken away from you?

**MR RICHARD LE ROUX:** It was.

**CHAIRPERSON:** More or less.

**MR RICHARD LE ROUX:** It was in the beginning of about 2017. I was instructed by Gavin Watson.

**CHAIRPERSON:** Yes.

**MR RICHARD LE ROUX:** To hand over all the passwords and codes.

**CHAIRPERSON:** Yes.

**MR RICHARD LE ROUX:** To Riaan Cilliers of [indistinct], a company within the Bosasa African Global Group as it was said that I could not be trusted anymore.

**CHAIRPERSON:** Okay and you, did you say that the, the visits by these VIP guests  
10 and VVIP guests happened regularly once a week, sometimes twice a week?

**MR RICHARD LE ROUX:** Chair sometimes it was two, three times a week.

**CHAIRPERSON:** Ja.

**MR RICHARD LE ROUX:** Sometimes we would have a week where we would not have visitors at all.

**CHAIRPERSON:** Yes.

**MR RICHARD LE ROUX:** I was just instructed that when; what, what would happen was there would be a circulation of an email that would go out to the whole company. That there would be a VIP visit and everybody had to be on their stations.

**CHAIRPERSON:** Yes.

20 **MR RICHARD LE ROUX:** Alright and if there was a VVIP visit, alright then we would have to have people in the workshop and so that we could promote the workshop and demonstrate the workshop for example alright, but sometimes like I said there would be no, no visits, but if there was a VIP visit or a VVIP visit there was a circulation that was sent out by the company.

**CHAIRPERSON:** When the VIP guests or VVIP guests were on the premises were you

required to be there with them or you had to go on with your other duties?

**MR RICHARD LE ROUX:** I carried on with my normal duties Chair.

**CHAIRPERSON:** Okay. Thank you.

**ADV REFILWE MOLEFE SC:** And in your normal duties Mr Le Roux and being entrusted with the cameras and service would you ever see the camera footage?

**MR RICHARD LE ROUX:** I would not look at the camera footage Chair no, because I did not have time to, to look at camera footage or anything like that. I just deleted the database and I recreated the database.

**ADV REFILWE MOLEFE SC:** So was there at any point that you looked at the camera  
10 footage where you saw who the VIP guests were?

**MR RICHARD LE ROUX:** Yes there was.

**ADV REFILWE MOLEFE SC:** And who, who had you seen?

**MR RICHARD LE ROUX:** I had seen the then President Jacob Zuma accompanied by Dudu Myeni and Bheki Cele.

**ADV REFILWE MOLEFE SC:** And can you recall what year this was?

**MR RICHARD LE ROUX:** I cannot recall which year this was. It was a visit to the office park on a Saturday morning.

**ADV REFILWE MOLEFE SC:** And you earlier stated that there was footage that you had to delete. Was this one of the footages that you had to delete?

20 **MR RICHARD LE ROUX:** That is correct Chair. I had to wait until the visit was finished and I had to clear the database then and there. I was not allowed to wait to Monday morning. I had to clear the database that afternoon still.

**ADV REFILWE MOLEFE SC:** And when, when you, when you would delete this footage was any copy kept by any person of the footage?

**MR RICHARD LE ROUX:** No, no copies were made.

**ADV REFILWE MOLEFE:** So once you have deleted it it is completely gone even from the server?

**MR RICHARD LE ROUX:** That is correct Chair.

**ADV REFILWE MOLEFE:** Now in paragraph 19 of your statement you speak again about special projects. What were these special projects?

**MR RICHARD LE ROUX:** Well firstly that is the procedures that had to be done alright. The procedure to do a special project was I would be phoned by either Gavin Watson or Angelo Agrizzi and I would be told to go and do a sight survey.

**CHAIRPERSON:** Maybe that the – the best way to explain they might involve stating  
10 the procedure but the question, what were the special projects? If you are able to say the special projects were a, b, c, d. that is what you should say and then when she wants the procedure that you followed in carrying out the special projects she will ask you. Do you want to deal with the question, what were the special projects?

**MR RICHARD LE ROUX:** The special projects were ministers and high ranking ANC officials.

**ADV REFILWE MOLEFE:** When you say the special projects were ministers and high ranking officials what do you mean? Was – how were they a project or how was anything concerning them a special project?

**MR RICHARD LE ROUX:** I am not sure of that ...

20 **CHAIRPERSON:** In other words maybe let us put it this way. A project is something where you do something. So is there anything that you did or you were supposed to do when you talk about special projects and ministers? If there was what was that?

**MR RICHARD LE ROUX:** Chair.

**ADV REFILWE MOLEFE:** Perhaps if I can assist. What would you do either for or in respect of the ministers and high ranking officials you have referred to?



**MR RICHARD LE ROUX:** What we would do is install CCTV camera systems, alarm systems, electric fencing.

**ADV REFILWE MOLEFE:** And where would you install them?

**CHAIRPERSON:** Okay, okay I am sorry.

**MR RICHARD LE ROUX:** Sorry Chair.

**CHAIRPERSON:** Just repeat that you started answering while she was still talking. So just say that again?

**MR RICHARD LE ROUX:** What we would do on those special projects is.

**CHAIRPERSON:** Yes, yes.

10 **MR RICHARD LE ROUX:** CCTV IP camera systems, alarm systems with beams. We would take care of maintenance around the property – on some of the properties not all of the properties. We would do electric fencing on the properties. Does that answer your question Chair?

**CHAIRPERSON:** When you say on the properties are you talking about the ministers homes?

**MR RICHARD LE ROUX:** That is correct Chair.

**CHAIRPERSON:** Okay.

**ADV REFILWE MOLEFE:** And you earlier said that the special projects were undertaken at the instruction of someone, who instructed that these special projects be  
20 undertaken?

**MR RICHARD LE ROUX:** Gavin Watson Chair.

**ADV REFILWE MOLEFE:** Was it only Mr Gavin Watson?

**MR RICHARD LE ROUX:** Angelo Agrizzi and the directorate.

**ADV REFILWE MOLEFE:** And you were earlier setting out the procedure relative to

special projects and we will later deal with the specific projects that you have set out in your statements. What would be the procedure of initiating a special project?

**MR RICHARD LE ROUX:** Well firstly I would get a phone call from either Gavin Watson or Angelo Agrizzi. I would then be tasked to go and do a site survey Chair to determine what was needed. Alright. I would then come back, get the relevant quotes from the suppliers alright. I would then take that information to Angelo Agrizzi alright. I would then – I just want to clarify one thing Chair. If Angelo Agrizzi's signature was not on the document.

**CHAIRPERSON:** Yes.

10 **MR RICHARD LE ROUX:** Nothing would get paid.

**CHAIRPERSON:** You did not get paid?

**MR RICHARD LE ROUX:** No, nothing would get paid. No supplier would be paid or anything like that.

**CHAIRPERSON:** Okay.

**MR RICHARD LE ROUX:** He had to sign off everything and anything that had to do with special projects.

**CHAIRPERSON:** Okay.

**MR RICHARD LE ROUX:** And that was under instruction.

**CHAIRPERSON:** Yes.

20 **MR RICHARD LE ROUX:** From Gavin Watson. I would then take that to Angelo Agizzi he would go through it. Double check it make sure alright. I would then take that documentation to Jacque Van Zyl and he would then give me the cash to do the project.

**ADV REFILWE MOLEFE:** And were these special projects part of your work responsibilities?

**MR RICHARD LE ROUX:** Yes it was Chair amongst other responsibilities as well.

Normal day to day responsibilities. Looking after Lindela Repatriation Centre, the youth centres on the technical side.

**ADV REFILWE MOLEFE:** So you receive an instruction from either Mr Watson, Mr Agrizzi or any of the other directors?

**MR RICHARD LE ROUX:** That is correct.

**ADV REFILWE MOLEFE:** In respect of which property to attend to and what work is to be done?

**MR RICHARD LE ROUX:** That is correct Chair.

10 **ADV REFILWE MOLEFE:** So how do you then fit into the execution of the special project?

**MR RICHARD LE ROUX:** Well I was the head of special projects Chair.

**ADV REFILWE MOLEFE:** And what did your specific functions entail?

**MR RICHARD LE ROUX:** My specific functions entailed that I got the quotes, done the surveys, got the technicians together. We would go to the site. I would be at every single site with the technicians. We would start the project, finish the project and hand the project over.

**ADV REFILWE MOLEFE:** And when [intervenes]

**CHAIRPERSON:** You had a team under you that worked with you on special projects?

**MR RICHARD LE ROUX:** Sorry Chair.

20 **CHAIRPERSON:** You had a team?

**MR RICHARD LE ROUX:** I had a team underneath me Chair.

**CHAIRPERSON:** Under you that worked with you on your special projects?

**MR RICHARD LE ROUX:** That is correct Chair.

**CHAIRPERSON:** Would that have been the same team that you had for your other responsibilities or was that just a special team?

**MR RICHARD LE ROUX:** It would have been the same team Chair.

**CHAIRPERSON:** It would have been the same team?

**MR RICHARD LE ROUX:** Yes Chair.

**CHAIRPERSON:** Okay alright. Thank you.

**ADV REFILWE MOLEFE:** Thank you Chair. Now in respect of the process that would unfold insofar as each individual project you earlier stated that you had to get written instruction or signature rather from Mr Agrizzi.

**MR RICHARD LE ROUX:** That is correct Chair.

**ADV REFILWE MOLEFE:** And what would be the process insofar as quotations for  
10 whatever suppliers would be needed at a specific special project?

**MR RICHARD LE ROUX:** Could you repeat the question?

**ADV REFILWE MOLEFE:** Would you get any quotations? How would you?

**MR RICHARD LE ROUX:** I would get the quotations yes.

**ADV REFILWE MOLEFE:** And that is how you would get the suppliers for the special projects?

**MR RICHARD LE ROUX:** That is correct Chair.

**ADV REFILWE MOLEFE:** What would you then do with the quotations?

**MR RICHARD LE ROUX:** They would then be taken to Angelo Agrizzi for signature and to be checked.

20 **ADV REFILWE MOLEFE:** And who would purchase the actual supplies?

**MR RICHARD LE ROUX:** I would purchase it myself.

**ADV REFILWE MOLEFE:** And did you use your own money to purchase the supplies?

**MR RICHARD LE ROUX:** No it was being – it would be given to me in cash by the company.

**ADV REFILWE MOLEFE:** Is there anyone specific at the company who would give you

the cash for these special projects?

**MR RICHARD LE ROUX:** Yes Chair Jacques Van Zyl.

**ADV REFILWE MOLEFE:** Jacques Van Zyl?

**MR RICHARD LE ROUX:** That is correct.

**ADV REFILWE MOLEFE:** And Jacques Van Zyl is he also one of the directors?

**MR RICHARD LE ROUX:** No he is not Chair.

**CHAIRPERSON:** What was his position again?

**MR RICHARD LE ROUX:** Chair he was an accountant then he moved to the Bid office and as – then he moved over to security and I think he has moved back to Bid but to  
10 my recollection I think he has moved back to the bid office now I am not a hundred percent sure.

**CHAIRPERSON:** Okay, okay. But at the time that you are talking about when you carried out these special projects he was an accountant in the company, in Bosasa?

**MR RICHARD LE ROUX:** That is correct Chair.

**CHAIRPERSON:** Okay.

**ADV REFILWE MOLEFE:** Did you collect the cash personally from Mr Jacques Van Zyl?

**MR RICHARD LE ROUX:** I did Chair.

**ADV REFILWE MOLEFE:** And do you know where he got the cash from?

20 **MR RICHARD LE ROUX:** Chair it would either come from his safe at the bid office. If he was short of the money – or let me explain. What happened is I would first go to him with the quotes after Angelo Agrizzi had signed. He would then ask me when I needed the money by. If I needed the money that afternoon or the following he would then get the money to me that afternoon or he would get the money to me the very next morning. If he was short of money he would then request from the petty cash office

and he would put it down to an IOU or entertainment. If he was short of maybe 20 or 30 or 40 thousand rand at the end of the day.

**ADV REFILWE MOLEFE:** Was there ever any incidents where all the cash for special projects was collected only from petty cash?

**MR RICHARD LE ROUX:** No there was not Chair.

**ADV REFILWE MOLEFE:** So is it only if I understand it correctly it is only when he was short of the money that he had in the safe that you would then receive the rest of the money from petty cash?

**MR RICHARD LE ROUX:** That is correct Chair.

10 **ADV REFILWE MOLEFE:** And this would be on Mr Jacques Van Zyl's direction?

**MR RICHARD LE ROUX:** That is correct Chair.

**ADV REFILWE MOLEFE:** Insofar as the paperwork relative to special projects do you know what happened to the papers?

**MR RICHARD LE ROUX:** To the paperwork itself?

**ADV REFILWE MOLEFE:** Yes.

**MR RICHARD LE ROUX:** Chair after every project the paperwork would be given to Angelo Agrizzi. The invoices, the quotations, the IP addresses of the premises, the passwords, the – everything to do with that project would be handed to Angelo Agrizzi in an envelope and that is where I would leave it.

20 **CHAIRPERSON:** Would the paperwork relating to a special project refer in any way to the official or cabinet minister whose home you had to

**MR RICHARD LE ROUX:** Chair the accounts were opened.

**CHAIRPERSON:** Hang on, hang on, hang on.

**MR RICHARD LE ROUX:** Sorry Chair.

**CHAIRPERSON:** Wait until I am finished.

**MR RICHARD LE ROUX:** Apologies Sir.

**CHAIRPERSON:** Would the paperwork relating to a special project concerning a particular government official or cabinet minister reflect his or her name or would it reflect also the address of the premises where the special project had been carried out?

**MR RICHARD LE ROUX:** No Chair. The invoices we would open cash accounts invoices at the relevant suppliers alright. But if you – on the invoices there were serial numbers. So those serial numbers we would be able to go back and point out at – for example at this residence the serial numbers that are allocated to that residence would

10 be allocated on the invoice at the end of the day.

**CHAIRPERSON:** Did you say seven numbers?

**MR RICHARD LE ROUX:** Serial number yes Chair.

**CHAIRPERSON:** Digits like 123?

**MR RICHARD LE ROUX:** That is correct Chair.

**CHAIRPERSON:** So ...

**MR RICHARD LE ROUX:** It will be for example serial number XYZ123X678 for example.

**CHAIRPERSON:** Would then that...

**MR RICHARD LE ROUX:** That would be from the supplier.

20 **CHAIRPERSON:** Tell you – okay hang on. Would that tell you which – whose residence they related to in terms of a minister or?

**MR RICHARD LE ROUX:** No it would not Chair it would not. What we used to do on the invoice is we would give the projects a name.

**CHAIRPERSON:** Yes.

**MR RICHARD LE ROUX:** Can I give an example?

**CHAIRPERSON:** Ja.

**ADV REFILWE MOLEFE:** Yes.

**CHAIRPERSON:** Do an example.

**MR RICHARD LE ROUX:** For example Vincent Smith we used that project name as Project Jones.

**CHAIRPERSON:** Yes.

**MR RICHARD LE ROUX:** Alright.

**CHAIRPERSON:** Yes, yes.

**MR RICHARD LE ROUX:** And we would then refer everything to – if Mr Smith used to  
10 phone or there was a request we would say Project Jones needs ABCD.

**CHAIRPERSON:** Oh okay. You would avoid mentioning the name?

**MR RICHARD LE ROUX:** That is correct. Because it was said to me that at all costs nothing must reflect back to Bosasa at the end of the day.

**CHAIRPERSON:** Yes okay. Ms Molefe.

**ADV REFILWE MOLEFE:** Thank you Chair. I am informed that it is time for the short adjournment and if this a convenient time might we take the short adjournment?

**CHAIRPERSON:** Okay. We will take the tea adjournment we will resume at half past eleven. Thank you we adjourn.

#### **INQUIRY ADJOURNS**

#### 20 **INQUIRY RESUMES**

**CHAIRPERSON:** Yes, Ms Molefe?

**ADV RIFILWE MOLEFE SC:** Thank you, Chair. Mr le Roux we are now moving to the part...[intervenes]

**MR RICHARD LE ROUX:** Sorry, Chair, can I just clear up something quickly?

**CHAIRPERSON:** Yes.



**MR RICHARD LE ROUX:** I just want to tell you how you know you were asking the question about special projects and how it was set up.

**CHAIRPERSON:** Yes.

**MR RICHARD LE ROUX:** Alright, I just want to bring to your attention that special projects how we set it up was we were given unbranded vehicles, alright.

**CHAIRPERSON:** Unbranded vehicles?

**MR RICHARD LE ROUX:** Unbranded vehicles, there was no, the registration numbers were just normal registration numbers, it was not like the normal Sondolo IT vehicles we had had like SON181 or SON101.

10 **CHAIRPERSON:** Yes.

**MR RICHARD LE ROUX:** And we also when we were doing the special projects we were also tasked that we were not allowed to wear any uniform, we had to wear civilian clothing.

**CHAIRPERSON:** Okay.

**MR RICHARD LE ROUX:** So that nothing, nothing, nothing, not even the vehicles could get pointed back to Sondolo IT.

**CHAIRPERSON:** Yes, okay.

**MR RICHARD LE ROUX:** Or the Bosasa Group at the end of the day.

20 **CHAIRPERSON:** Okay. The special projects were all carried out in the name of Sondolo or by Sondolo IT even though you were not allowed to wear anything that – clothing that reflected Sondolo or Bosasa and even though the vehicles that you used the instruction was they were not to have any writing...[intervenes]

**MR RICHARD LE ROUX:** Any branding at all.

**CHAIRPERSON:** Or branding reflecting Sondolo or Bosasa?

**MR RICHARD LE ROUX:** That is correct, Chair.

**CHAIRPERSON:** The special projects were they carried out only in respect of government, Ministers and officials or did you carry them out in respect of other people that the company considered to be VIP's or VVIP's other than government officials and Ministers?

**MR RICHARD LE ROUX:** I was only given that instruction by Gavin Watson, Angelo Agrizzi and the Directorate, Chair.

**CHAIRPERSON:** And the only people who would benefit from the special projects would be government Ministers and officials?

**MR RICHARD LE ROUX:** I am not 100% sure of that, Chair. I was just instructed to go  
10 and do what I had to do.

**CHAIRPERSON:** Yes.

**MR RICHARD LE ROUX:** And I had to go do a site survey.

**CHAIRPERSON:** Yes.

**MR RICHARD LE ROUX:** And bring back the paperwork and then we would go and we would go and do the installation and handed the paperwork back over. I do not know...[intervenes]

**CHAIRPERSON:** But you got to know – you got to know who the owner of the residence was?

**MR RICHARD LE ROUX:** That is correct, Chair, as the time went on.

20 **CHAIRPERSON:** *Ja*.

**MR RICHARD LE ROUX:** I mean the installations would not take one day.

**CHAIRPERSON:** Yes.

**MR RICHARD LE ROUX:** It would take a couple of days, maybe a week, maybe two weeks at the most.

**CHAIRPERSON:** Yes, yes, after all you were the one who went to who would give the

name to the project relating to a particular residence?

**MR RICHARD LE ROUX:** That is correct, Chair.

**CHAIRPERSON:** And you said sometimes you would use the name of the owner of the residence?

**MR RICHARD LE ROUX:** It could be the surname or maybe just a first name.

**CHAIRPERSON:** Yes, yes.

**MR RICHARD LE ROUX:** But it would never be a full name.

**CHAIRPERSON:** Yes, yes.

10 **MR RICHARD LE ROUX:** Or to be a name that I thought up in my mind, or an area where that person was living.

**CHAIRPERSON:** So you would know the name of the owner or surname?

**MR RICHARD LE ROUX:** That is correct, Chair.

**CHAIRPERSON:** Yes, and sometimes it would happen that you know that, that person is a Cabinet Minister or not?

**MR RICHARD LE ROUX:** Chair, I do not know the ranks – I would just be giving it a name basically.

**CHAIRPERSON:** Alright.

**MR RICHARD LE ROUX:** But I just wanted to clarify that, that is how we operated you know with the unbranded vehicles.

20 **CHAIRPERSON:** Yes, yes.

**MR RICHARD LE ROUX:** With the civilian clothing.

**CHAIRPERSON:** Yes.

**MR RICHARD LE ROUX:** Look we still wore our normal Sondolo clothing when we were performing our normal duties.

**CHAIRPERSON:** Yes.

**MR RICHARD LE ROUX:** But when we were tasked to do special projects it was that nothing would get pointed back to Bosasa at the end of the day.

**CHAIRPERSON:** Okay thank you.

**ADV RIFILWE MOLEFE SC:** Thank you, Mr le Roux. We are now moving onto the specific projects that is set out from your statement in paragraph 22. You have written there project Blouberg, is this correct?

**MR RICHARD LE ROUX:** That is correct, Chair.

**ADV RIFILWE MOLEFE SC:** How did this name come about?

**MR RICHARD LE ROUX:** This residence is in Krugersdorp and it is in Noord Heuwel  
10 and I do not want, I just used the name Blouberg, I do not want to obviously say why I used the name Blouberg, but that was the name that came up Blouberg.

**CHAIRPERSON:** Is it because you think it might reveal...[intervenes]

**MR RICHARD LE ROUX:** Yes, Chair.

**CHAIRPERSON:** For security reasons?

**MR RICHARD LE ROUX:** That is it, Chair.

**CHAIRPERSON:** Ja, okay, alright.

**ADV RIFILWE MOLEFE SC:** That is fine and in respect of whose property was this project undertaken?

**MR RICHARD LE ROUX:** This property belonged to Nomvula Mokonyane.

20 **ADV RIFILWE MOLEFE SC:** And when was this project undertaken?

**MR RICHARD LE ROUX:** I was contacted in 2013 by Gavin Watson. He instructed me to meet him and Angelo Agrizzi at the premises of Nomvula Mokonyane.

**ADV RIFILWE MOLEFE SC:** And did you meet Mr Gavin Watson and Mr Agrizzi at the property of Ms Nomvula Mokonyane?

**MR RICHARD LE ROUX:** I did, Chair.

**ADV RIFILWE MOLEFE SC:** And you say this was around 2013?

**MR RICHARD LE ROUX:** 2013 yes.

**ADV RIFILWE MOLEFE SC:** You have earlier stated...[intervenes]

**CHAIRPERSON:** Once again had you been there before?

**MR RICHARD LE ROUX:** No, Chair.

**CHAIRPERSON:** This was your first time?

**MR RICHARD LE ROUX:** It was the first time.

**CHAIRPERSON:** Okay, alright.

10 **MR RICHARD LE ROUX:** I was given an address and I was told that is where you  
need to go.

**CHAIRPERSON:** Okay, thank you.

**ADV RIFILWE MOLEFE SC:** Thank you, and you have earlier stated that the area was  
situated in Noord Heuwel?

**MR RICHARD LE ROUX:** Krugersdorp Noord Heuwel, yes, that is correct.

**ADV RIFILWE MOLEFE SC:** Thank you and do you know whether  
Ms Nomvula Mokonyane occupied any position in government in or around the year  
2013?

**MR RICHARD LE ROUX:** At that stage I was not aware.

**ADV RIFILWE MOLEFE SC:** And what work had to be done at the property?

20 **MR RICHARD LE ROUX:** Chair, basically what Gavin instructed me to do was he  
instructed me to look at the electric fence, the CCTV system, the generator, the  
distribution board, because they were having problems with things tripping, the pool  
pump, the swimming pool which was going green all the time, that was due to the pool  
pump and we had to install a distribution board there. We also had to do a garden  
clean up there.

**ADV RIFILWE MOLEFE SC:** When you were at the property and you earlier stated that you were informed by Mr Gavin Watson and Mr Agrizzi to meet them at the property are they the ones who gave you the specific instructions of what had to be done on the property?

**MR RICHARD LE ROUX:** That is correct, Chair.

**ADV RIFILWE MOLEFE SC:** Was Ms Nomvula Mokonyane there?

**MR RICHARD LE ROUX:** I am not sure, Chair, I was only there with Gavin Watson and Angelo Agrizzi.

**ADV RIFILWE MOLEFE SC:** So how did you know that it was  
10 Ms Nomvula Mokonyane's property?

**MR RICHARD LE ROUX:** I was told by Angelo Agrizzi and Gavin Watson that it is Nomvula Mokonyane's property.

**ADV RIFILWE MOLEFE SC:** And did you go with anyone to the property, your earlier evidence was that they were colleagues that were working with you?

**MR RICHARD LE ROUX:** No, Chair, I was on my own that day.

**ADV RIFILWE MOLEFE SC:** Now in paragraph 24 on page 5 of your statement you speak of specific instructions that you were given, who gave you these specific instructions?

**MR RICHARD LE ROUX:** Gavin Watson, Chair.

20 **ADV RIFILWE MOLEFE SC:** And what was the specific instruction?

**MR RICHARD LE ROUX:** I was told by Gavin Watson that this house you make sure that if there is anything that is needed you just fix it and call Angelo and keep him informed and up to date, but you just get it fixed and done immediately.

**ADV RIFILWE MOLEFE SC:** And can you recall over which period you maintained the property? Did you go there once or was it over periods of time?

**MR RICHARD LE ROUX:** It was over a period of years, Chair.

**ADV RIFILWE MOLEFE SC:** Over a period of years?

**MR RICHARD LE ROUX:** Up until I went on leave we were still – well up until I was taken off special projects.

**ADV RIFILWE MOLEFE SC:** What year was that?

**MR RICHARD LE ROUX:** That would have been in early 2017.

**ADV RIFILWE MOLEFE SC:** And you earlier stated that this project commenced in or around the year 2013?

**MR RICHARD LE ROUX:** 2013, that is correct, Chair.

10 **ADV RIFILWE MOLEFE SC:** So did it continue...[intervenes]

**MR RICHARD LE ROUX:** It was ongoing maintenance at the premises.

**ADV RIFILWE MOLEFE SC:** Between 2013 and until you were taken off special projects?

**MR RICHARD LE ROUX:** That is correct, up until 2017.

**CHAIRPERSON:** Well let us go back a little bit. On your first visit to this residence you on that day you had been instructed or you were instructed to do a number of things which you have mentioned.

**MR RICHARD LE ROUX:** That is correct, Chair.

**CHAIRPERSON:** Did you do them?

20 **MR RICHARD LE ROUX:** Not straight away, Chair, but we got it done, yes.

**CHAIRPERSON:** Yes, in the next few days or when were they done?

**MR RICHARD LE ROUX:** Well, Chair, it took us about a week, maybe a little bit longer, I mean 2013 is quite a bit of time back.

**CHAIRPERSON:** More or less.

**MR RICHARD LE ROUX:** Basically what we done was we got the electric fence

working first, because that is your parameter detection at the end of the day.

**CHAIRPERSON:** Yes.

**MR RICHARD LE ROUX:** So that we tackled that first to get it online and get it going.

Then we tackled the CCTV side of things.

**CHAIRPERSON:** Yes?

**ADV RIFILWE MOLEFE SC:** I had to get in an independent electrician to come and sort out obviously the generator and the gen set, you know the switch over from when the power goes off the generator kicks in, you have got a switch over unit, I had to get them to sort that out so that we had power to the house when the power went off,

10 because they were experiencing problems with the generator.

**CHAIRPERSON:** Yes, and then the pool also?

**MR RICHARD LE ROUX:** The swimming pool, yes, Chair, the distribution board in the swimming pool pump section alright was not in the greatest of states we basically just pulled it out and we replaced it with a new one.

**CHAIRPERSON:** You replaced it?

**MR RICHARD LE ROUX:** Yes, Chair.

**CHAIRPERSON:** Okay.

**MR RICHARD LE ROUX:** Not by myself, but by the electrician.

**CHAIRPERSON:** So after you had carried out you had fixed all of these things  
20 thereafter did you say you then continued to maintain – to do maintenance work in regard to the residence, these things over a certain period of time?

**MR RICHARD LE ROUX:** Only the equipment, Chair.

**CHAIRPERSON:** Only the equipment?

**MR RICHARD LE ROUX:** Yes, not the – the garden clean-up was a once off.

**CHAIRPERSON:** Yes.



**MR RICHARD LE ROUX:** Because we had to clean it up, because there were branches hanging over the electric fence, we had to get rid of the branches so that it clears and we could get the electric fence working. The garden clean-up was a once off.

**CHAIRPERSON:** Yes, and in terms of maintenance are you able to tell how many times you had to go there thereafter for maintenance purposes over the period or is it too many to count?

**MR RICHARD LE ROUX:** What would happen, Chair, is I would get a phone call from Gavin Watson and he would say to me Nomvula is moaning about A, B, C, D on the security side of things just get it sorted out.

**CHAIRPERSON:** Yes.

**MR RICHARD LE ROUX:** Or I would get a phone call from Nomvula's PA Sandy, alright, she would either send me a WhatsApp or she would phone me and say there is a problem with the gate or there is a problem with the cameras or there is a problem with the electric fence, the electric fence keeps on screaming in the garage and etcetera, etcetera, and then basically what we would do is I would task a technician alright to go and sort that problem out.

**CHAIRPERSON:** So before you could go to the premises to sort out whatever needed to be sorted out you would get a call either from Mr Gavin Watson or from Ms Mokonyane's PA to say there is a problem in the house about X, Y, Z?

**MR RICHARD LE ROUX:** That is correct, Chair.

**CHAIRPERSON:** And you gave the name of the PA, did you say Sandy?

**MR RICHARD LE ROUX:** I do not know what her surname is, Chair, I only know her as Sandy.

**CHAIRPERSON:** As Sandy.

**MR RICHARD LE ROUX:** That is correct, Chair.

**CHAIRPERSON:** Okay, alright, and then you would go there and fix it?

**MR RICHARD LE ROUX:** We will go and fix the problem and we would then obviously give Angelo Agrizzi feedback to say to him if we could not get hold of Gavin Watson say to him that the problem has been resolved and we would carry on with our normal duties.

**CHAIRPERSON:** So you know that residence well?

**MR RICHARD LE ROUX:** I do, Chair.

**CHAIRPERSON:** You know how to get there?

10 **MR RICHARD LE ROUX:** I do, Chair, I actually in the last paragraph of my statement I actually took the investigators around to all the premises of the Johannesburg residences of all the politicians that we had done.

**CHAIRPERSON:** Thank you.

**ADV RIFILWE MOLEFE SC:** Thank you. And in all instances during this ongoing maintenance when you would go to the property, at each visit did you go with vehicles that were not marked?

**MR RICHARD LE ROUX:** We went with unbranded vehicles, Chair, that is correct.

**ADV RIFILWE MOLEFE SC:** And you were not in your work uniform at all these times?

**MR RICHARD LE ROUX:** Civilian clothing.

20 **ADV RIFILWE MOLEFE SC:** Can we move onto paragraph 27 of your statement? Do you know if this project was given any sort of priority?

**MR RICHARD LE ROUX:** Gavin Watson was fully aware as he was the person instructed that the work must be done at those premises and to always receive priority.

**ADV RIFILWE MOLEFE SC:** So Mr Watson told you that the property must always receive priority?

**MR RICHARD LE ROUX:** Receive priority, yes, that is correct, Chair.

**ADV RIFILWE MOLEFE SC:** And over what would the property be receiving priority?

**MR RICHARD LE ROUX:** If the cameras would fail or if the electric fence would fail or the gate motor would fail, it had to get sorted out ASAP.

**ADV RIFILWE MOLEFE SC:** And did he say why it needed to be sorted out ASAP as you say or receive priority?

**MR RICHARD LE ROUX:** No, he would just say that it needed priority.

**CHAIRPERSON:** Well why was – the type of work that fell under your special projects the type of work that Bosasa or Sondolo IT used to do for other clients as well?

10 **MR RICHARD LE ROUX:** That is correct, Chair.

**CHAIRPERSON:** Okay. In regard to other clients those clients would pay?

**MR RICHARD LE ROUX:** That is correct, Chair.

**CHAIRPERSON:** Yes, in respect of people falling under special projects would they pay anything?

**MR RICHARD LE ROUX:** Not to my recollection, Chair.

**CHAIRPERSON:** Yes.

**MR RICHARD LE ROUX:** It would be paid by Bosasa.

**CHAIRPERSON:** Okay, thank you.

20 **ADV RIFILWE MOLEFE SC:** Thank you and throughout the ongoing maintenance during the year 2013 to 2017 what was the process insofar as payment of any suppliers or any costs incurred in this ongoing maintenance?

**MR RICHARD LE ROUX:** It would be paid for in cash, Chair.

**ADV RIFILWE MOLEFE SC:** Would this be the same process that you earlier referred to where?

**MR RICHARD LE ROUX:** A quotation would be obtained, first we will go out and have

a look and see what the problem was, if the gate motor had packed up. I did not say that the gate motor did pack up, but if the gate motor had packed up we would get a quotation on a new gate motor if we could not fix it. We would then take the quotation for signature, get it signed off and go and collect the cash, Chair.

**CHAIRPERSON:** You said earlier on that at a certain stage all the paperwork relating to a particular residence under special projects would be given to Mr Agrizzi?

**MR RICHARD LE ROUX:** That is correct, Chair.

**CHAIRPERSON:** Do you know what he would do with it? Would he keep it, would he destroy it or what would happen?

10 **MR RICHARD LE ROUX:** Chair, I was not aware of what he had done with the paperwork.

**CHAIRPERSON:** Okay, thank you.

**ADV RIFILWE MOLEFE SC:** Thank you and you have just said that the cash, the services or costs incurred would be paid by cash, do I have that correctly?

**MR RICHARD LE ROUX:** Sorry, can you repeat that?

**ADV RIFILWE MOLEFE SC:** The cost that would be incurred on this ongoing maintenance of this property would be paid for by cash?

**MR RICHARD LE ROUX:** That is correct.

20 **ADV RIFILWE MOLEFE SC:** By means of the same process where you go to Mr Jacques van Zyl?

**MR RICHARD LE ROUX:** That is correct.

**ADV RIFILWE MOLEFE SC:** Who would then give you cash?

**MR RICHARD LE ROUX:** That is correct, Chair.

**ADV RIFILWE MOLEFE SC:** And you would then pay the supplier of whatever product you needed?

**MR RICHARD LE ROUX:** That is correct, Chair.

**ADV RIFILWE MOLEFE SC:** Thank you. Now from paragraph 29 to 30 of your statement you speak of another project. In respect of whose property was this special project undertaken?

**MR RICHARD LE ROUX:** This property belonged to, well the three properties belonged to Ngwede Montashe.

**ADV RIFILWE MOLEFE SC:** And how do you know that the property belonged to Ngwede Montashe?

**MR RICHARD LE ROUX:** Because it was said to me by Papa Leshabane one of the  
10 Directors at African Global.

**ADV RIFILWE MOLEFE SC:** And what was Mr Papa Leshabane's involvement?

**MR RICHARD LE ROUX:** I am not sure what his involvement is I was just instructed to go and do three residences of Mr Ngwede Montashe.

**ADV RIFILWE MOLEFE SC:** And you were so instructed by Mr Papa Leshabane?

**MR RICHARD LE ROUX:** It was instruction from Papa Leshabane, yes.

**ADV RIFILWE MOLEFE SC:** You have just stated that there were three properties?

**MR RICHARD LE ROUX:** That is correct, Chair.

**ADV RIFILWE MOLEFE SC:** Can you recall the areas?

**MR RICHARD LE ROUX:** The one area was in Boksburg in 29.1. 29.2 was in Elliot  
20 Eastern Cape it was a farm and 29.3 it was Carla in the Eastern Cape.

**ADV RIFILWE MOLEFE SC:** And can you recall if this specific project was given any special name as has been with the previous project?

**MR RICHARD LE ROUX:** It was only called Mantashje that is it.

**ADV RIFILWE MOLEFE SC:** And when was this project undertaken?

**MR RICHARD LE ROUX:** I am not sure of the dates, but if we go back on the invoices

we will be able to trace back the dates of the invoices. I have already spoken to the investigation team who were going to obtain all the invoices from the suppliers.

**ADV RIFILWE MOLEFE SC:** Invoices in respect of the suppliers for maintenance on the properties?

**MR RICHARD LE ROUX:** In respect to the installations.

**ADV RIFILWE MOLEFE SC:** Can you at all recall whether maintenance at the respective three properties were done at the same time or at different time or over a period of time?

**MR RICHARD LE ROUX:** These three premises we would go and sort out or the  
10 Boksburg residence we would go and sort out a few camera issues there when the camera used to pack up and things like that.

**ADV RIFILWE MOLEFE SC:** No, no, we will go back to the specific work undertaken on the properties. My question to you is can you recall when work was done in respect of the three properties? Was it done at the same time?

**MR RICHARD LE ROUX:** No, they were done at three separate intervals. The two in Eastern Cape were done at the same time, we finished the one in Elliot and then we moved onto the one in Carla, but the Boksburg one was done way before that.

**CHAIRPERSON:** Are you able to remember the year even if you do not remember the date and I know you have said the invoices will come, you cannot remember.

20 **MR RICHARD LE ROUX:** Chair, I cannot remember.

**CHAIRPERSON:** Okay.

**MR RICHARD LE ROUX:** I will be dead, I can answer you, Chair, when it came to the installations of the properties I never made notes of the months and things like that.

**CHAIRPERSON:** Yes, no, no, no, that is fine.

**MR RICHARD LE ROUX:** I was just following an instruction and I was just getting the

equipment...[intervenes]

**CHAIRPERSON:** Yes, no that is fine.

**MR RICHARD LE ROUX:** In order to get the job done basically at the end of the day.

**CHAIRPERSON:** No, that is fine. You just help us with what you can.

**MR RICHARD LE ROUX:** Yes, but the Boksburg residence was the first residence that we done and thereafter the two residences in the Eastern Cape came after that.

**CHAIRPERSON:** Okay, just tell us, take each one of those residences and tell us what you did in regard to each one of them.

**MR RICHARD LE ROUX:** Alright, Chair, the Boksburg residence the only thing that we  
10 done there was the CCTV cameras and the perimeter lighting.

**CHAIRPERSON:** What did you do with CCTV cameras? Did you install, did you repair?

**MR RICHARD LE ROUX:** We installed, Chair, we installed new cameras at that premises.

**CHAIRPERSON:** Yes?

**MR RICHARD LE ROUX:** And we installed perimeter lighting, because the premises was dark.

**CHAIRPERSON:** Yes?

**MR RICHARD LE ROUX:** And what happened was there was a complaint that came  
20 through that the cameras at night, they could not see properly so we had to add a bit of lighting to make the cameras so that you could see properly at the end of the day, what was happening on the premises.

**CHAIRPERSON:** Yes.

**MR RICHARD LE ROUX:** And that was it that is all that we installed there.

**CHAIRPERSON:** And then the property at Elliot Eastern Cape farm, what did you do

there?

**MR RICHARD LE ROUX:** There, Chair, I just want to go back to 29.1 sorry, Chair, the 29.1 installation was an analog system.

**ADV RIFILWE MOLEFE SC:** Can I just confirm that...[intervenes]

**CHAIRPERSON:** That is the Boksburg one?

**ADV RIFILWE MOLEFE SC:** Yes?

**CHAIRPERSON:** The Boksburg one?

**MR RICHARD LE ROUX:** That is correct, Chair.

**CHAIRPERSON:** Yes, what was it?

10 **MR RICHARD LE ROUX:** That system was an analog system.

**CHAIRPERSON:** Yes.

**MR RICHARD LE ROUX:** Alright, the Elliot installation was an IP camera system.

**CHAIRPERSON:** That is what you installed at the Elliot residence?

**MR RICHARD LE ROUX:** That is correct and lighting.

**CHAIRPERSON:** Yes? Okay and then at Carla?

**MR RICHARD LE ROUX:** At Carla was exactly the same installation as the Elliot installation it was a CCTV IP system and a lighting, we put up the perimeter lighting.

**CHAIRPERSON:** Okay. Ms Molefe?

**ADV RIFILWE MOLEFE SC:** Thank you, Chair. Just to confirm the properties in Elliot

20 and Carla were both in the Eastern Cape?

**MR RICHARD LE ROUX:** That is correct, Chair.

**ADV RIFILWE MOLEFE SC:** And you have continually referred to we when you are speaking of the work that was done, I would think that you personally attended to the property?

**MR RICHARD LE ROUX:** Myself and the technicians, Chair.



**ADV RIFILWE MOLEFE SC:** And these technicians were they employed by any of the Bosasa Groups?

**MR RICHARD LE ROUX:** They were employed by Sondolo IT.

**ADV RIFILWE MOLEFE SC:** Were there any other persons at the property who were not from Bosasa?

**MR RICHARD LE ROUX:** No, Chair.

**ADV RIFILWE MOLEFE SC:** And can you recall how much the project cost?

**MR RICHARD LE ROUX:** Well for all three projects the approximate value of all three projects were R300 000.

10 **CHAIRPERSON:** For all three residences you mean?

**MR RICHARD LE ROUX:** That is correct, Chair.

**ADV RIFILWE MOLEFE SC:** And the work done on the properties was this done on a once off basis or was there ongoing maintenance?

**MR RICHARD LE ROUX:** The two Eastern Cape properties we only went back once after, I cannot recall the month or the date. We had to go and do maintenance on the two systems. The – I remember the Carla property the UPS had packed up and we had bought a new UPS on our way down and we installed it at Carla, but we only did maintenance at those two premises once after the installation was done.

**ADV RIFILWE MOLEFE SC:** And the first property in Boksburg?

20 **MR RICHARD LE ROUX:** We would do, I would not say regular maintenance, but we had been there quite a few times to sort out cameras and lighting issues and to do playbacks for the client at the end of the day.

**ADV RIFILWE MOLEFE SC:** And can you recall over what period be it months or years that this ongoing maintenance was done?

**MR RICHARD LE ROUX:** I cannot recall. Like I said it is very difficult to pinpoint

months and years and things like that.

**CHAIRPERSON**: How, excuse me, how did you come to the figure of R300 000 when you say the value of – the approximate value of the equipment supplied and work done in regard to the three residences was R300 000?

**MR RICHARD LE ROUX**: It is just my recollection, Chair, the invoices that I gave to Angelo.

**CHAIRPERSON**: Yes.

**MR RICHARD LE ROUX**: That is why I am saying it was approximately.

**CHAIRPERSON**: Yes.

10 **MR RICHARD LE ROUX**: I cannot say it was exactly R300 000.

**CHAIRPERSON**: Yes.

**MR RICHARD LE ROUX**: It might have been more it might have been a little bit less.

**CHAIRPERSON**: Okay, alright.

**ADV RIFILWE MOLEFE SC**: And having and being involved in these special projects you would be able to estimate how much a special project would have cost Bosasa?

**MR RICHARD LE ROUX**: More or less.

**ADV RIFILWE MOLEFE SC**: In addition to the invoices?

**MR RICHARD LE ROUX**: Approximately yes, but the invoices will be able to give you an exact amount of what the project cost.

20 **ADV RIFILWE MOLEFE SC**: Yes, and that is...[intervenes]

**CHAIRPERSON**: The invoices – so if one wanted to look at the invoices relating to a particular residence that you attended to as part of the special projects one would be able to identify that these invoices relate to that particular residence?

**MR RICHARD LE ROUX**: That is correct, Chair, to my recollection if I can recall each invoice had a project name on it if I am not mistaken.

**CHAIRPERSON:** Okay, alright. Thank you.

**MR RICHARD LE ROUX:** As a reference.

**ADV RIFILWE MOLEFE SC:** And would you have written the project name on the invoice?

**MR RICHARD LE ROUX:** No it would have been printed on.

**ADV RIFILWE MOLEFE SC:** It would have...[intervenes]

**MR RICHARD LE ROUX:** By the supplier, because they print a copy of the invoice and on the invoice it would have Angelo Agrizzi's name on there and then it would have a reference on there and then the reference would be the reference of the project at the

10 end of the day.

**ADV RIFILWE MOLEFE SC:** But the reference would be provided to the supplier?

**MR RICHARD LE ROUX:** That is correct.

**ADV RIFILWE MOLEFE SC:** Thank you. Now in paragraph 31 to 42 you speak of another property. In respect of whose property was this special project undertaken?

**MR RICHARD LE ROUX:** Yes, it was, Chair.

**ADV RIFILWE MOLEFE SC:** In respect of who?

**MR RICHARD LE ROUX:** Dudu Myeni.

**ADV RIFILWE MOLEFE SC:** And can you recall how many properties were attended to?

20 **MR RICHARD LE ROUX:** Only the Richardsbay property.

**ADV RIFILWE MOLEFE SC:** And at whose instruction was this special project undertaken?

**MR RICHARD LE ROUX:** Trevor Mathenjwa and Gavin Watson.

**ADV RIFILWE MOLEFE SC:** Was any special name given to the project?

**MR RICHARD LE ROUX:** No, Chair, not to my recollection.

**ADV RIFILWE MOLEFE SC:** And can you recall when this project was undertaken?

**MR RICHARD LE ROUX:** I cannot recall the month or the year when it was done, undertaken.

**ADV RIFILWE MOLEFE SC:** Did you attend personally to the property in Richardsbay?

**MR RICHARD LE ROUX:** Can I explain how we...[intervenes]

**ADV RIFILWE MOLEFE SC:** No, first answer yes or no? Did you personally attend to the property in Richardsbay?

**MR RICHARD LE ROUX:** That is correct, Chair.

10 **ADV RIFILWE MOLEFE SC:** And were you accompanied by anyone?

**MR RICHARD LE ROUX:** By Trevor Mathenjwa, Chair.

**ADV RIFILWE MOLEFE SC:** And who is Trevor Mathenjwa?

**MR RICHARD LE ROUX:** He is one of the Directors at African Global.

**ADV RIFILWE MOLEFE SC:** And how did you get to Richardsbay?

**CHAIRPERSON:** Well maybe let us start with this. How did it come about that you attended to this project?

**MR RICHARD LE ROUX:** Chair, I was phoned by Trevor Mathenjwa and I was told that I had to meet him at the office the very next morning we were flying down to Richardsbay. He never told me who the client was or anything like that. He said it was  
20 an instruction given by Gavin Watson. What we done was I met him at the office the very next morning. Now unfortunately the smaller airports there is only one flight out and one flight back in the afternoons.

**CHAIRPERSON:** Is that to Richardsbay?

**MR RICHARD LE ROUX:** To Richardsbay that is correct, Chair.

**CHAIRPERSON:** Yes.

**MR RICHARD LE ROUX:** And basically what we done was we flew down to Durban alright, we rented a car and we drove up to Richardsbay.

**CHAIRPERSON:** At what stage did you get to know that you were going to Ms Dudu Myeni's residence?

**MR RICHARD LE ROUX:** Chair, it was only on the way back from Richardsbay on our flight on the way back that I learnt that it was for Dudu Myeni.

**CHAIRPERSON:** And who told you?

**MR RICHARD LE ROUX:** Trevor Mathenjwa, Chair.

**CHAIRPERSON:** Yes, okay so you flew down to Durban and then what happened?

10 **MR RICHARD LE ROUX:** We hired a car, we drove up to Richardsbay. Alright. We got to Richardsbay, I was busy doing the site survey, alright, I did not see who Trevor was having a meeting with, he went inside of the residence, had a meeting with whoever he was having a meeting with. I have done my site survey where it was told that electric fence, a full CCTV IP system had to be put in with the capabilities of offsite monitoring on a mobile phone and an alarm system with parameter beams.

**CHAIRPERSON:** Yes.

**MR RICHARD LE ROUX:** So I went and done my site survey and when I was finished I waited for Trevor Mathenjwa to come out of his meeting and then we departed.

**CHAIRPERSON:** How long were you and him at this residence more or less?

20 **MR RICHARD LE ROUX:** Chair, it would not have been more than an hour.

**CHAIRPERSON:** Yes, okay. And then after that did you catch a – did you drive to Durban?

**MR RICHARD LE ROUX:** No, Chair, we stayed in Richardsbay that night.

**CHAIRPERSON:** Yes, and you returned the following day?

**MR RICHARD LE ROUX:** We returned the following day, Chair, that is correct.

**CHAIRPERSON:** And did you fly out of Richardsbay or did you...[intervenes]

**MR RICHARD LE ROUX:** We flew out from Richardsbay, yes, Chair.

**CHAIRPERSON:** To Johannesburg?

**MR RICHARD LE ROUX:** To Johannesburg.

**CHAIRPERSON:** Okay, then continue.

**ADV RIFILWE MOLEFE SC:** And paragraph 35 you narrate what happened the following morning and you were given a certain instruction in respect of the house. What was the instruction?

**MR RICHARD LE ROUX:** Chair, what had happened to my recollection the house was  
10 burgled either that night or early hours of that morning and I am not sure if Trevor got the phone call that night, alright, or the early hours of the following morning but it, it, he said to me that what we have got to do is we have got to make a turn past the house first before we fly back to Johannesburg.

**ADV REFILWE MOLEFE SC:** And is there anything specific that you had to attend to at the house?

**MR RICHARD LE ROUX:** I basically had to attend to the electric fence, the CCTV System and the alarm system.

**CHAIRPERSON:** Is this now on the morning on which you were to depart for Johannesburg?

20 **MR RICHARD LE ROUX:** No. That.

**CHAIRPERSON:** Or much later?

**MR RICHARD LE ROUX:** No that would be much later.

**CHAIRPERSON:** Oh.

**MR RICHARD LE ROUX:** We would do the installation then.

**CHAIRPERSON:** Okay.

**MR RICHARD LE ROUX:** That morning I, I waited in the vehicle Chair.

**CHAIRPERSON:** Okay.

**MR RICHARD LE ROUX:** I, I, I did not go into the house.

**CHAIRPERSON:** Yes.

**MR RICHARD LE ROUX:** Where we had the meeting with regards to the break in and things like that.

**CHAIRPERSON:** Yes, okay.

**ADV REFILWE MOLEFE SC:** And did you receive any further instructions in respect of the property?

10 **MR RICHARD LE ROUX:** In what sense?

**ADV REFILWE MOLEFE SC:** Well you had done your survey when you were in the Richards Bay. The next morning you were also instructed to go past the house before leaving for Johannesburg. What, did you receive any further instruction of work to now be done on the property?

**MR RICHARD LE ROUX:** No, I only received that instruction when we were on our way back to, to Johannesburg on the flight.

**ADV REFILWE MOLEFE SC:** And what was, what was the instruction?

20 **MR RICHARD LE ROUX:** That when we land I needed to make arrangements that we had to leave still that afternoon for Richards Bay because there was a, a robbery at, at the premises and we had to make the arrangements with the relevant suppliers that we could collect; that we would collect the stock in Durban itself, but we had to get the team together as soon as we landed, arrange a vehicle which I arranged from Oom Frans Vorster. It was a double cab, because the other three vehicles were being utilised at that stage. So I had to make quick arrangements to, to, to leave that afternoon with the technicians down to Richards Bay.

**ADV REFILWE MOLEFE SC:** So you land from Richards Bay in Johannesburg and on the very same day you are given an instruction to return to Richards Bay and attend to the property and you get a car from Mr Vorster and you then drive back to Richards Bay?

**MR RICHARD LE ROUX:** That is correct Chair.

**CHAIRPERSON:** Did, did you drive from Johannesburg to Richards Bay?

**MR RICHARD LE ROUX:** That is correct Chair.

**CHAIRPERSON:** And now were you driving by yourself or with a team?

**MR RICHARD LE ROUX:** With the team Chair.

10 **CHAIRPERSON:** How many of you were?

**MR RICHARD LE ROUX:** Chair to my recollection there were three technicians and myself.

**CHAIRPERSON:** Yes. Okay, proceed.

**ADV REFILWE MOLEFE SC:** And you drove to Richards Bay. Was this to Ms Dudu Myeni's residence?

**MR RICHARD LE ROUX:** That is correct Chair.

**ADV REFILWE MOLEFE SC:** And what did you then do when you arrived at the residence of Ms Dudu Myeni?

20 **MR RICHARD LE ROUX:** No, we arrived very late that night. We walked into a, a bed and breakfast. We only attended the property the very next morning again.

**ADV REFILWE MOLEFE SC:** When you went to the property was there any work done?

**MR RICHARD LE ROUX:** No, there was no work done. I basically just took the guys through to go show them where the property was and we would start establishing what needed to be done and where it needed to be placed for example and while we were



busy with that I was also on the phone to the suppliers to make necessary arrangements to collect the stock either later that day or the following morning to start the installation.

**ADV REFILWE MOLEFE SC:** So in addition to showing the people who you were with the property and what needed to be done did you collect the stock as you have referred to?

**MR RICHARD LE ROUX:** Yes, we did collect the stock.

**ADV REFILWE MOLEFE SC:** And is this on the following day, the same morning?

**MR RICHARD LE ROUX:** Chair to my recollection I think it was the following day.

10 **ADV REFILWE MOLEFE SC:** So this would now the second day in Richards Bay?

**MR RICHARD LE ROUX:** That is correct Chair.

**ADV REFILWE MOLEFE SC:** And what then happened after collecting the supplies?

**MR RICHARD LE ROUX:** We started with the installation at the premises.

**ADV REFILWE MOLEFE SC:** On the second day?

**MR RICHARD LE ROUX:** On the second day.

**ADV REFILWE MOLEFE SC:** And how long did this take? Can you recall?

**MR RICHARD LE ROUX:** It took us about three to four weeks.

**ADV REFILWE MOLEFE SC:** So are you saying that you stayed in Richards Bay for three to four weeks?

20 **MR RICHARD LE ROUX:** That is correct Chair.

**ADV REFILWE MOLEFE SC:** And when did you return to Johannesburg?

**MR RICHARD LE ROUX:** When the project was complete.

**ADV REFILWE MOLEFE SC:** Okay and do you know how much the project cost?

**MR RICHARD LE ROUX:** The approximate value of the project was 250 000.

**ADV REFILWE MOLEFE SC:** Yes. In paragraph 39 you speak of a conversation that

you had. With whom did you have this conversation?

**MR RICHARD LE ROUX:** Sorry, which paragraph?

**ADV REFILWE MOLEFE SC:** Paragraph 39 of your statement.

**MR RICHARD LE ROUX:** I had this conversation with Angelo Agrizzi.

**ADV REFILWE MOLEFE SC:** And was this in person or over the phone?

**MR RICHARD LE ROUX:** It was over the phone.

**ADV REFILWE MOLEFE SC:** And when did it take place?

**MR RICHARD LE ROUX:** It took place when I was almost back at our Head Office after the installation was complete.

10 **ADV REFILWE MOLEFE SC:** So was this while you were driving back to the Head Office?

**MR RICHARD LE ROUX:** That is correct Chair.

**ADV REFILWE MOLEFE SC:** Driving from Richards Bay?

**MR RICHARD LE ROUX:** That is correct Chair.

**ADV REFILWE MOLEFE SC:** And what was the conversation about?

**MR RICHARD LE ROUX:** Angelo Agrizzi had phoned me and instructed me not to return back to the office, because there were two officers there to arrest me to take me back to Richards Bay.

**CHAIRPERSON:** Police officers?

20 **MR RICHARD LE ROUX:** I am not sure if they were police officers or investigators. He just said to me officers.

**CHAIRPERSON:** Okay, alright.

**ADV REFILWE MOLEFE SC:** And did he state why you were going to be arrested?

**MR RICHARD LE ROUX:** Because of the break in at Richards Bay.

**ADV REFILWE MOLEFE SC:** At whose property in Richards Bay?

**MR RICHARD LE ROUX:** At Dudu Myeni's property.

**ADV REFILWE MOLEFE SC:** What did you then say in response?

**MR RICHARD LE ROUX:** I said to Angelo I have contacted Trevor on numerous occasions while we were down there, because I was investigated by the investigating officers who were dealing with the property and the, the, the break in and he instructed me that under no circumstances do I even mention the name Bosasa. He said.

**ADV REFILWE MOLEFE SC:** No. Okay, sorry Chair.

**CHAIRPERSON:** Before, before this while you were at Ms Myeni's residence had you been confronted by anybody in connection with the alleged burglary in her residence?

10 **MR RICHARD LE ROUX:** Chair when you say confronted, confronted by the investigators?

**CHAIRPERSON:** Investigator or whoever. Did anybody talk to you about?

**MR RICHARD LE ROUX:** I was confronted by investigators at, at the premises of, of Dudu Myeni.

**CHAIRPERSON:** Yes. Was this now on the day when you were with your team there as opposed to the day when you were with Mr Mathenjwa.

**MR RICHARD LE ROUX:** No that was on the day that we were busy there with the team.

**CHAIRPERSON:** Okay, alright and what did this person say to you?

20 **MR RICHARD LE ROUX:** Chair he wanted to know where we were from. I said we were independent contractors. He asked me what company I work for. I said we are independent contractors. We, we basically just go out doing our job at the end of the day. I did not bring the Bosasa name up at all, because it was a strict instruction that the Bosasa name should never come out.

**CHAIRPERSON:** Yes.

**MR RICHARD LE ROUX:** At any of the premises or if you were confronted by anybody [indistinct].

**CHAIRPERSON:** Yes.

**MR RICHARD LE ROUX:** It was said that if we mention the company's name alright, you see the gate there. That gate will be opened and you are more than welcome to leave. So we had to take that confidentiality and keep it with ourselves.

**CHAIRPERSON:** Now when this person asked you this question were you inside the premises of Ms Myeni's residence or were you outside?

10 **MR RICHARD LE ROUX:** We were in the premises Chair and we were in the dining room section.

**CHAIRPERSON:** And the person was inside as well?

**MR RICHARD LE ROUX:** That is correct the investigating officer.

**CHAIRPERSON:** Yes. Is, is that how your conversation with him ended or was anything further said between the two of you?

**MR RICHARD LE ROUX:** Chair from my recollection I think he came back the next and questioned us again.

**CHAIRPERSON:** Yes.

20 **MR RICHARD LE ROUX:** But I, I immediately phoned Trevor and I said to him Trevor I have got a problem. These people are quizzing us with the house break in the other day. I said and here we are just here to do our job and he said to me.

**CHAIRPERSON:** Yes.

**MR RICHARD LE ROUX:** Do not worry about I will contact Dudu and I will make go away that you guys can carry on and do your job, because you are not part of that; you should not be part of that investigation, because you never broke into the premises.

**CHAIRPERSON:** Yes, thank you.

**ADV REFILWE MOLEFE SC:** Thank you. What then happened in respect of you being questioned or interrogated about the breaking in?

**MR RICHARD LE ROUX:** We were left alone after I think it was the second day to get on with the installation.

**CHAIRPERSON:** Do you know whether the investigator was an SAPS person, officer or was it a private investigator or insurance investigator?

**MR RICHARD LE ROUX:** Chair I am, it was not a SAPS. He did not have a SAPS uniform on. So I am not sure; I was just told that he was a, an investigator.

**CHAIRPERSON:** Okay, thank you.

10 **ADV REFILWE MOLEFE SC:** Do you recall what the approximate value of the project was?

**MR RICHARD LE ROUX:** The approximate value of the project was 250 000.

**ADV REFILWE MOLEFE SC:** And from what information do you base this estimate?

**MR RICHARD LE ROUX:** Also due to what we installed and the invoices.

**CHAIRPERSON:** Is it both?

**MR RICHARD LE ROUX:** From my recollection.

**CHAIRPERSON:** Is it both what you installed plus the work done or is it just this, the?

**MR RICHARD LE ROUX:** That is just the equipment Chair. That did not include.

**CHAIRPERSON:** Labour?

20 **MR RICHARD LE ROUX:** Accommodation or labour or anything like that. That was not charged.

**CHAIRPERSON:** Okay, okay.

**ADV REFILWE MOLEFE SC:** And did you go to this property again? Did you return to the Richards Bay property?

**MR RICHARD LE ROUX:** I did return to the Richards Bay property. Chair I returned

two times. The one time was when there was a problem with the, the server. We had to rectify the software and the second time I returned there, there was a problem with the power and the UPS had packed up. So I went into Richards Bay town to Game and I bought a new UPS and I replaced it and I took the UPS back with me.

**CHAIRPERSON:** Did you say that this, all the expenses or the, were paid by Bosasa for this project?

**MR RICHARD LE ROUX:** That is correct Chair. It was fully paid by Bosasa.

**CHAIRPERSON:** Yes. You said that towards the end of your affidavit I think you say is it some or all the residents that you give evidence about today?

10 **MR RICHARD LE ROUX:** We visited four residences Chair.

**CHAIRPERSON:** Yes. So this one that you say you were told was Ms Dudu Myeni's one you are quite clear about it? You can take anyone who wants to go you can take them there?

**MR RICHARD LE ROUX:** I definitely can Chair.

**CHAIRPERSON:** Yes. Are there any special features that you that you remember quite well?

**MR RICHARD LE ROUX:** Chair.

**CHAIRPERSON:** In regard to the house?

20 **MR RICHARD LE ROUX:** The house was on the corner and there is a bit of like an arch right on the corner.

**CHAIRPERSON:** Yes.

**MR RICHARD LE ROUX:** And in front of that arch is a water feature, water fountain.

**CHAIRPERSON:** Yes.

**MR RICHARD LE ROUX:** Right and when you, there are two gates.

**CHAIRPERSON:** Yes.

**MR RICHARD LE ROUX:** There is a gate here and there is a gate on the side here.

**CHAIRPERSON:** Yes.

**MR RICHARD LE ROUX:** When you drive into the main gate there is a, a fish pond, a koi pond on the right hand side and there left hand side of the main entrance as you walk into the house.

**CHAIRPERSON:** Yes. Okay, thank you.

**ADV REFILWE MOLEFE SC:** And did you, did you state if you can recall when this project was undertaken?

**MR RICHARD LE ROUX:** I cannot recall the date Chair.

10 **ADV REFILWE MOLEFE SC:** You cannot recall. Even when you returned to the property you cannot recall the dates?

**MR RICHARD LE ROUX:** I cannot recall the date Chair.

**CHAIRPERSON:** During the time that you were at this residence did you interact with any person who stayed in the residence?

**MR RICHARD LE ROUX:** Chair I gave feedback to Ms Dudu Myeni. It was in the kitchen of her residence. I had explained to her what we were doing and what was going on and I gave her feedback that way.

**CHAIRPERSON:** Oh.

**MR RICHARD LE ROUX:** But I did not interact with her on a daily basis, no.

20 **CHAIRPERSON:** Oh, but you did actually one of the days when you were there in the residence she was also there?

**MR RICHARD LE ROUX:** That is correct Chair.

**CHAIRPERSON:** And you spoke to her?

**MR RICHARD LE ROUX:** That is correct Chair.

**CHAIRPERSON:** And you told her what you had done?

**MR RICHARD LE ROUX:** That is correct Chair.

**CHAIRPERSON:** Okay, thank you.

**ADV REFILWE MOLEFE SC:** Thank you and in your exchange with Ms Myeni can you recall whether any mention of Bosasa was made?

**MR RICHARD LE ROUX:** No, I cannot recall anything Chair.

**ADV REFILWE MOLEFE SC:** That is fine. In paragraphs 43 to 44 of your statement you speak of another project. In respect of whose property was this project?

**CHAIRPERSON:** I am, I am sorry Ms Molefe. I am sorry to interrupt you. During your conversation with Ms Myeni is there anything that she said in regard to your report that

10 you remember that you want to share with us?

**MR RICHARD LE ROUX:** Chair we just shared what I had basically been doing.

**CHAIRPERSON:** Yes.

**MR RICHARD LE ROUX:** Where the alarm equipment was.

**CHAIRPERSON:** Yes.

**MR RICHARD LE ROUX:** And things like that [indistinct]. We did not; that is all we spoke about was the actual equipment nothing else Chair.

**CHAIRPERSON:** Okay, thank you.

**ADV REFILWE MOLEFE SC:** And can you just clarify? This exchange that you had with Ms Myeni was it on your first visit or your subsequent visits?

20 **MR RICHARD LE ROUX:** No, it was on our very first visit.

**ADV REFILWE MOLEFE SC:** Okay. In paragraph.

**CHAIRPERSON:** I am sorry. The first visit was with you and Mr Mathenjwa?

**MR RICHARD LE ROUX:** No.

**CHAIRPERSON:** And then you went away and then you came back.

**MR RICHARD LE ROUX:** Sorry, the second visit Chair.



**CHAIRPERSON:** Second visit?

**MR RICHARD LE ROUX:** Yes.

**CHAIRPERSON:** Okay.

**MR RICHARD LE ROUX:** When we were there to do the installation Chair.

**CHAIRPERSON:** Ja, okay.

**MR RICHARD LE ROUX:** Sorry.

**CHAIRPERSON:** When you were with your team?

**MR RICHARD LE ROUX:** That is correct Chair.

**CHAIRPERSON:** Okay.

10 **ADV REFILWE MOLEFE SC:** And on the second visit was Mr Mathenjwa there?

**MR RICHARD LE ROUX:** No, Chair.

**ADV REFILWE MOLEFE SC:** Thank you. Can you then move onto the next project which you speak of in paragraphs 43 and 44? In respect of whose property was this project undertaken?

**MR RICHARD LE ROUX:** Richmond Mti, Chair.

**ADV REFILWE MOLEFE SC:** And on whose instruction was this project undertaken?

**MR RICHARD LE ROUX:** I was instructed by Gavin Watson with Angelo Agrizzi's knowledge.

**ADV REFILWE MOLEFE SC:** Can you recall how many properties were attended to?

20 **MR RICHARD LE ROUX:** Two properties, Chair.

**ADV REFILWE MOLEFE SC:** And where were the properties located?

**MR RICHARD LE ROUX:** The one was Greenbushes and the other one was Colchester Chair.

**ADV REFILWE MOLEFE SC:** And where, where, where about is that?

**MR RICHARD LE ROUX:** In the Eastern Cape.

**ADV REFILWE MOLEFE SC:** So both properties were in the Eastern Cape?

**MR RICHARD LE ROUX:** That is correct Chair.

**ADV REFILWE MOLEFE SC:** And can you recall when these properties were attended to?

**MR RICHARD LE ROUX:** I cannot recall the dates.

**ADV REFILWE MOLEFE SC:** And when you went to this property were you accompanied by any of your colleagues?

**MR RICHARD LE ROUX:** No, the initial site survey was done by myself. Can I elaborate a little bit more on it?

10 **CHAIRPERSON:** Ja.

**MR RICHARD LE ROUX:** What happened was I had gone to the airport and funny enough Gavin Watson was on the same flight as me to PE that day and he asked me what was I doing at the airport and I said to him that I was going down to Mr Mti's residence to go and do the survey of the plot and his residence at Colchester and he said to me just make sure you get it done and done ASAP please.

**CHAIRPERSON:** Now obviously he was not aware of your trip to these residences. Who had given you instructions to go to these residences?

**MR RICHARD LE ROUX:** Angelo Agrizzi, Chair.

**CHAIRPERSON:** Okay.

20 **ADV REFILWE MOLEFE SC:** Okay and when Mr Angelo Agrizzi gave you these instructions were you given a timeline within which to visit the properties?

**MR RICHARD LE ROUX:** No, there was no timeline given.

**ADV REFILWE MOLEFE SC:** You were explaining to the Chair that you went on your first visit for a site survey?

**MR RICHARD LE ROUX:** That is correct Chair.

**ADV REFILWE MOLEFE SC:** Was it in respect of both properties?

**MR RICHARD LE ROUX:** That is correct Chair.

**ADV REFILWE MOLEFE SC:** And in respect of both properties did you ever return?

**MR RICHARD LE ROUX:** Yes, we did Chair to do the installation.

**ADV REFILWE MOLEFE SC:** And what work was done?

**MR RICHARD LE ROUX:** At the Greenbushes residence a full 21 strand electric fence was installed and perimeter safety lighting was installed.

**ADV REFILWE MOLEFE SC:** And at the second property?

**MR RICHARD LE ROUX:** A full electric.

10 **CHAIRPERSON:** I am sorry. I am sorry. Maybe we must do a correction there, paragraph 43.1. You said full 21 strand electric fence was installed and perimeter safety lighting?

**MR RICHARD LE ROUX:** That is correct Chair.

**CHAIRPERSON:** Should we put and?

**MR RICHARD LE ROUX:** Please Chair.

**CHAIRPERSON:** Okay, thank you. Thank you.

**ADV REFILWE MOLEFE SC:** Thank you Chair. Please proceed and what work was done at the second property?

20 **MR RICHARD LE ROUX:** At the Colchester residence a full electric fence perimeter lighting and repairs to the alarm system were undertaken.

**ADV REFILWE MOLEFE SC:** Can you recall whether this work was done at the same time?

**MR RICHARD LE ROUX:** It was.

**ADV REFILWE MOLEFE SC:** At the respective, sorry.

**MR RICHARD LE ROUX:** Both.

**ADV REFILWE MOLEFE SC:** At the respective properties?

**MR RICHARD LE ROUX:** Both properties were done at the same time. The team went down. We left two people at the one property and two people went to the second property. The two at the second property, the Colchester property, which was smaller than the first property, when we finished that installation we moved over to the first installation and assisted the other two, the other two technicians to finish that installation.

**ADV REFILWE MOLEFE SC:** So the work was done on the same day?

**MR RICHARD LE ROUX:** It was done over a, over a period of three weeks.

10 **ADV REFILWE MOLEFE SC:** So you stayed with your colleagues in Port Elizabeth for three weeks?

**MR RICHARD LE ROUX:** That is correct Chair.

**ADV REFILWE MOLEFE SC:** And did you ever return to any of the properties?

**MR RICHARD LE ROUX:** We did Chair. I cannot say how many times, but we did return to that property to sort out issues with the electric fence, because what would happen is the cattle that was on the property would bump the electric fence and it would bend the wires and we had to sort that out and the Colchester residence because of the, the, the, the climate there it would eat through the wires and things like that. So we would have to replace the wires and things like that on the Colchester  
20 property.

**CHAIRPERSON:** Once again also you are quite clear about these residences?

**MR RICHARD LE ROUX:** I am Chair. If I had to, if you.

**CHAIRPERSON:** [Intervenes].

**MR RICHARD LE ROUX:** Sent me with the investigator I would be able to take you to the properties.

**CHAIRPERSON:** Yes, thank you.

**ADV REFILWE MOLEFE SC:** And you say that you could not recall the period in which the properties were visited?

**MR RICHARD LE ROUX:** I cannot recall the period.

**ADV REFILWE MOLEFE SC:** But in your earlier evidence you did state that these Special Projects rather were undertaken between the years 2013 to 2017. Do I have it correctly?

**MR RICHARD LE ROUX:** That is correct when I left Special Projects.

**ADV REFILWE MOLEFE SC:** Yes and can you recall what was the estimate project  
10 cost in respect of both these properties?

**MR RICHARD LE ROUX:** The approximate cost for both properties was R350 000  
Chair.

**ADV REFILWE MOLEFE SC:** And again do you base it on the same basis of invoices?

**MR RICHARD LE ROUX:** Well, well the invoices and you must remember at, at, at the sea, at the coastal areas you would use a different type of electric fence that could handle those; that that, that climate at the end of the day. So that is that is based on that cost.

**ADV REFILWE MOLEFE SC:** And the same payment process was followed?

**MR RICHARD LE ROUX:** Cash would be collected and cash would be paid to the  
20 suppliers yes.

**CHAIRPERSON:** So, so, so you should know the, you should have a good idea of what each project cost, because you were the one who would get quotes. You were the one who would get the cash from Van Zyl.

**MR RICHARD LE ROUX:** That is correct Chair.

**CHAIRPERSON:** And you were the one who would then purchase whatever you

needed in order to fix what you had to fix in the residence/

**MR RICHARD LE ROUX:** That is correct Chair.

**CHAIRPERSON:** Yes.

**MR RICHARD LE ROUX:** The properties that we done on, the further properties we would normally arrange with suppliers down there. We would not take the stock from Johannesburg.

**CHAIRPERSON:** Yes.

**MR RICHARD LE ROUX:** And drive down with.

**CHAIRPERSON:** Yes.

10 **ADV REFILWE MOLEFE SC:** With the stock.

**CHAIRPERSON:** Ja.

**MR RICHARD LE ROUX:** Because there was way too much stock.

**CHAIRPERSON:** Yes.

**MR RICHARD LE ROUX:** To, to carry.

**CHAIRPERSON:** Yes.

**MR RICHARD LE ROUX:** And we did not have a trailer big enough to carry all that stock.

**CHAIRPERSON:** Yes, but did you carry the cash from Johannesburg to pay the suppliers in, in the places that are far away from Johannesburg?

20 **MR RICHARD LE ROUX:** That is correct Chair.

**CHAIRPERSON:** Okay.

**ADV REFILWE MOLEFE SC:** And you said that you stayed in Port Elizabeth for three weeks?

**MR RICHARD LE ROUX:** That is correct Chair.

**ADV REFILWE MOLEFE SC:** Did you interact with anyone at the properties?

**MR RICHARD LE ROUX:** Sorry, could you repeat that?

**ADV REFILWE MOLEFE SC:** Did you interact with anyone at the properties other than your colleagues who you were with?

**MR RICHARD LE ROUX:** It was only myself and my team.

**ADV REFILWE MOLEFE SC:** So who did you find at the properties?

**MR RICHARD LE ROUX:** At the Greenbushes property if I am not mistaken Chair it was Linda, I mean, Richmond Mti's brother.

**CHAIRPERSON:** Okay.

**MR RICHARD LE ROUX:** I am not sure of the name of his brother.

10 **CHAIRPERSON:** Yes, but.

**MR RICHARD LE ROUX:** And then when we did the property at Colchester, when we did the installation we were driven by another, I cannot remember his name. We were taken there by him.

**CHAIRPERSON:** Yes, okay.

**ADV REFILWE MOLEFE SC:** And did the person introduce themselves as Richmond Mti's brother?

**MR RICHARD LE ROUX:** That is correct Chair. I would just like to add Chair later on during the installation we did meet Richmond Mti at the premises.

**CHAIRPERSON:** Oh, at which one of the two houses?

20 **MR RICHARD LE ROUX:** At the Greenbushes residence.

**CHAIRPERSON:** Okay, thank you. You, you, you, you knew him before then or you were meeting him for the first time?

**MR RICHARD LE ROUX:** I was meeting him for the first time Chair.

**CHAIRPERSON:** Okay.

**ADV REFILWE MOLEFE SC:** And did he introduce himself as Richmond Mti?

**MR RICHARD LE ROUX:** That is correct Chair.

**ADV REFILWE MOLEFE SC:** Thank you. We then move onto the next project which you have called Project Jones. In respect of whose property was this project undertaken?

**MR RICHARD LE ROUX:** Vincent Smith, Chair.

**CHAIRPERSON:** Sorry.

**MR RICHARD LE ROUX:** Vincent Smith.

**CHAIRPERSON:** Okay.

10 **ADV REFILWE MOLEFE SC:** And who is Vincent Smith or who was Vincent Smith at that point?

**MR RICHARD LE ROUX:** I was not sure who Vincent Smith was at that point. I only learnt to know that he was the SCOPA Chairperson.

**ADV REFILWE MOLEFE SC:** And that is what you have indicated at paragraph 45?

**MR RICHARD LE ROUX:** That is correct Chair.

**ADV REFILWE MOLEFE SC:** And whose instruction was this project undertaken?

**MR RICHARD LE ROUX:** Gavin Watson.

**ADV REFILWE MOLEFE SC:** And can you recall how many properties were attended to?

**MR RICHARD LE ROUX:** Only one property Chair.

20 **ADV REFILWE MOLEFE SC:** And where was it located?

**MR RICHARD LE ROUX:** In Roodepoort Chair. I took the investigators around to this premises as well. So they are aware of, of the residence.

**ADV REFILWE MOLEFE SC:** And can you recall when you went to this property?

**MR RICHARD LE ROUX:** It was about two weeks ago. With the investigators?

**ADV REFILWE MOLEFE SC:** No. The first time in line with the special project?



**MR RICHARD LE ROUX:** I am not sure of the date.

**ADV REFILWE MOLEFE SC:** And what work had to be done at the property?

**MR RICHARD LE ROUX:** It was told that I had to do an electric fence and an IP CCTV Camera System and it had to have offsite capabilities, because when he travelled to Cape Town he needed to see his cameras of his house on his phone in Cape Town.

**ADV REFILWE MOLEFE SC:** And what is an IP CCTV?

**MR RICHARD LE ROUX:** It is an IP, it is; it is an IP based. I am not sure of the terminology of the IP.

**CHAIRPERSON:** It is something technical?

10 **MR RICHARD LE ROUX:** That is correct Chair.

**ADV REFILWE MOLEFE SC:** But what does it enable you to do?

**MR RICHARD LE ROUX:** Well basically it enables you to do offsite monitoring.

**ADV REFILWE MOLEFE SC:** Okay.

**CHAIRPERSON:** How did you come to do this project?

**MR RICHARD LE ROUX:** Sorry Chair.

**CHAIRPERSON:** How did it come about that you were engaged in this special project?  
Who instructed you?

**MR RICHARD LE ROUX:** Gavin Watson and Angelo Agrizzi and the Directorate Chair.

**CHAIRPERSON:** Okay.

20 **MR RICHARD LE ROUX:** I was, I was, when, when, when I stopped opening and closing the offices they, they saw that they I was a trustworthy reliable person and that is how I came into, to, to getting into Special Projects and heading Special Projects at the end of the day.

**ADV REFILWE MOLEFE SC:** Upon your first visit to the property what did you do?

**MR RICHARD LE ROUX:** A site survey was conducted.

**ADV REFILWE MOLEFE SC:** And did you visit the property again?

**MR RICHARD LE ROUX:** To do the installation Chair, yes.

**ADV REFILWE MOLEFE SC:** And did you ever have to return to the property after doing the installation?

**MR RICHARD LE ROUX:** On numerous occasions Chair.

**ADV REFILWE MOLEFE SC:** Can you recall over what period you returned to the property?

**MR RICHARD LE ROUX:** I cannot recall the exact amount of times, but I mean we would get a phone call from, from Vincent and he would say the electric fence is not  
10 working or the cameras are not working or the IP router was not working and we.

**ADV REFILWE MOLEFE SC:** When. Continue.

**MR RICHARD LE ROUX:** I am sorry.

**ADV REFILWE MOLEFE SC:** Continue, sorry. Okay, when you say that we would.

**CHAIRPERSON:** I am, I am sorry. I may have missed something. Will you just confirm what was wrong that you had to fix or what you were instructed to do at Mr Vincent Smith's residence? I may have missed that.

**MR RICHARD LE ROUX:** After the installation was done Chair?

**CHAIRPERSON:** No, first time, first time [intervenes].

**MR RICHARD LE ROUX:** We were instructed that an electric fence had to be erected  
20 and a CCTC System was to be installed with offsite monitoring capabilities.

**CHAIRPERSON:** Okay thank; and you did that?

**MR RICHARD LE ROUX:** And we did that Chair, yes.

**CHAIRPERSON:** Okay, thank you.

**ADV REFILWE MOLEFE SC:** And you earlier stated that you would be; we were contacted by Vincent. Did he contact you directly?

**MR RICHARD LE ROUX:** He did Chair.

**CHAIRPERSON:** You mean Mr Vincent Smith?

**MR RICHARD LE ROUX:** That is correct Chair.

**CHAIRPERSON:** Ja.

**MR RICHARD LE ROUX:** I have got SMS which I have given to the legal team from Vincent Smith.

**CHAIRPERSON:** Okay.

**ADV REFILWE MOLEFE SC:** And you said that you could not recall over what period the ongoing maintenance had to be undertaken?

10 **MR RICHARD LE ROUX:** I cannot recall Chair.

**ADV REFILWE MOLEFE SC:** You cannot recall if it is over a year over months over weeks?

**MR RICHARD LE ROUX:** It was definitely more than a year.

**ADV REFILWE MOLEFE SC:** Okay. Do you recall what the approximate value was of the project?

**MR RICHARD LE ROUX:** The approximate value of the project was R200 000 Chair.

**ADV REFILWE MOLEFE SC:** And the process insofar as the quotation from suppliers was it the same process?

**MR RICHARD LE ROUX:** Exactly the same process as all the special projects.

20 **ADV REFILWE MOLEFE SC:** And insofar as payment was it also the same?

**MR RICHARD LE ROUX:** Cash.

**ADV REFILWE MOLEFE SC:** Cash from Mr Jacques van Zyl?

**MR RICHARD LE ROUX:** That is correct Chair.

**ADV REFILWE MOLEFE SC:** Now.

**CHAIRPERSON:** And Bosasa paid the, all the expenses?

**MR RICHARD LE ROUX:** That is correct Chair.

**CHAIRPERSON:** And.

**MR RICHARD LE ROUX:** If the router used to pack up Chair I would, I would have a company credit card of a limit of R10 000 especially for Special Projects. I would obviously first phone Gavin Watson or Angelo, Angelo Agrizzi before I used it and I would purchase stuff out of the credit card, small items.

**CHAIRPERSON:** Okay, okay. So these, the beneficiaries of these special projects were they ever asked to pay or to make any contribution towards the expenses?

**MR RICHARD LE ROUX:** Chair I am not aware of anything.

10 **CHAIRPERSON:** In regard to other work that fell under your responsibilities clients had to pay. Is that right?

**MR RICHARD LE ROUX:** That is correct Chair.

**CHAIRPERSON:** And being head of your department or unit that you were heading you would know if payment had been made, if invoices had been sent out or that would be the Accounts Department?

**MR RICHARD LE ROUX:** That would be the Accounts Department Chair. I had nothing to do with the payments.

**CHAIRPERSON:** Yes.

20 **MR RICHARD LE ROUX:** Or the invoices or anything like that for that, for the normal work.

**CHAIRPERSON:** Yes. So, but as far as you know the beneficiaries of these projects were never asked to pay, but.

**MR RICHARD LE ROUX:** Not to my knowledge.

**CHAIRPERSON:** You cannot be sure?

**MR RICHARD LE ROUX:** I cannot be sure Chair, but not to my knowledge.

**CHAIRPERSON:** Okay, alright. Thank you.

**ADV REFILWE MOLEFE SC:** Then paragraph 45.3 on page 9 of your statement you speak about a video footage. What is this video footage about?

**MR RICHARD LE ROUX:** Chair there was a video footage that came out on News24 of the technicians removing the equipment at Vincent Smith's premises and it was quite funny because it was said on there that they were there to do mere, give mere advice of the equipment at the end of the day, but the funny thing about it is if you look on that video two of the technicians that are actually removing the equipment were two technicians who worked on Special Projects. The other gentleman who is standing at  
10 the back he is the one who actually took over Special Projects when I left Special Projects.

**CHAIRPERSON:** Okay. Let us, let us go through that again. You say there was a, a video footage in News24?

**MR RICHARD LE ROUX:** That is correct Chair.

**CHAIRPERSON:** Which depicted certain people who were said to be technicians removing certain equipment from Mr Smith's residence?

**MR RICHARD LE ROUX:** That is correct Chair.

**CHAIRPERSON:** Yes and you say one of the people who were shown on the video footage was the person who took over Special Projects from you?

20 **MR RICHARD LE ROUX:** That is correct Chair.

**CHAIRPERSON:** And there were two other people on the footage. You did not know them?

**MR RICHARD LE ROUX:** I did Chair. They used to work for me.

**CHAIRPERSON:** You did not know them?

**MR RICHARD LE ROUX:** I did Chair they used to work for me.

**CHAIRPERSON**: Oh you did know them?

**MR RICHARD LE ROUX**: They were also part of special projects.

**CHAIRPERSON**: Oh they were part of special projects?

**MR RICHARD LE ROUX**: That is correct Chair.

**CHAIRPERSON**: Oh so they belonged to Sondolo?

**MR RICHARD LE ROUX**: Sondolo Chair. The – how it happened was they would – they drove down the driveway with the unbranded vehicles alright.

**CHAIRPERSON**: Yes.

**MR RICHARD LE ROUX**: With the unbranded vehicles and the normal number plates.

10 **CHAIRPERSON**: Yes.

**MR RICHARD LE ROUX**: The technicians, the one that took over special projects from me actually gets unchanged in front of the one camera by the garage.

**CHAIRPERSON**: Yes.

**MR RICHARD LE ROUX**: And he puts on his normal personal shirt and the other two technicians came with their personal shirts at the end of the day.

**CHAIRPERSON**: Yes.

**MR RICHARD LE ROUX**: Civilian shirts.

**CHAIRPERSON**: Okay thank you.

20 **ADV REFILWE MOLEFE**: Do you have any information as to why they were removing the cameras?

**MR RICHARD LE ROUX**: I do not have any information.

**ADV REFILWE MOLEFE**: Okay and do you know what the approximate value of this project at this property was?

**MR RICHARD LE ROUX**: Approximately. Of this property? R200 000,00 Chair.

**ADV REFILWE MOLEFE:** And your estimate is based on the same basis that you have earlier referred to?

**MR RICHARD LE ROUX:** That is correct Chair.

**ADV REFILWE MOLEFE:** Can we then move to paragraph 47 to 49 where you set out details relating to what you have called Project Bramley. In respect of whose property did this project relate?

**MR RICHARD LE ROUX:** Chair this property belonged to Thabang Makwetla.

**ADV REFILWE MOLEFE:** And do you know what position Mr Makwetla held at that point?

10 **MR RICHARD LE ROUX:** I did not know at that point Chair.

**ADV REFILWE MOLEFE:** Can you recall when this project was undertaken?

**MR RICHARD LE ROUX:** I cannot recall the dates or the months.

**ADV REFILWE MOLEFE:** At whose instruction was this project undertaken?

**MR RICHARD LE ROUX:** This instruction came from Gavin Watson directly.

**ADV REFILWE MOLEFE:** And

**CHAIRPERSON:** Do you know what position he holds now?

**MR RICHARD LE ROUX:** Chair I am not a hundred percent sure but I think he is the Deputy Correctional Services Minister.

**CHAIRPERSON:** Okay.

20 **MR RICHARD LE ROUX:** I am not a hundred percent sure Chair.

**CHAIRPERSON:** You are not sure okay alright.

**ADV REFILWE MOLEFE:** And can you recall how many properties were attended to?

**MR RICHARD LE ROUX:** There was only one property Chair.

**ADV REFILWE MOLEFE:** And where was the property situated?

**MR RICHARD LE ROUX:** In Bramley itself.

**ADV REFILWE MOLEFE:** Is that where the name comes from?

**MR RICHARD LE ROUX:** That is correct Chair.

**ADV REFILWE MOLEFE:** And what had to be done in terms of this project?

**MR RICHARD LE ROUX:** We had to do a full electric fence, a full IP based CCTV system with offsite monitoring and a full alarm system with beams.

**ADV REFILWE MOLEFE:** You just stated that we – I am assuming that you attended personally to the property?

**MR RICHARD LE ROUX:** Sorry can you repeat that?

**ADV REFILWE MOLEFE:** Did you go in person to the property?

10 **MR RICHARD LE ROUX:** To do the site survey?

**ADV REFILWE MOLEFE:** Yes.

**MR RICHARD LE ROUX:** Yes I did Chair.

**ADV REFILWE MOLEFE:** And who were you accompanied by?

**MR RICHARD LE ROUX:** I was accompanied by myself.

**ADV REFILWE MOLEFE:** Sorry.

**MR RICHARD LE ROUX:** I was there by myself to do the site survey.

**ADV REFILWE MOLEFE:** Okay thank you. And other than the site survey did you return to the property?

20 **MR RICHARD LE ROUX:** Yes we did Chair to do maintenance on the electric fence, the alarm system and on the camera system.

**CHAIRPERSON:** Well after the survey you would come back to do the installation is it not?

**MR RICHARD LE ROUX:** That is correct Chair.

**CHAIRPERSON:** You came back after the survey to do the installation?



**MR RICHARD LE ROUX:** I came back after the survey Chair to do the – to – basically what I have done I went and done the survey under Gavin Watson's instruction. I then phoned Angelo Agrizzi who was not aware of this project and I said to him I just need to bring to your attention that I am being instructed by Gavin to do this project. He said not a problem go and do the survey I will talk to Gavin and find out what has to be done there and I will get back to you.

**CHAIRPERSON:** Yes and then the – what did the survey reveal that needed to be done?

**MR RICHARD LE ROUX:** Sorry Chair.

10 **CHAIRPERSON:** What did your survey reveal needed to be done?

**MR RICHARD LE ROUX:** Chair where the area is situated like I say I do not want to reveal addresses and things like that it is very, it is very...

**CHAIRPERSON:** Do not. I mean what was wrong, what needed to be done that is what I want to know?

**MR RICHARD LE ROUX:** Electric fence, CCTV, IP based CCTV system with offsite monitoring capabilities so that he could also see on his phone and an alarm system with beams.

**CHAIRPERSON:** And did you subsequently return and installed all of those?

**MR RICHARD LE ROUX:** That is correct Chair.

20 **CHAIRPERSON:** Okay continue.

**ADV REFILWE MOLEFE:** Thank you Chair. And when you returned to the property were you accompanied by anyone?

**MR RICHARD LE ROUX:** By the technicians Chair.

**ADV REFILWE MOLEFE:** And over what period was this work undertaken?

**MR RICHARD LE ROUX:** It would have been about two to three weeks.

**ADV REFILWE MOLEFE:** Can you recall how many times you had to return to the property?

**MR RICHARD LE ROUX:** To do the maintenance?

**ADV REFILWE MOLEFE:** Yes.

**MR RICHARD LE ROUX:** I cannot recall Chair.

**CHAIRPERSON:** A number of times on or

**MR RICHARD LE ROUX:** I cannot recall the times Chair.

**CHAIRPERSON:** Or you might not have returned to do maintenance?

**MR RICHARD LE ROUX:** I am not – I do not have the times Chair.

10 **CHAIRPERSON:** You cannot remember?

**MR RICHARD LE ROUX:** No I cannot remember Chair.

**CHAIRPERSON:** Okay. While you were at the residence – at this residence did you interact with anybody who lived there?

**MR RICHARD LE ROUX:** Chair at first no. I interacted with Ms Makwetla's son at the beginning.

**CHAIRPERSON:** Yes.

**MR RICHARD LE ROUX:** Thereafter I did meet Mr Makwetla.

**CHAIRPERSON:** Yes.

20 **MR RICHARD LE ROUX:** And we spoke on a few occasions while we were busy with the installation.

**CHAIRPERSON:** Yes.

**MR RICHARD LE ROUX:** And thereafter he would also contact me via a phone call.

**CHAIRPERSON:** Yes.

**MR RICHARD LE ROUX:** Alright to say that there was a problem with the alarm or there was a – there is sms's that I have to the investigation team as well.

**CHAIRPERSON:** Yes okay. And when he would contact you subsequently to say there was a problem with the alarm or whatever would – did you – would you then go back to fix that?

**MR RICHARD LE ROUX:** I would either dispatch somebody or go back myself Chair.

**CHAIRPERSON:** Sorry?

**MR RICHARD LE ROUX:** I would either dispatch somebody, one of the technicians or I would go back myself.

**CHAIRPERSON:** Okay alright thank you.

**ADV REFILWE MOLEFE:** Thank you Chair. And can you recall what the approximate  
10 cost was for this project?

**MR RICHARD LE ROUX:** The approximate cost of the project was R350 000,00 Chair.

**ADV REFILWE MOLEFE:** And the same process was followed insofar as quotation?

**MR RICHARD LE ROUX:** That is correct Chair.

**ADV REFILWE MOLEFE:** And insofar as cash payments?

**MR RICHARD LE ROUX:** It was all paid for in cash by Bosasa.

**ADV REFILWE MOLEFE:** In paragraph 50 and 51 you speak of yet another project which you – which is rather referred to as Project Prasa. In respect of whose property was this project?

**MR RICHARD LE ROUX:** Mr I cannot pronounce the name. I think it is Mbulelo.

20 **ADV REFILWE MOLEFE:** Can you please spell it?

**CHAIRPERSON:** Mbulelo.

**MR RICHARD LE ROUX:** Mbulelo.

**CHAIRPERSON:** Was that the name or the surname do you know?

**MR RICHARD LE ROUX:** Chair I am not a hundred percent sure I think it was his surname.

**CHAIRPERSON**: Okay.

**ADV REFILWE MOLEFE**: Can you please spell the name or surname Mbulelo as you have it?

**MR RICHARD LE ROUX**: M-b-u-l-e-l-o.

**ADV REFILWE MOLEFE**: And at whose instruction was this property attended to?

**MR RICHARD LE ROUX**: It was an instruction from Syvion Dlamini and Angelo Agrizzi.

**ADV REFILWE MOLEFE**: Who is Syvion Dlamini?

**MR RICHARD LE ROUX**: He is a director of African Global.

**ADV REFILWE MOLEFE**: And can you recall where the property is situated?

10 **MR RICHARD LE ROUX**: In Randburg Chair.

**ADV REFILWE MOLEFE**: Was this only one property attended to?

**MR RICHARD LE ROUX**: That is correct Chair.

**ADV REFILWE MOLEFE**: And can you recall when you visited the property?

**MR RICHARD LE ROUX**: I cannot recall the dates.

**CHAIRPERSON**: Why did you call it Project Prasa?

**MR RICHARD LE ROUX**: Chair I was just told that he worked for Prasa.

**CHAIRPERSON**: Okay.

**MR RICHARD LE ROUX**: I was not told his position or anything like that.

**CHAIRPERSON**: Yes.

20 **MR RICHARD LE ROUX**: I did not want to get involved in that kind of negotiations.

**CHAIRPERSON**: Ja.

**MR RICHARD LE ROUX**: I was just told that he worked for Prasa and that is why we gave it the Project name Prasa.

**CHAIRPERSON**: Okay thank you.

**ADV REFILWE MOLEFE**: And did you personally attend to this property?

**MR RICHARD LE ROUX:** To do the survey yes I did.

**ADV REFILWE MOLEFE:** Were you accompanied on your first visit?

**MR RICHARD LE ROUX:** When I was there Syvion Dlamini and Angelo Agrizzi were at the premises.

**ADV REFILWE MOLEFE:** And did you have any interaction with anyone other than Syvion Dlamini and Angelo Agrizzi?

**MR RICHARD LE ROUX:** Nope.

**ADV REFILWE MOLEFE:** And did you return to the property?

**MR RICHARD LE ROUX:** Yes to do the installation Chair.

10 **ADV REFILWE MOLEFE:** Can you recall after what period you returned to the property?

**MR RICHARD LE ROUX:** It would have been probably about a week after the site survey was done.

**ADV REFILWE MOLEFE:** And when you returned to the property were you accompanied by anyone?

**MR RICHARD LE ROUX:** The technicians Chair.

**ADV REFILWE MOLEFE:** And what work was done?

**MR RICHARD LE ROUX:** We installed a full IP based CCTV system. A brand new gate motor and an intercom system.

20 **ADV REFILWE MOLEFE:** And on your second visit did you have any interaction other than with the technicians?

**MR RICHARD LE ROUX:** No interaction with anybody except the technicians.

**ADV REFILWE MOLEFE:** Did you ever return to the property?

**MR RICHARD LE ROUX:** To do maintenance once or twice.

**ADV REFILWE MOLEFE:** Can you remember over what period?

**MR RICHARD LE ROUX:** It would have been over a period of about three to four months. I have – sorry.

**ADV REFILWE MOLEFE:** Carry on.

**MR RICHARD LE ROUX:** I have given the investigators a – sms's as well where I was instructed on a Sunday morning – he could not get out of his yard.

**ADV REFILWE MOLEFE:** Who is he?

**MR RICHARD LE ROUX:** Mr

**CHAIRPERSON:** Mbulelo.

**MR RICHARD LE ROUX:** Mbulelo.

10 **ADV REFILWE MOLEFE:** And did he contact you directly?

**MR RICHARD LE ROUX:** Via sms yes because I was in church.

**ADV REFILWE MOLEFE:** Okay.

**CHAIRPERSON:** What was the occasion? You started telling us and then you stopped.

**MR RICHARD LE ROUX:** Chair what happened was he had apparently had a power failure in the area and the battery had run flat and he could not get out of his gate.

**CHAIRPERSON:** Oh okay.

**MR RICHARD LE ROUX:** So I had to send somebody there with the key to go and override the gate so we could put it on manual.

20 **CHAIRPERSON:** Okay.

**ADV REFILWE MOLEFE:** Did you have any other interaction with Mr Mbulelo?

**MR RICHARD LE ROUX:** Not after that no.

**ADV REFILWE MOLEFE:** And the interaction that you had about the gate was it only about the gate?

**MR RICHARD LE ROUX:** It was only about the gate and I had sent – I dispatched a technician to go and sort it out.

**ADV REFILWE MOLEFE:** And can you recall what the approximate cost was of the project?

**MR RICHARD LE ROUX:** The approximate cost of that project was R150 000,00.

**ADV REFILWE MOLEFE:** And was the same process of quotation followed?

**MR RICHARD LE ROUX:** Exactly the same process paid for in cash by Bosasa.

**ADV REFILWE MOLEFE:** Sorry just did you state what the approximate cost was?

**MR RICHARD LE ROUX:** Yes the approximate cost was R150 000,00.

10 **ADV REFILWE MOLEFE:** Okay thank you. In paragraph 52 to 55 you speak of yet another project. In respect of whose property was this project undertaken?

**CHAIRPERSON:** Before you answer that is paragraph 51 the last paragraph that falls under Project Prasa so that from 52 it is a different project?

**MR RICHARD LE ROUX:** That is correct Chair.

**CHAIRPERSON:** Okay. Did you have a name for this next project or not?

**MR RICHARD LE ROUX:** I did not Chair. There was no name given to that project at all.

**CHAIRPERSON:** Okay alright thank you.

20 **ADV REFILWE MOLEFE:** Thank you Chair. And in respect of who was this project undertaken?

**MR RICHARD LE ROUX:** A Mr Desmond Nair.

**ADV REFILWE MOLEFE:** At whose instruction?

**MR RICHARD LE ROUX:** Trevor Mathenjwa instructed Angelo Agrizzi who instructed me.

**ADV REFILWE MOLEFE:** And do you know who Mr Desmond Nair is?

**MR RICHARD LE ROUX:** I have no clue who he is Chair.

**ADV REFILWE MOLEFE:** And how many properties were attended to?

**MR RICHARD LE ROUX:** Only one property Chair.

**ADV REFILWE MOLEFE:** And where was it situated?

**MR RICHARD LE ROUX:** In Pretoria.

**ADV REFILWE MOLEFE:** Can you recall when you attended to the property?

**MR RICHARD LE ROUX:** I cannot recall.

**ADV REFILWE MOLEFE:** And can you recall how many times you went to the property?

10 **MR RICHARD LE ROUX:** We done – can I give you the background on the project?

**ADV REFILWE MOLEFE:** Yes please.

**CHAIRPERSON:** Ja.

**MR RICHARD LE ROUX:** I recall Angelo was very cross with this project because what had happened was they had sent a project manager out to this premises and he went in a Sondolo uniform. And questions were raised by the security company that is guarding his house as to why Sondolo are coming to do an installation of this magnitude at this house and I had to go there afterwards and do another survey and I was questioned and asked where I – I said well I do not know who you are talking about I do not know a company called Sondolo IT. I said we are just here under instruction to  
20 come and do a survey and to come and install equipment.

**CHAIRPERSON:** Okay.

**MR RICHARD LE ROUX:** I can also – sorry.

**CHAIRPERSON:** And who instructed you in regard to this one is Mr Trevor Mathenjwa?

**MR RICHARD LE ROUX:** Trevor Mathenjwa instructed Angelo Agrizzi who instructed



me Chair.

**CHAIRPERSON**: Okay.

**MR RICHARD LE ROUX**: And Chair just to add on that I have taken the investigators to that premises as well.

**CHAIRPERSON**: Okay thank you.

**ADV REFILWE MOLEFE**: On your first visit to the property did you go in person – well you went in person actually?

**MR RICHARD LE ROUX**: I did go in person yes.

**ADV REFILWE MOLEFE**: And were you accompanied by anyone?

10 **MR RICHARD LE ROUX**: I was accompanied by myself. Sorry I went on my own.

**ADV REFILWE MOLEFE**: Okay and on the

**MR RICHARD LE ROUX**: Apologies.

**ADV REFILWE MOLEFE**: No, no it is fine just stay calm. And on the visit that followed were you accompanied by anyone?

**MR RICHARD LE ROUX**: By the technicians Chair to do the installation.

**ADV REFILWE MOLEFE**: And can you give specifics of what was done?

**MR RICHARD LE ROUX**: Sorry can you repeat that?

**ADV REFILWE MOLEFE**: Can you please give the specifics?

**MR RICHARD LE ROUX**: Of what was done?

20 **ADV REFILWE MOLEFE**: Of what was done?

**MR RICHARD LE ROUX**: Chair we installed a full electric fence. A full IT CCTV system and a full alarm system with beams.

**ADV REFILWE MOLEFE**: And did you ever return to the property?

**MR RICHARD LE ROUX**: I never returned to the property no but the technicians returned I think I would say one or twice. I do not want to say more than that but it was

about once or twice to do some maintenance.

**ADV REFILWE MOLEFE:** And how do you know that they returned?

**MR RICHARD LE ROUX:** Because I was the one that sent them.

**ADV REFILWE MOLEFE:** And can you recall over what period this ongoing maintenance took place?

**MR RICHARD LE ROUX:** I cannot recall.

**ADV REFILWE MOLEFE:** Can you recall the year or the month?

**MR RICHARD LE ROUX:** It would have been one of the recent ones so I would presume it would have been somewhere in maybe 2016, early 2016 somewhere around  
10 there.

**ADV REFILWE MOLEFE:** And can you recall the approximate cost of this project?

**MR RICHARD LE ROUX:** The approximate cost of the project was R200 000,00 Chair.

**ADV REFILWE MOLEFE:** And was the same process of quotations followed?

**MR RICHARD LE ROUX:** Exactly the same process it was paid for in cash by Bosasa.

**ADV REFILWE MOLEFE:** Okay now in paragraph 56 of your statement you speak of an interaction between yourself and Mr Gavin Watson. Is that correct?

**MR RICHARD LE ROUX:** That is correct Chair.

**ADV REFILWE MOLEFE:** What happened?

**MR RICHARD LE ROUX:** I had lost Mr Thabang Makwetla's contact details and what  
20 happened was he was hijacked at one stage and he changed his phone number so I asked Gavin because I was instructed to go and sort out one or two things on the electric fence there. And I said to Gavin I do not have his contact details anymore and Gavin I have given the message through to the investigators as well where he actually sends me Thabang Makwetla's contact details.

**ADV REFILWE MOLEFE:** So it is Mr Gavin Watson who sent you the details?

**MR RICHARD LE ROUX:** That is correct Chair.

**ADV REFILWE MOLEFE:** Can you recall when this took place?

**MR RICHARD LE ROUX:** I cannot recall the date that he sent it to me. It should be on the sms.

**ADV REFILWE MOLEFE:** Can you recall the year? Can you recall the year?

**MR RICHARD LE ROUX:** I do not want to give something that I cannot.

**CHAIRPERSON:** You are not sure?

**MR RICHARD LE ROUX:** Not sure.

**CHAIRPERSON:** Ja.

10 **ADV REFILWE MOLEFE:** That is fine. And what was the instruction given to you?

**MR RICHARD LE ROUX:** In paragraph 56?

**ADV REFILWE MOLEFE:** Yes.

**MR RICHARD LE ROUX:** I was informed by Gavin Watson that I was to remove all serial numbers of all the special projects. Take the serial numbers off and discard of the serial numbers. I had a big issue with this Chair because I said to – I phoned Angelo Agrizzi and I said to me look I have got an issue with this because when it comes to warranty purposes I am not going to be able to exchange and change it out if you know what I am trying to say. And the basic attitude was from Gavin was if it fails it fails we replace it.

20 **ADV REFILWE MOLEFE:** So having...

**CHAIRPERSON:** This was removing serial numbers from?

**MR RICHARD LE ROUX:** The cameras, the DVR, the energisers, the equipment at the end of the day that had serial numbers – serialised numbers. He instructed me to remove the serial numbers.

**CHAIRPERSON:** Okay.

**ADV REFILWE MOLEFE:** And once you received the contact details of Mr Thabang Makwetla did you ever contact him?

**MR RICHARD LE ROUX:** I did.

**ADV REFILWE MOLEFE:** And what was the conversation?

**MR RICHARD LE ROUX:** It was in regards to – he had a problem with his electric fence Chair.

**ADV REFILWE MOLEFE:** Was there any conversation around the removal of serial numbers?

**MR RICHARD LE ROUX:** Only between Gavin Watson and myself and Angelo Agrizzi  
10 and myself.

**ADV REFILWE MOLEFE:** Were you...

**MR RICHARD LE ROUX:** I did not – sorry. I did not speak to the clients about removing serial numbers no.

**ADV REFILWE MOLEFE:** And were you ever given a reason why the serial numbers had to be removed?

**MR RICHARD LE ROUX:** I was just told that they needed to be removed.

**CHAIRPERSON:** Do you have an idea what they could have been used for if they were not removed?

**MR RICHARD LE ROUX:** Well Chair if you...

20 **CHAIRPERSON:** Could Sondolo have been traced – could they have been traced to Sondolo?

**MR RICHARD LE ROUX:** Well it could have been traced back Chair because at the end of the day when we received an invoice for the equipment especially on the camera equipment and the DVR and the electric fence those were serialised items. So they would record the serial numbers on the invoice. So if we had to get an invoice and take

that invoice and go to one of the properties you would be able to take that serial number and it would correspond with the invoice.

**CHAIRPERSON**: Oh okay yes. Okay thank you. But in the – in the invoice I can understand that if it was – an invoice was taken by somebody from within Sondolo they could do that but if it was somebody from outside like an investigator would there be anything in the invoice that would tell him or her which residence to go to in regard to that invoice?

**MR RICHARD LE ROUX**: Well there would be a name on the reference Chair and I would be able to give more information to the investigator on that name and say which  
10 residence that was.

**CHAIRPERSON**: Oh so you would be the person that could give the information?

**MR RICHARD LE ROUX**: I would be able to do that Chair.

**CHAIRPERSON**: Ja okay alright thank you.

**ADV REFILWE MOLEFE**: Thank you Chair. In paragraph 58 of your statement you then confirm the process insofar as paperwork and the cash payments, is this correct?

**MR RICHARD LE ROUX**: That is correct Chair.

**ADV REFILWE MOLEFE**: And in paragraph 59 you again confirm under whose instruction you undertook these projects?

**MR RICHARD LE ROUX**: That is correct Chair.

20 **ADV REFILWE MOLEFE**: Can you just repeat the names that are stated in that paragraph?

**MR RICHARD LE ROUX**: Gavin Watson, Angelo Agrizzi, Papa Leshabane, Johannes Gumede, Trevor Mathenjwa and Syvion Dlamini.

**CHAIRPERSON**: Was Syvion Dlamini one of the directors?

**MR RICHARD LE ROUX**: Chair if I am not mistaken he was the Youth Centre Director.

**CHAIRPERSON**: Oh okay.

**MR RICHARD LE ROUX**: If I am not mistaken.

**CHAIRPERSON**: Okay let us go back to paragraph 58. In the second sentence there you say accounts would be opened as the cash account in Angelo Agrizzi's name. Can you talk about that a little bit more? I thought you – I thought you just got a quote – a quotation and then you went to Van Zyl and Van Zyl would ask you when do you need the cash and at the right time you would come and collect the cash. I know that before you went to Van Zyl you would go to Mr Agrizzi because he needed to sign the quotation, is that right?

10 **MR RICHARD LE ROUX**: He would sign the quotation off Chair.

**CHAIRPERSON**: To approve it?

**MR RICHARD LE ROUX**: Just to approve the quotation.

**CHAIRPERSON**: Yes, yes. Tell me about opening an account in his name?

**MR RICHARD LE ROUX**: Well basically what we would do is we would open up at the various suppliers that we would collect the equipment from but we would use Angelo Agrizzi's name. Alright with 1 Windsor Road's address.

**CHAIRPERSON**: Yes that is the name of – that is the address of the company?

**MR RICHARD LE ROUX**: That is correct Chair.

20 **CHAIRPERSON**: With all these residence – with all these residences is that how you would open accounts with suppliers?

**MR RICHARD LE ROUX**: That is correct Chair and we would pay strictly cash.

**CHAIRPERSON**: Ja okay.

**MR RICHARD LE ROUX**: No – we would not have a thirty day account or anything like that.

**CHAIRPERSON**: Yes.

**MR RICHARD LE ROUX:** We would set up – when we would go to the suppliers we would turn around and say to the suppliers we are coming through to come and collect. I am bringing cash.

**CHAIRPERSON:** Ja.

**MR RICHARD LE ROUX:** Make sure that you – and we would go into a back room, count the cash and they would give me the equipment.

**CHAIRPERSON:** Okay thank you.

**ADV REFILWE MOLEFE:** Thank you Chair. And in paragraph 60 you talk again about the instruction of not disclosing to anyone that the work was being done and who it was  
10 being done with. Can you take the Chair through that?

**MR RICHARD LE ROUX:** Chair like I said earlier Gavin Watson was a very intimidating person. What he said goes. You could not question him or judge him or you could not give your point of view through. What he said goes and nothing else alright? I was always instructed not to disclose to anyone about the installations and work done and Gavin Watson often said to me. Listen to me my mate I will make sure that you never get another job as I am connected and you being a white male at your age no-one will ever employ you if any of this information ever comes out. So for me that is very – it is threatening. I mean I am following instruction at the end of the day  
Chair.

20 **CHAIRPERSON:** Yes.

**ADV REFILWE MOLEFE:** And so did you follow this instruction strictly?

**MR RICHARD LE ROUX:** I did follow instructions to the T.

**ADV REFILWE MOLEFE:** In paragraph 61 you confirm again that what you have stated in your statement is true and correct?

**MR RICHARD LE ROUX:** That is correct Chair.

**ADV REFILWE MOLEFE:** And in paragraph 62 of your statement you speak about the visits that you had with the investigators to some of the properties. In which province – in respect of which province did this visit take place?

**MR RICHARD LE ROUX:** We only visited four premises Chair and it was in the Gauteng Province.

**ADV REFILWE MOLEFE:** And did you notice anything about any of the properties?

**MR RICHARD LE ROUX:** Yes Chair I noticed that when we went past Mr Vincent Smith's residence he has still got the electric fence but he has got new cameras on the house. I am not sure who supplied those cameras but our cameras were removed and  
10 when we drove past there he had new cameras on the house.

**CHAIRPERSON:** Okay.

**ADV REFILWE MOLEFE:** And in respect of any other property?

**MR RICHARD LE ROUX:** Thabang Makwetla we went past his premises and we noticed that all the cameras were removed.

**CHAIRPERSON:** Thank you.

**ADV REFILWE MOLEFE:** Okay Chair I am not certain if we should enquire as to when publicly these visits took place as I understand there will be further evidence provided in respect of the visits to these properties.

**CHAIRPERSON:** Ja, ja no that is fine. We – I think he said that – you said that these  
20 visits happened in the last two weeks or so?

**MR RICHARD LE ROUX:** That is correct Chair.

**CHAIRPERSON:** With the investigators?

**MR RICHARD LE ROUX:** With the investigator.

**CHAIRPERSON:** Of the commission?

**MR RICHARD LE ROUX:** Yes.



**CHAIRPERSON:** Ja thank you.

**ADV REFILWE MOLEFE:** Thank you Chair. There will be further evidence in this respect. Chair if there are no further questions from your side this would conclude Mr Le Roux's evidence. It however cannot be closed as there is anticipation of cross-examination and we would also be supplementing Mr Le Roux's affidavit in line with the annexures that have been added to his evidence.

**CHAIRPERSON:** Thank you. Mr Le Roux I will release you for now. You probably will be asked to come back at some stage in the future but we will release you for now and I understand that you will continue to co-operate with the investigators if there is  
10 anything they need from you.

**MR RICHARD LE ROUX:** I will do Chair.

**CHAIRPERSON:** Yes. I do understand that you came to give evidence because summons was issued against you to come and give evidence and you had to come but I thank you for coming to give evidence to the commission and to assist the commission.

**MR RICHARD LE ROUX:** Chair it is a hell of a stress off my shoulders.

**CHAIRPERSON:** Okay. No thank you very much you are released for now.

**MR RICHARD LE ROUX:** Thank you very much.

**CHAIRPERSON:** Thank you.

20 **ADV REFILWE MOLEFE:** Thank you Chair would this be a convenient time to take the long adjournment?

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

**INQUIRY ADJOURNS**

**INQUIRY RESUMES**

**ADV PAUL PRETORIUS SC:** The next witness is Mr Leon van Tonder who will be led by Ms Buthelezi.

**CHAIRPERSON:** Yes, I do not have her statement or affidavit.

**ADV PAUL PRETORIUS SC:** You should have, Chair, but could I just ask the Registrar to check your file.

**CHAIRPERSON:** Or I have not been told that it is there, now I certainly did not have it last night and this morning I asked that the legal team be approached to ask for it and I think...[intervenes]

**ADV PAUL PRETORIUS SC:** It is T4, Chair.

10 **CHAIRPERSON:** I think that is when you were busy with witnesses or other people and I was not told that it was now in.

**ADV PAUL PRETORIUS SC:** Chair, I am told at least from our point of view that it was in the file as marked T4.

**CHAIRPERSON:** Well this file that has got T4 I think is not the same that I had yesterday. I think this one may have been handed up or given to...[intervenes]

**ADV PAUL PRETORIUS SC:** Chair, there has been additions to the file that you had yesterday, but at the divided T4.

**CHAIRPERSON:** Oh, I think that may make it look like it is a new file, because there are additions, because I do remember I did not have...[intervenes]

20 **ADV PAUL PRETORIUS SC:** Yes, it has been supplemented with further witness statements. T4 has been there for some time now. As I understand it, I might be wrong.

**CHAIRPERSON:** Well it certainly was not in my file yesterday, last night.

**ADV PAUL PRETORIUS SC:** And is it there now, Chair?

**CHAIRPERSON:** And we spoke about it. Now, this one that I have here this file does

have T5, T6.

**ADV PAUL PRETORIUS SC:** No, Chair, if you would go to T4 please.

**CHAIRPERSON:** T4, T4 is Richard le Roux. And T3 is Richard le Roux. Remember I said to you yesterday I had two affidavits of Richard le Roux?

**ADV PAUL PRETORIUS SC:** I am very sorry for that, Chair, I do not know how that happened.

**CHAIRPERSON:** Well let me have a look at T5, maybe it is T5. No T5 is another witness that is still to come. The next one is another witness still to come.

**ADV PAUL PRETORIUS SC:** No, Chair, clearly what has happened is that whoever  
10 compiled your file put Mr le Roux's affidavit in twice and omitted Mr van Tonder's affidavit. Everybody else but you has Mr van Tonder's affidavit behind T4. If you do not have it, Chair, I apologise profusely and I will pass on whatever feelings you have communicated to me with a little more.

**CHAIRPERSON:** Yes, well if you have a spare just hand it up and then...[intervenes]

**ADV PAUL PRETORIUS SC:** Chair, can I suggest, it does not take long to read. It is six pages.

**CHAIRPERSON:** Yes, no, I can continue without an adjournment.

**ADV PAUL PRETORIUS SC:** I will give you my copy, my apologies, Chair.

**CHAIRPERSON:** Okay, alright. In the end the legal team must take responsibility for  
20 making sure that my file is in order.

**ADV PAUL PRETORIUS SC:** Yes, Chair.

**CHAIRPERSON:** Okay. Yes, Ms Buthelezi?

**ADV ZINHLE BUTHELEZI SC:** Good afternoon, Chair, may I ask that the witness be sworn in?

**LEON VAN TONDER** (duly sworn, states)

**ADV ZINHLE BUTHELEZI SC:** Thank you, Chair.

**CHAIRPERSON:** Thank you, you may proceed.

**ADV ZINHLE BUTHELEZI SC:** Mr van Tonder there is a document marked EXHIBIT T4 that is in the black file in front of you, can you look at page 1 of that document up to page 6? Do you recognise that document that the statement that you made for this Commission?

**MR LEON VAN TONDER:** Good afternoon, Chair.

**CHAIRPERSON:** Good afternoon.

10 **MR LEON VAN TONDER:** Yes, I do recognise it and I can confirm that this is my statement.

**ADV ZINHLE BUTHELEZI SC:** And the signature that appears on page 6 of this document is that your signature?

**MR LEON VAN TONDER:** That is my signature.

**ADV ZINHLE BUTHELEZI SC:** Do you confirm the truthfulness and the correctness of this document?

**MR LEON VAN TONDER:** Yes, I do.

**ADV ZINHLE BUTHELEZI SC:** Thank you. Mr van Tonder before we proceed do you understand that the evidence that you are about to give to the Commission may incriminate you and do you understand the legal implication thereof?

20 **MR LEON VAN TONDER:** Yes, I do.

**ADV ZINHLE BUTHELEZI SC:** And are you giving your evidence freely and voluntarily? Were you not promised any reward for tendering your evidence before the Commission?

**MR LEON VAN TONDER:** Yes, I do tender it freely and I was not offered any awards whatsoever to do this.

**ADV ZINHLE BUTHELEZI SC:** Thank you and you confirm that you received summons from the Commission to appear as a witness?

**MR LEON VAN TONDER:** That is correct.

**ADV ZINHLE BUTHELEZI SC:** Thank you Mr van Tonder. Do you confirm that you were employed by Bosasa Group of companies?

**MR LEON VAN TONDER:** Yes, I do.

**ADV ZINHLE BUTHELEZI SC:** Can you state or place it on record as to when were you employed by Bosasa and until when if you are no longer working for the company?

**MR LEON VAN TONDER:** I started my employment at Bosasa January 1999 and I  
10 worked for the company until May 2018.

**ADV ZINHLE BUTHELEZI SC:** Yes, and what position did you hold in the company?

**MR LEON VAN TONDER:** Chair, I held various positions during my employment at the company.

**ADV ZINHLE BUTHELEZI SC:** Would you state those positions and the number of years in which you held those positions?

**MR LEON VAN TONDER:** When I started the company in 1999 I was appointed as the Head of the IT department. I was in fact actually the first IT person who joined the company. So subsequently the IT department which I managed was very small and as the company grew bigger obviously I started growing a team around me who performed  
20 various tasks and roles within the IT department.

So those tasks were included end user support, procurement of computers and hardware and software and various other responsibilities that was given to me.

**ADV ZINHLE BUTHELEZI SC:** And for how long were you holding that position?

**MR LEON VAN TONDER:** I was in that position for six years from 1999 until 2005.

**ADV ZINHLE BUTHELEZI SC:** Yes and then after 2005 what position did you hold?

**MR LEON VAN TONDER:** During 2006 I was transferred from the Bosasa IT department to Sondolo IT. There I fulfilled the role as an IT support coordinator and I was responsible for coordinating the IT support functions for Sondolo IT and its clients.

**ADV ZINHLE BUTHELEZI SC:** And for how long were you in that position?

**MR LEON VAN TONDER:** I was in that position for two years, Chair.

**ADV ZINHLE BUTHELEZI SC:** That would be until 2008?

**MR LEON VAN TONDER:** I beg your pardon?

**ADV ZINHLE BUTHELEZI SC:** That would be until 2008?

**MR LEON VAN TONDER:** Yes.

10 **ADV ZINHLE BUTHELEZI SC:** Yes, and then after 2008 what position did you hold?

**MR LEON VAN TONDER:** After 2008 I was transferred back to the Bosasa IT department where my core responsibilities included preventative maintenance insuring that anti-virus software was up to date, software patch management, I also assisted the IT support technicians in their day to day IT support provided to end users.

**CHAIRPERSON:** Was that in 2008 or after 2008?

**MR LEON VAN TONDER:** It was in 2008.

**ADV ZINHLE BUTHELEZI SC:** Which month if you may still remember?

**MR LEON VAN TONDER:** If I recall correctly it was around February/March of 2008.

**ADV ZINHLE BUTHELEZI SC:** Okay, and so if I may take you back to Sondolo how is  
20 Sondolo IT related to Bosasa?

**MR LEON VAN TONDER:** Sondolo IT is one of the subsidiary companies within the Bosasa Group.

**ADV ZINHLE BUTHELEZI SC:** Okay and then how long then were you in the Bosasa technical – you worked as a Bosasa technical support manager?

**MR LEON VAN TONDER:** I was in that position approximately three years, Chair.

**ADV ZINHLE BUTHELEZI SC:** And then after that where did you go?

**MR LEON VAN TONDER:** After that I was transferred to On IT in 2011. On IT is also one of the subsidiary companies of the Bosasa Group of companies.

**ADV ZINHLE BUTHELEZI SC:** And for how long were you in that position?

**MR LEON VAN TONDER:** I was in that position approximately six years, Chair.

**CHAIRPERSON:** That subsidiary you say was called or is called On IT?

**MR LEON VAN TONDER:** That is correct.

**CHAIRPERSON:** Okay.

**ADV ZINHLE BUTHELEZI SC:** And when – you said how long were you On IT?

10 **MR LEON VAN TONDER:** Approximately six years, Chair.

**ADV ZINHLE BUTHELEZI SC:** Then after that where did you go?

**MR LEON VAN TONDER:** After that I left the employment. I am not currently working at the Bosasa Group of companies any more.

**ADV ZINHLE BUTHELEZI SC:** Okay. On paragraph 6 of your statement you deal with a meeting that you had with Gavin Watson in 2005 can you give us more details of that meeting?

20 **MR LEON VAN TONDER:** Chair, during 2005 I was called in by Gavin Watson and I was introduced by a gentleman called Fred Vivier. I was immediately told by Gavin from that point forward I would be reporting to Fred Vivier and that he would be taking over all my responsibilities I had as head of IT department. When I actually confronted Gavin Watson on why I was effectively demoted, he just brushed me off and he actually could not answer me.

Going forward from there on we actually never had a good relationship. I actually would also just want to note that even though I was effectively demoted my salary was not affected.

**ADV ZINHLE BUTHELEZI SC:** Was at that stage when you were moved to Sondolo IT?

**MR LEON VAN TONDER:** I beg your pardon

**ADV ZINHLE BUTHELEZI SC:** Was at that stage when you were moved to Sondolo IT?

**MR LEON VAN TONDER:** Yes so after the demotion or shortly after the demotion I was moved to Sondolo IT, Chair.

**ADV ZINHLE BUTHELEZI SC:** Okay, and then you then thereafter how was your working relations with Gavin Watson?

10 **MR LEON VAN TONDER:** Well thereafter what happened was I was called in by Angelo Agrizzi and he told me that Gavin Watson gave him an instruction to retrench me from the company. Subsequently Angelo did not retrench me, but he in fact placed me on a two month suspension leave. After I returned from my suspension leave he – I was transferred to Sondolo IT.

**ADV ZINHLE BUTHELEZI SC:** Was it still in 2005?

**MR LEON VAN TONDER:** That is correct, Chair.

**ADV ZINHLE BUTHELEZI SC:** Okay, and then when you were moved from Sondolo IT to Bosasa in 2008 how was your relation with Gavin Watson?

20 **MR LEON VAN TONDER:** Madam since my demotion in 2008 I can confirm that I never had a very good relationship with Gavin Watson until the day that I finally resigned from my employment in the company.

**CHAIRPERSON:** Did you say what Mr Gavin Watson's response was when you asked him why what you had done wrong to be demoted?

**MR LEON VAN TONDER:** Chair, he actually did not answer me, he was just simply brushing me off.



**CHAIRPERSON:** Was there any reason that you were able to think was the reason why he did this to you even if he did not say so himself?

**MR LEON VAN TONDER:** No, Chair, not at all. I actually phoned Mr Watson numerous times asking him if I had actually done something wrong please tell me but he just could not, he just avoided all my questions.

**CHAIRPERSON:** Okay.

**ADV ZINHLE BUTHELEZI SC:** In paragraph 7 you deal with the instructions that you may be given by Gavin Watson and you would be reluctant to perform, can you give us more information on those instructions and your reasons for your reluctance.

10 **MR LEON VAN TONDER:** Yes, so what I have learned over the years was you could never question Gavin Watson's authority. So if Gavin Watson gave you an instruction you better make sure you fulfil that instruction to the tee. If you do not fulfil it you will eventually be removed from your employment.

**ADV ZINHLE BUTHELEZI SC:** Yes.

**MR LEON VAN TONDER:** He also made – continuously he would make comments to say that nobody in his company is irreplaceable. He would further carry on to say that if we do not comply to his instructions that he will actually terminate your employment.

**ADV ZINHLE BUTHELEZI SC:** Yes, and on paragraph 8 you deal with the relations that you had with two people that is Mr Gillingham and Mr Mti, can you give us the  
20 details of your interactions with those two?

**MR LEON VAN TONDER:** Excuse me, Chair, can we just quickly refer back to paragraph 7?

**ADV ZINHLE BUTHELEZI SC:** Yes.

**MR LEON VAN TONDER:** I would like to add some more details.

**CHAIRPERSON:** Yes do so.

**ADV ZINHLE BUTHELEZI SC:** You may proceed.

**MR LEON VAN TONDER:** Alright, so during the years of my employment I – you know I have seen numerous people come and go in the company. People that would work in the company. They would give their heart and soul to the company and you know they will put in the extra hours, they will work long hours and then for no apparent reason they will just be retrenched and I recall an incident that once happened where a man was retrenched and he actually came sitting at my desk with tears in his eyes and that actually made me think you know next time I actually could be me sitting in that chair.

**CHAIRPERSON:** Yes.

10 **ADV ZINHLE BUTHELEZI SC:** Thank you and have any of you ever taken Mr Watson to labour courts or something?

**MR LEON VAN TONDER:** No, Chair.

**ADV ZINHLE BUTHELEZI SC:** And your reasons?

**MR LEON VAN TONDER:** Unfortunately Gavin Watson is untouchable.

**ADV ZINHLE BUTHELEZI SC:** Is that what you believed or that is how he is?

**MR LEON VAN TONDER:** Well that is what I believed and that is actually how he is, he would intimidate you so yes, you pretty much controlled by fear in the company. So if you do not comply to his instructions, yes, then the inevitable will eventually happen.

**ADV ZINHLE BUTHELEZI SC:** Okay then let us move to your interactions with  
20 Mr Gillingham and Mr Mti. You deal with that from paragraph 8 of your statement.

**MR LEON VAN TONDER:** On numerous occasions I would get phone calls from either Patrick Gillingham or Richmond Mti and I had to attend to their computer repairs. There was also times when I had to purchase them new computers. If my memory serves me correctly I purchased two printers for Richmond Mti and for Patrick Gillingham I purchased two desktop computers and also two printers.

**CHAIRPERSON:** Around when was that in terms of year?

**MR LEON VAN TONDER:** Chair, the support when I started supporting or assisting them in their IT started around 2008 and it was continuous from 2008 until I left my employment.

**CHAIRPERSON:** Okay.

**ADV ZINHLE BUTHELEZI SC:** Will they contact you directly or were you given an instruction by one of your superiors?

**MR LEON VAN TONDER:** They would contact me directly.

**ADV ZINHLE BUTHELEZI SC:** And was this part of your roles or your duties at

10 Bosasa?

**MR LEON VAN TONDER:** Well it was an instruction so I had to comply with the instruction.

**CHAIRPERSON:** Well, they were not part of Bosasa so if they gave you instructions not being part of Bosasa you were not under an obligation to comply with those instructions is it not?

**MR LEON VAN TONDER:** That is correct, Chair, however, I was obliged to comply with the instructions of Gavin Watson.

**CHAIRPERSON:** Is it Mr Gavin Watson who gave you instructions in regard to the requests that Mr Richard Mti and Mr Gillingham gave you?

20 **MR LEON VAN TONDER:** That is correct, Chair, the first time when I went to Richmond Mti, Angelo Agrizzi took me to his house to show me where his house was and he then from there said in future I now know where he stays and if he calls me I need to attend to his computer problems if he has any.

**CHAIRPERSON:** That was Mr Agrizzi saying that to you?

**MR LEON VAN TONDER:** Yes.

**CHAIRPERSON:** And Mr Gavin Watson did he say anything to you in relation to those two?

**MR LEON VAN TONDER:** No he has not, Chair.

**CHAIRPERSON:** Okay, alright.

**ADV ZINHLE BUTHELEZI SC:** Thank you. In paragraph 9 of your statement you deal with a server crash that happened in 2007, can you give us more information on that? What is it that you knew about that crash and what was your involvement in that crash?

**MR LEON VAN TONDER:** When the server crash happened in 2007 I was working at Sondolo IT. So the knowledge I had on that crash I actually had no detailed knowledge  
10 on that crash. To be honest, to be quite frank I was not really bothered about the crash that happened, because I was transferred to Sondolo IT due to the fact that I was actually demoted.

So whatever happened at the data centre in terms of the crash I actually could not, I actually was not bothered about it.

**ADV ZINHLE BUTHELEZI SC:** Who was responsible for Bosasa IT at the time?

**MR LEON VAN TONDER:** The person responsible for Bosasa IT at the time was Fried Vivier.

**ADV ZINHLE BUTHELEZI SC:** So he is the person who may answer as to how this happened?

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

**ADV ZINHLE BUTHELEZI SC:** Thank you. Then tell us about the events that took place in early 2008, you deal with that in paragraph 10 of your statement?

**MR LEON VAN TONDER:** Early 2008 I was transferred back from Sondolo IT to the Bosasa IT department.

**ADV ZINHLE BUTHELEZI SC:** Yes, and then what happened towards the end of

2008?

**MR LEON VAN TONDER:** During the end of 2008 I believe there was an investigation by the Special Investigation Unit into Bosasa.

**ADV ZINHLE BUTHELEZI SC:** Yes?

**MR LEON VAN TONDER:** And myself with Gavin Watson, some of his Directors and Mathew Leeson who was at the time a sophomore year engineer at Bosasa, we all went for a consultation meeting at the Bosasa lawyers.

**ADV ZINHLE BUTHELEZI SC:** And those Directors that were with you, do you still remember their names?

10 **MR LEON VAN TONDER:** Chair, unfortunately I cannot recall who the Directors were that accompanied, that went with us to the meeting.

**ADV ZINHLE BUTHELEZI SC:** Yes, and what was the purpose of that meeting with the lawyers?

**MR LEON VAN TONDER:** The purpose of the meeting was to discuss the imagining that the SIU wanted to do on the Bosasa servers.

**ADV ZINHLE BUTHELEZI SC:** Yes and then what transpired from that meeting?

**MR LEON VAN TONDER:** Chair, if I can recall correctly it was actually not a very long meeting. Unfortunately I honestly cannot remember the contents or what was discussed in the meeting, but what I do remember that after the meeting we were  
20 standing in the basement parking at the lawyer's offices where Gavin said it is his servers, it is his data and he can do with it as he pleases.

**CHAIRPERSON:** That second sentence in paragraph 2 is not complete. Did you mean that you went to a meeting with Gavin together with some Directors bla bla bla? There is no reference to meetings. It simply says that you went with so and so? But later on in the same paragraph you talk about a meeting?

**MR LEON VAN TONDER:** Yes, Chair, it is probably just a grammar error we probably just need to rectify.

**CHAIRPERSON:** Do you want us to insert the words to a meeting after the word went?

**MR LEON VAN TONDER:** Yes, please, Chair.

**CHAIRPERSON:** Okay. Thank you.

**ADV ZINHLE BUTHELEZI SC:** Thank you, Chair. Mr van Tonder you may proceed, then what happened after the meeting?

**MR LEON VAN TONDER:** So as a result of the discussions that took place in the basement parking at the Bosasa lawyers offices I was instructed to make sure that all  
10 data documents on the servers and selected employees desktops and laptop PC's must be deleted.

**ADV ZINHLE BUTHELEZI SC:** Were you given specific information that you should target?

**MR LEON VAN TONDER:** Yes, the documents I had to search for were documents that was related to the Bosasa or related to the tenders that was awarded to Bosasa by the Department of Correctional Services during from 2004 until 2007.

**ADV ZINHLE BUTHELEZI SC:** Yes, and did you abide by this instruction?

**MR LEON VAN TONDER:** I did, Chair, I reluctantly did abide by the instruction even though I knew it was wrong.

20 **ADV ZINHLE BUTHELEZI SC:** And when you say you reluctantly abide by this instruction what was the reason for reluctance?

**MR LEON VAN TONDER:** Chair, in my opinion it is wrong, you know, if you have nothing to hide why – for the SIU why is the instruction given to delete files from the servers?

**ADV ZINHLE BUTHELEZI SC:** So you at that stage you had knowledge that

Gavin Watson wanted to hide some information from the SIU?

**MR LEON VAN TONDER:** It appeared to me that way, Chair.

**ADV ZINHLE BUTHELEZI SC:** And did you comply with this instruction eventually?

**MR LEON VAN TONDER:** Yes, I did, Chair.

**ADV ZINHLE BUTHELEZI SC:** And how did you comply, what did you do?

**MR LEON VAN TONDER:** I was required to sign a statement which was true to the effect that files are deleted in the course of routine maintenance activities at the Bosasa or on the Bosasa servers. So part of the routine maintenance is the deletion of non-business related personal user data. That will include data, like users will maybe  
10 put their own personal photos on there on the servers, music, videos, movies that type of content which is really not related to company data but it is classified as non-essential data.

**CHAIRPERSON:** Go to the first sentence of paragraph 12. It says I was very reluctant by the instruction. Can I take it that you intended that you were very reluctant to abide by the instruction and amend the sentence accordingly?

**MR LEON VAN TONDER:** Yes, you may, Chair.

**CHAIRPERSON:** Okay. You may proceed.

**MR LEON VAN TONDER:** So, Chair, in my opinion there is nothing untoward when deleting non-essential data from the servers that is in my opinion, however when you  
20 receive an instruction to delete data related to tenders that was awarded from 2007 or 2004 until 2007 then immediately it told me something was wrong and I would like to read the last sentence of paragraph 12 and it states...[intervenes]

**CHAIRPERSON:** Do so.

**MR LEON VAN TONDER:** "A lot of non-essential data was deleted which was completely unrelated to the SIU investigation, but amongst the files that were deleted

as per the instruction from Gavin Watson was the documentation related to the Bosasa tenders that was investigated by the SIU."

**CHAIRPERSON:** I have just seen something else that I have noted earlier in that paragraph but I did not raise with you. The second sentence says:

"I was required to sign a statement which was true to the effect  
that files were deleted in the course of routine maintenance  
activities."

I take it you meant which was not true or am I wrong?

**MR LEON VAN TONDER:** Chair it is true, but the data that is deleted is non-essential  
10 data.

**CHAIRPERSON:** Sorry.

**MR LEON VAN TONDER:** The data that is deleted is non-essential data. So it is true.

**CHAIRPERSON:** Oh. Well I was wondering why it would be important to say if it was true if it was true, because one assumes whatever you say is true.

**MR LEON VAN TONDER:** Oh.

**CHAIRPERSON:** Ja, but it was true you say. So the sentence is correct?

**MR LEON VAN TONDER:** Yes. It is true.

**CHAIRPERSON:** Okay, okay alright.

**ADV ZINHLE BUTHELEZI SC:** But the data, the data that you deleted or you targeted  
20 was it, was it only the non-essential data or you also deleted the data that would fair or relate to tenders?

**MR LEON VAN TONDER:** Chair it was non-essential data that was deleted. I was given key words to search for the documents that were related to the tenders that were awarded to Bosasa by the Department of Correctional Services. Those key words were included words like specification, tender specification, fencing, catering. So we, we



were instructed to search for documents that contained those key words.

**CHAIRPERSON:** Okay. No that is alright but you, you have before giving your evidence you have had a chance to go through the statement again and you did not pick up anything that is not correct. You are satisfied it is correct?

**MR LEON VAN TONDER:** Yes Chair.

**CHAIRPERSON:** Okay, alright. Thank you.

**ADV ZINHLE BUTHELEZI SC:** Thank you Chair. Mr van Tonder the, the, the data that related to tender, tender specifications, Correctional Services would you regard that as non-essential data? If you were to do a normal routine to clean up computers such that  
10 data will be the data that you would regard as an IT person, is it the data that you will regard as non-essential data?

**MR LEON VAN TONDER:** Chair the instruction was very clear that we needed to find documents related to the tenders that were awarded to Bosasa by the Department of Correctional Services. So in my view that is not non-essential data.

**ADV ZINHLE BUTHELEZI SC:** Thank you.

**CHAIRPERSON:** Whenever or let me ask you this question. Had you had occasion to delete data before at Bosasa?

**MR LEON VAN TONDER:** No, I have not Chair.

**CHAIRPERSON:** So this was the first time?

20 **MR LEON VAN TONDER:** Yes. Obviously there was the, the normal routine maintenance of data deletion, but there was.

**CHAIRPERSON:** I, I want to talk exactly about that. Whenever in the past you had done what you call routine maintenance did you have to sign a statement as to what files were deleted namely that they were deleted in the course of maintenance activities?

**MR LEON VAN TONDER:** In the past no I did not Chair.

**CHAIRPERSON:** So.

**MR LEON VAN TONDER:** This, this was.

**CHAIRPERSON:** The first time.

**MR LEON VAN TONDER:** A once off request I believe.

**CHAIRPERSON:** So is what you saying that prior to this occasion you had been involved in routine maintenance and whenever you had done routine maintenance and you deleted files you did not write any statement to say the files that you had deleted were deleted in the course of a routine maintenance?

10 **MR LEON VAN TONDER:** That is correct Chair.

**CHAIRPERSON:** But on this occasion you were asked to sign a statement that the files you were deleting were deleted in the course of routine maintenance?

**MR LEON VAN TONDER:** That is correct Chair.

**CHAIRPERSON:** Yes and after this occasion whenever you were engaged in routine maintenance did you sign such a statement or not?

**MR LEON VAN TONDER:** No. It, it was a once off incident Chair.

**CHAIRPERSON:** It was a once off thing?

**MR LEON VAN TONDER:** Correct.

**CHAIRPERSON:** Okay, alright.

20 **ADV ZINHLE BUTHELEZI SC:** And on whose instruction did you prepare the statement?

**MR LEON VAN TONDER:** The instruction was from Mr Angelo Agrizzi.

**ADV ZINHLE BUTHELEZI SC:** Did you prepare the statement yourself or was it prepared by somebody for you to sign?

**MR LEON VAN TONDER:** I was preparing the statement together with

Matthew Leeson.

**CHAIRPERSON:** Did you find anything strange in the instruction that you must sign a statement that the files you were deleting were deleted in the course of routine maintenance?

**MR LEON VAN TONDER:** Chair, yes I did find it unusual.

**CHAIRPERSON:** Did you raise any issue about it?

**MR LEON VAN TONDER:** Chair, as I have stated previously you were never allowed to question Gavin Watson's authority or his instructions.

**CHAIRPERSON:** Yes, okay. Thank you.

10 **ADV ZINHLE BUTHELEZI SC:** So at, at that stage the instruction that you got from Mr Agrizzi did they carry a similar weight as those of Mr Watson?

**MR LEON VAN TONDER:** I, I believe so Chair, yes.

**ADV ZINHLE BUTHELEZI SC:** So anything that those two people would tell you, you would comply?

**MR LEON VAN TONDER:** That is correct Chair.

**ADV ZINHLE BUTHELEZI SC:** Okay. Let us proceed. Were?

**CHAIRPERSON:** Did you believe that if you went against what Mr Agrizzi said you must do he would victimise you?

**MR LEON VAN TONDER:** Chair, already in 2005 there was intention of, from  
20 Gavin Watson to retrench me from the company.

**CHAIRPERSON:** Yes, but that is Gavin Watson.

**MR LEON VAN TONDER:** Yes.

**CHAIRPERSON:** Here the instruction is coming from Mr Agrizzi.

**MR LEON VAN TONDER:** Chair could you please the question again?

**CHAIRPERSON:** You said that you were given the instruction by Mr Agrizzi to delete

this information. Is that correct?

**MR LEON VAN TONDER:** No. That is not correct Chair. The instruction I received from Mr Agrizzi was to draw up the statement.

**CHAIRPERSON:** Oh, was it to draw up the statement?

**MR LEON VAN TONDER:** That is correct Chair.

**CHAIRPERSON:** Yes, but you, you were, you were suspicious of this instruction. Is it not?

**MR LEON VAN TONDER:** That is correct Chair.

**CHAIRPERSON:** And then I asked you the question whether you raised that issue.

10 **CHAIRPERSON:** You said no, but then you made a reference to Mr Gavin Watson and that is when I wanted to say, but the instruction came from Mr Agrizzi. The instruction relating to the statement came from Mr Agrizzi. Is that not what you said?

**MR LEON VAN TONDER:** That is correct Chair.

**CHAIRPERSON:** Yes.

**MR LEON VAN TONDER:** Yes.

**CHAIRPERSON:** So why did you not raise your concern about this instruction with Mr Agrizzi, because this instruction about the statement was not coming from Mr Watson. Is it not?

**MR LEON VAN TONDER:** That is correct Chair.

20 **CHAIRPERSON:** Yes. So why did you not raise your concern with Mr Agrizzi?

**MR LEON VAN TONDER:** Well Chair I did not feel the need to raise the concern, because obviously I could put two and two together. This was related to the SIU deletion of data on the servers.

**CHAIRPERSON:** Okay, thank you.

**ADV ZINHLE BUTHELEZI SC:** So at the time you understood that you being asked to

draw up a statement was in order to mislead the SIU in the, ja the SIU investigation?

**MR LEON VAN TONDER:** Chair that probably was the case.

**ADV ZINHLE BUTHELEZI SC:** Okay. Let us proceed. Were you the only employee who was tasked with this exercise?

**MR LEON VAN TONDER:** No, Chair I was not the only employee.

**ADV ZINHLE BUTHELEZI SC:** Who worked with you?

**MR LEON VAN TONDER:** Colleagues who assisted me were Matthew Leeson, Allan Leeson and William Brander. Angelo also sat with us for a brief time searching [indistinct] data to delete. I, I have no knowledge of what the other colleagues have  
10 identified or found and deleted. I simply complied with the instructions from Gavin out of fear for my job and career.

**ADV ZINHLE BUTHELEZI SC:** And were they also searching for similar key words as?

**MR LEON VAN TONDER:** I.

**ADV ZINHLE BUTHELEZI SC:** You were tasked?

**MR LEON VAN TONDER:** Yes. Yes, Chair.

**ADV ZINHLE BUTHELEZI SC:** And what did you discover during this exercise?

**MR LEON VAN TONDER:** During my search which was in early December 2008 I, I came across two specific files which caught my attention, because they appeared to relate to tender specifications.

20 **ADV ZINHLE BUTHELEZI SC:** Yes and what did you do with those files?

**MR LEON VAN TONDER:** I immediately copied those two files onto hard drives together with a lot of other data as well.

**ADV ZINHLE BUTHELEZI SC:** And which tenders, tender specification did they relate to?

**MR LEON VAN TONDER:** If, if my memory serves me correct the tender specifications

were related to the Department of Correctional Services Catering Contract.

**ADV ZINHLE BUTHELEZI SC:** Yes. You said you copied those files and what was the reason for you copying those files?

**MR LEON VAN TONDER:** Chair I was, I was, I just felt in my heart it was actually wrong to just delete these files and then even the instruction that I was given to delete these files I just felt it was wrong. That is why I thought I need to keep those files, but in the following paragraph, 15 I deal with the reasons as to why I have copied or made, I copied those files.

**CHAIRPERSON:** Yes deal, deal with those.

10 **MR LEON VAN TONDER:** So my reason for copying the data onto the hard drives was first of all I was not prepared to comprise myself. Secondly, I was aware of the fact that the SIU was investigating the company. Thirdly, I was, I made copies of these files to protect myself for future as I knew that Gavin will shift the blame on me and the others who did the deletion with me. Also I kept backups of these files, because I believe what Gavin instructed me to do was, was wrong.

**ADV ZINHLE BUTHELEZI SC:** Yes. Did you or did you believe that these files were the files that were being targeted for this particular exercise?

**MR LEON VAN TONDER:** Chair my understanding at that time was that the SIU were looking for evidence to prove that Bosasa did the tender specifications for those  
20 tenders.

**ADV ZINHLE BUTHELEZI SC:** And.

**CHAIRPERSON:** Well you told me earlier that you were suspicious of the instruction to do the statement that Mr Agrizzi asked you to do, but if I remember correctly you also said you were unhappy with the instruction to delete files. Is that right?

**MR LEON VAN TONDER:** That is correct Chair.

**CHAIRPERSON:** And my understanding was that you never the less were prepared to delete files because you were fearful of Mr Watson. Is that right?

**MR LEON VAN TONDER:** That is correct Chair.

**CHAIRPERSON:** Now you were right in the middle of carrying out the instruction of deleting the files and you come across these documents or files and then you decide not to delete them. Is that right?

**MR LEON VAN TONDER:** That is correct Chair.

**CHAIRPERSON:** And you say that you did not want to compromise yourself. Am I right?

10 **MR LEON VAN TONDER:** That is correct Chair.

**CHAIRPERSON:** But when you started the exercise the, is the truth not that you had accepted that you had to comprise yourself, because if you did not compromise yourself you were scared of the consequences from Mr Watson?

**MR LEON VAN TONDER:** That is correct Chair. How, however I believe that even though I deleted the files on the server I still kept them. So I, I do not, I believe that in that way I did not compromise myself.

**CHAIRPERSON:** Now let us go back to the time when you started deleting the files. I am taking it that before you found those two, was it two or just two documents?

**MR LEON VAN TONDER:** It was just two documents I found Chair.

20 **CHAIRPERSON:** Ja, those two documents. I assume that you had started the exercise of deleting information or had you not?

**MR LEON VAN TONDER:** Hm.

**CHAIRPERSON:** Those were the files that you were going to delete or what?

**MR LEON VAN TONDER:** Chair I was only going to delete the files that I found in my search that was related to the DCS tenders.

**CHAIRPERSON:** Yes, but there were two documents you are talking about related to the Department of Correctional Services. Is it not?

**MR LEON VAN TONDER:** That is correct Chair.

**CHAIRPERSON:** Ja, but the question I am asking is whether by the time you found those two documents you had started deleting other information or not?

**MR LEON VAN TONDER:** Non, non-essential data Chair.

**CHAIRPERSON:** You had not started deleting non-essential data, but you had started deleting other information?

**MR LEON VAN TONDER:** No, Chair.

10 **CHAIRPERSON:** You had not deleted any of the information that you were required by the instruction to delete?

**MR LEON VAN TONDER:** Chair when, when I; maybe I am not understanding you correctly, but when I found those files I copied them onto hard drives but and then I deleted them from the server.

**CHAIRPERSON:** Okay. Maybe let, let us put it this way. You were given an instruction to delete certain information in the, in the computers. Is that right?

**MR LEON VAN TONDER:** That is correct.

**CHAIRPERSON:** Yes and you agreed to carry out that instruction even though you were reluctant. Is that right?

20 **MR LEON VAN TONDER:** That is correct.

**CHAIRPERSON:** So the question is when you agreed is it not true that you were compromising yourself already?

**MR LEON VAN TONDER:** That that is probably correct Chair.

**CHAIRPERSON:** What made you change your mind once you found these documents and decide, decided not to delete them. In other words you decided not to carry out the



instruction that you had been given by Mr Watson.

**MR LEON VAN TONDER:** Chair because I believe it was just wrong. I believe it was just wrong.

**CHAIRPERSON:** Because it was?

**MR LEON VAN TONDER:** It was wrong.

**CHAIRPERSON:** But you had believe it was wrong from the beginning. Is it not?

**MR LEON VAN TONDER:** That is correct Chair.

**CHAIRPERSON:** But you had agreed to carry on?

**MR LEON VAN TONDER:** That is correct Chair.

10 **CHAIRPERSON:** So it cannot be that same reason.

**MR LEON VAN TONDER:** Well.

**CHAIRPERSON:** Can it be?

**MR LEON VAN TONDER:** Chair at, at the end of the day [intervenes].

**CHAIRPERSON:** Or is the position that as you were, you agreed though reluctantly to carry out the instruction, but as you were carrying it out you were busy thinking in your mind about whether to continue and you reached a point where you said I am not continuing. Is that what happened?

**MR LEON VAN TONDER:** That that part is correct Chair.

20 **CHAIRPERSON:** And after you have found these two documents did you not proceed with deleting any of the information they wanted you to delete?

**MR LEON VAN TONDER:** Chair I only deleted the documents off the server, but I still kept the documents on, on separate hard drives.

**CHAIRPERSON:** No, listen to my question carefully. You were instructed to delete certain information. Okay, you were told how you would identify the information that you were supposed to delete. Is that right?

**MR LEON VAN TONDER:** That is correct.

**CHAIRPERSON:** After you had found these two documents did you identify, did you find some documents that were, you were required to delete in terms of the instruction?

**MR LEON VAN TONDER:** No, Chair. These were the only documents I have found. If, if I had, if I were to find other documents that were also related that I needed to delete I also would have kept those documents.

**CHAIRPERSON:** So these are the only two that fell within the category of the documents you were required to delete that you found?

**MR LEON VAN TONDER:** That is correct Chair.

10 **CHAIRPERSON:** And you did not find any others?

**MR LEON VAN TONDER:** No, Chair. If I found any, if, if there were any other documents that I was, should I have founded I would have done the same with those documents as well.

**CHAIRPERSON:** After the exercise were you required to report to somebody whether you found any documents falling within the category of the documents you were supposed to delete and whether you actually deleted them?

**MR LEON VAN TONDER:** Yes, Chair. I, I did mention to Angelo that I found those documents, but I have deleted them from the server, but I never told him that I actually kept copies of those files.

20 **CHAIRPERSON:** Yes and how, you say, you said that you kept those two documents for your protection. How was keeping them going to give you protection?

**MR LEON VAN TONDER:** Well Chair because I have not, I; even though I have deleted them from the server I still kept them. So in, in my understanding I believe I was protecting myself because I was worried that later on Gavin might blame everything on me and the ones who helped me delete the data.

**CHAIRPERSON:** Yes, but the question is how, how were the, what; how was possession of these documents going to give you protection?

**MR LEON VAN TONDER:** Chair the way I see it as protecting me should this come out in the future I can say that I have kept the data.

**CHAIRPERSON:** Okay. So in that way you would be useful to whatever investigation that could come up?

**MR LEON VAN TONDER:** That is correct Chair.

**CHAIRPERSON:** Okay, thank you.

**ADV ZINHLE BUTHELEZI SC:** So in the eyes of Mr Agrizzi, Mr Watson these two  
10 documents were deleted from the server? They were non-existent?

**MR LEON VAN TONDER:** That is correct Chair.

**ADV ZINHLE BUTHELEZI SC:** And what did you do with these documents that you copied?

**MR LEON VAN TONDER:** I copied those two documents onto a, onto a hard drive with a whole lot of other data I also copied. I also copied those two documents onto a CD, because I was scared that should something happen to the document, as to the hard drive those documents would also be, go missing. L, so that is why I actually kept two backups of the data that I deleted.

**ADV ZINHLE BUTHELEZI SC:** Yes and, and how big were these documents,  
20 approximate size?

**MR LEON VAN TONDER:** I unfortunately have no idea Chair.

**ADV ZINHLE BUTHELEZI SC:** Okay and you said you kept two, you made two copies of these documents and were - are those documents now as you speak? What did you do with them?

**MR LEON VAN TONDER:** Chair what happened was the documents or the hard drives

where, where we copied the information was kept by Matthew Leeson. He returned those hard drives to me when he resigned from the company around 2011. I then took those hard drives and I safely kept them at my house and I later on handed over those hard drives and the CD to Angelo Agrizzi and as understand he has handed over these hard drives to the state capture investigators.

**ADV ZINHLE BUTHELEZI SC:** And when was this? When do you hand them over to Angelo Agrizzi?

**MR LEON VAN TONDER:** Chair it was around 2015/2016.

**ADV ZINHLE BUTHELEZI SC:** And that is.

10 **CHAIRPERSON:** Hm.

**ADV ZINHLE BUTHELEZI SC:** Sorry Chair.

**CHAIRPERSON:** Well I may have not heard correctly. The, the handing over of the hard drives to Mr Angelo Agrizzi happened when?

**MR LEON VAN TONDER:** Chair it was, it was around 2015/2016.

**CHAIRPERSON:** Oh, but you understand that he has since handed them over to the Commission's investigators?

**MR LEON VAN TONDER:** That is correct Chair.

**CHAIRPERSON:** Okay, alright.

20 **ADV ZINHLE BUTHELEZI SC:** Chair the, the evidence relating to these two hard drives will be led at a later stage as we confirmed and tell us about what happened in 2017?

**MR LEON VAN TONDER:** During the course of 2017 I noticed that I was being slowly but surely isolated by Gavin and IT Projects where he would have meetings with the IT Team, but I would be excluded from those meetings. It, it happened, it was so that this was not just a once off occurrence where one could maybe argue and say well maybe it

was an oversight that is why Leon was not invited, but this was a continuous occurrence that happened during 2017 where I was, where meetings would take place with IT, but I was excluded from those meetings. Furthermore my access rights and privileges I used to have on the server in the data centre was taken away from me without even anybody notifying me or telling me why it has been taken away. Furthermore there was also suddenly a big drive on succession planning headed by Mr Johan Fourie the IT Manager to whom I reported.

**ADV ZINHLE BUTHELEZI SC:** Do you know any reason why you were being side-lined if I may put it that way or isolated by Mr Watson?

10 **MR LEON VAN TONDER:** Chair the only reason, only conclusion I could come to was I was soon going to be made redundant.

**ADV ZINHLE BUTHELEZI SC:** And how was your relationship with Angelo while you worked at Bosasa?

**MR LEON VAN TONDER:** Chair I always had a very good working relationship with Angelo.

**ADV ZINHLE BUTHELEZI SC:** Sorry, Mr Agrizzi yes and is there a specific incident that you may point out which, which points to the fact that you had a good relationship?

**MR LEON VAN TONDER:** Chair we, we never, you know we never had any arguments or fights you know. There was no, you know, you know there was always open  
20 communication between myself and Angelo.

**CHAIRPERSON:** Ja.

**ADV ZINHLE BUTHELEZI SC:** Okay and then what, what led to your resignation or you leaving Bosasa?

**MR LEON VAN TONDER:** Chair eventually all the humiliation all the victimisation I had to endure over the years eventually just got too much for me. Furthermore the deletion

of the data was also hanging above my head like a sword. Like it was hanging like a sword above my head and I actually just wanted to get out and get my name cleaned.

**ADV ZINHLE BUTHELEZI SC:** And when did you resign from Bosasa, actually which, which month and year?

**MR LEON VAN TONDER:** Chair I decided to leave the company during November 2017. A separation agreement which effectively was a retrenchment package was negotiated with the company. This agreement was signed in May 2018 after many meetings held between my lawyers and Mr Biebuyck who was the lawyer for Bosasa.

10 **ADV ZINHLE BUTHELEZI SC:** And what, what was your intention of coming to the Commission or making this affidavit?

**MR LEON VAN TONDER:** Chair I, I, my intention coming to the Commission is to clear my name.

**ADV ZINHLE BUTHELEZI SC:** Yes and how do you believe you would clear your name?

**MR LEON VAN TONDER:** Well Chair I believe this is the right way of clearing your name by making everything public and let everybody know that, what actually happened.

**ADV ZINHLE BUTHELEZI SC:** Yes and there is another witness with a similar  
20 surname Andries van Tonder who testified before the Commission. Is there any relation between yourself and him?

**MR LEON VAN TONDER:** Yes, Chair. He is my oldest brother.

**ADV ZINHLE BUTHELEZI SC:** And is there any other family member of your family members who work for Bosasa or worked for Bosasa?

**MR LEON VAN TONDER:** No. Chair.

**ADV ZINHLE BUTHELEZI SC:** And the other documents that you deleted from the server were there any of those documents relating to DSC or DSC Contracts other than the two that you copied?

**MR LEON VAN TONDER:** No, Chair. That, those were the only two that I found and kept.

**ADV ZINHLE BUTHELEZI SC:** Thank you. Chair that will; thank you sir. Sir, may I just take an instruction?

**CHAIRPERSON:** [No audible reply].

**ADV ZINHLE BUTHELEZI SC:** Mr van Tonder the documents or the information that  
10 you deleted was it two single documents or was it files or something like a folder which may contain more than one document?

**MR LEON VAN TONDER:** It was two single separate files Chair.

**ADV ZINHLE BUTHELEZI SC:** So, so it, those files may contain more than one document in them?

**MR LEON VAN TONDER:** No, Chair. It was two files which essentially is two documents.

**ADV ZINHLE BUTHELEZI SC:** Thank you. Chair I have nothing further for Mr van Tonder.

**CHAIRPERSON:** Okay. Thank you.

20 **ADV ZINHLE BUTHELEZI SC:** Due to the lateness of his receipt, of his statement we, the 33 notices were also not given timeously to the, the implicated people and we, we will, we will, we are still awaiting applications for cross-examination. I am not in a position to close his evidence at this stage.

**CHAIRPERSON:** Oh, but are you not saying that you have not actually sent the parties?

**ADV ZINHLE BUTHELEZI SC:** Yes, they are being sent as we speak.

**CHAIRPERSON:** Ja, they cannot apply for cross-examination if they do not have the statement. Is it not?

**ADV ZINHLE BUTHELEZI SC:** Yes. Yes, Chair.

**CHAIRPERSON:** Thank you very much Mr van Tonder for coming to give evidence. You probably will be asked to come back some stage in the future. I believe that you will have no problem with that.

**MR LEON VAN TONDER:** No, I do not Chair.

**CHAIRPERSON:** Yes, thank you very much. You are release for now.

10 **MR LEON VAN TONDER:** Thank you Chair.

**CHAIRPERSON:** Thank you. Bye-bye.

**ADV PAUL PRETORIUS SC:** Chair the next witness is due to give evidence tomorrow. We have no further witnesses ready today.

**CHAIRPERSON:** Tomorrow are we going to have how many witnesses are we going to?

**ADV PAUL PRETORIUS SC:** There is one set down for tomorrow.

**CHAIRPERSON:** Hm.

**ADV PAUL PRETORIUS SC:** His evidence should not last the whole day.

20 **CHAIRPERSON:** Okay, alright. We are going to adjourn until tomorrow. We adjourn and we will resume at 10 o'clock tomorrow morning. We adjourn.

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

**REGISTRAR:** All rise.

**INQUIRY ADJOURNS TO 1 FEBRUARY 2019**