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20

PROCEEDINGS HELD ON 5 FEBRUARY 2019

CHAIRPERSON: Good Morning Mr Pretorius, good morning everybody.

ADV PAUL PRETORIUS SC: Good morning, Chair.

CHAIRPERSON: Yes?

ADV PAUL PRETORIUS SC: Chair, there will be four witnesses today the first of which or the first of whom is Mr Adriaan Jurgens Basson.

CHAIRPERSON: Yes.

ADV PAUL PRETORIUS SC: May he take the affirmation?

CHAIRPERSON: He will do the affirmation?

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

CHAIRPERSON: Just administer the affirmation.

MR ADRIAAN JURGENS BASSON (AFFIRMS)

CHAIRPERSON: Yes, you may proceed.

ADV PAUL PRETORIUS SC: Thank you, Chair, your present employment?

MR ADRIAAN JURGENS BASSON: Chair, I am the Editor in Chief of News 24.

ADV PAUL PRETORIUS SC: You have a document in front of you, would you go to page 6 please.

MR ADRIAAN JURGENS BASSON: Yes, Chair.

ADV PAUL PRETORIUS SC: Just above the name deponent whose signature is that?

20 **MR ADRIAAN JURGENS BASSON:** That is my signature.

ADV PAUL PRETORIUS SC: And the statement or affidavit from pages 1 to 6 together with an Annexure pages 7 to 9 is that your affidavit?

MR ADRIAAN JURGENS BASSON: That is correct.

ADV PAUL PRETORIUS SC: Are you satisfied that its contents are true and correct?

MR ADRIAAN JURGENS BASSON: That is correct.

ADV PAUL PRETORIUS SC: Chair, for the record this affidavit remains in Bundle T and it has been marked T6, EXHIBIT T, T6.

CHAIRPERSON: Oh, yes, I have got it.

ADV PAUL PRETORIUS SC: When did you start your career in journalism?

MR ADRIAAN JURGENS BASSON: Chair, I started my career in journalism in 2003 as a crime reporter for Beeld newspaper in Johannesburg.

ADV PAUL PRETORIUS SC: And since then have you occupied a number of positions in the journalist profession?

MR ADRIAAN JURGENS BASSON: That is correct.

10 **ADV PAUL PRETORIUS SC:** Amongst those you mention them in paragraph 4?

MR ADRIAAN JURGENS BASSON: Chair, before I became Editor of News 24 I was also an Assistant Editor of City Press newspaper, I was also the Editor in Chief of Beeld newspaper as well as the Editor of Netwerk 24 which is the Afrikaans news website.

ADV PAUL PRETORIUS SC: Now we know both from our general knowledge and from evidence led here that there is much you can tell this Commission, but for present purposes there are two aspects which you will deal with and those aspects relates to personal threats and what you have regarded as intimidation in regard to your professional work?

MR ADRIAAN JURGENS BASSON: That is correct.

20 **ADV PAUL PRETORIUS SC:** Right, in 2006 did you have occasion to publish articles concerning the Bosasa Group of companies?

MR ADRIAAN JURGENS BASSON: That is correct, Chair, I was working at Beeld newspaper at the time and together with my colleague Carien du Plessis who was working for Die Burger newspaper at the time that is a sister newspaper of Beeld we started investigating the Bosasa Group of companies after numerous allegations were

levelled at the parliamentary portfolio committee of Correctional Services about this company that had suddenly received an avalanche of tenders from the Correctional Services Department.

ADV PAUL PRETORIUS SC: Alright, and then between mid-2007 and September 2010 did your investigative work continue?

MR ADRIAAN JURGENS BASSON: Correct, Chair, I was then employed by the Mail and Guardian newspaper. I worked as an investigative journalist on the Mail and Guardian later as part of the Mail and Guardian centre for investigative journalism that is today better known as AmaBhungane and I continued my investigations into Bosasa

10 in this period.

ADV PAUL PRETORIUS SC: Alright. Now during the time that you were employed by the Mail and Guardian and whilst you were doing the work about which there will be more detail in a moment, did you receive threats?

MR ADRIAAN JURGENS BASSON: That is correct, Chair.

ADV PAUL PRETORIUS SC: And the purpose of these threats, what was your conclusion?

MR ADRIAAN JURGENS BASSON: Chair, there were two episodes of threats which we will go into detail now, but the only purpose I could adduce at the time and still believe is to stop me writing about Bosasa.

20 **ADV PAUL PRETORIUS SC:** Right and you say then in paragraph 9 that you will refer to two groups or episodes of threats. If we can go for a moment to paragraph 11 to provide some background to these two episodes, in January 2009 did you have occasion to publish a particular article or series of articles in regard to Bosasa?

MR ADRIAAN JURGENS BASSON: Yes, Chair, I was privileged to have been leaked a series of emails from within the Bosasa Group in the previous year and it worked for

months through these emails to find evidence of wrongdoing that I could publish. I finally in January 2009 whilst being employed as an investigative journalist by the Mail and Guardian published an article that was earlier referred to in this Commission. It was headlined here is the proof Minister after an advertisement was placed in Sunday newspapers by the...

CHAIRPERSON: Okay, well.

ADV PAUL PRETORIUS SC: I think we can continue, Chair. You say that the article was published under the headline here is the proof Minister?

MR ADRIAAN JURGENS BASSON: That is correct, Chair. I managed to conclude my
10 investigation at the time when the Department spent a lot of money on advertising claiming that they are fighting corruption in the Department. We could prove the contrary and I then proceeded to publish evidence from this email, trans of emails that I received showing *inter alia* that the company was in fact involved in writing the tender specifications of tenders they were later awarded by the Department of Correctional Services.

ADV PAUL PRETORIUS SC: We have heard the phrase Metadata often, please just explain what that term means and how that concept is relevant to these articles?

MR ADRIAAN JURGENS BASSON: Chair, after being leaked the trans of emails trans of emails by my source we, during my employment at the Beeld and at the Mail and
20 Guardian involved the services of forensic experts to firstly verify the legitimacy of the emails to confirm that they were indeed from Bosasa's computers and secondly confirm or verify the date stamps of these emails and leaked documents. Obviously the timeline is of utter importance when you try to prove that a tender document was either in their possession or created by them before the tender was advertised.

So that information the created of the document, the name of the creator of

the document, the date stamps etcetera are all referred to as Metadata.

ADV PAUL PRETORIUS SC: And did the Metadata confirm the voracity of the information you published?

MR ADRIAAN JURGENS BASSON: That is correct.

ADV PAUL PRETORIUS SC: Alright, it is a long article. It has been dealt with in detail before this Commission and it is a matter of record, so we need not go there for the moment safe to say in summary perhaps to what extent did that article implicate Bosasa in wrongdoing?

MR ADRIAAN JURGENS BASSON: Chair, it was definitely one of in the journalistic
10 profession we often referred to a smoking gun that we look for a smoking gun and we do not often find smoking guns, it is often a matter of circumstantial evidence of bits of pieces of information from sources and documents, but this was a smoking gun. This was real proof of the company's the level of access and I guess what we call now State Capture of Bosasa of that specific State Department.

ADV PAUL PRETORIUS SC: If we could go back then to the outcome or consequences of the publication of this article, subsequent to the publication of the article in January 2009 you refer to threats, you detail those, you again in paragraph 10 and I just need to confirm the incidents you refer to in paragraph 10 did those occur subsequent to the publication of the January 2009 article?

20 **MR ADRIAAN JURGENS BASSON:** Chair, it is a long time ago, but that is my best recollection that that article specifically caused discomfort and anger at the Bosasa Group and that both these episodes followed after that publication.

ADV PAUL PRETORIUS SC: Okay.

MR ADRIAAN JURGENS BASSON: Definitely while I was employed by the Mail and Guardian.

ADV PAUL PRETORIUS SC: Alright. You refer to the first group of threats in paragraph 10, would you tell the, Chair, please what occurred?

MR ADRIAAN JURGENS BASSON: Chair, there was a period during that time when I started receiving calls on my cellular phone. These calls, there were a lot of these calls. They came during the day and night, early hours of the morning. Sometimes the calls came from a number that was visible on my phone and I remember still saving these numbers after the calls using terms like Bosasa angry 1, Bosasa angry 2 and there were also unknown numbers so I could not see the number of the caller and then also some landlines.

10 The purpose of these calls or the message of these calls were always a person claiming that they are a Bosasa employee and then saying to me that I, Adriaan are threatening their jobs. That I will cost them to lose their jobs. That I must stop my writing, I must stop my reportage on Bosasa and there were also some of the callers I remember quite vividly accusing me of racism that I was only doing these articles, because I am white and I am a racist.

 There was a number of these calls and it was definitely during a specific period I clearly remember that I blocked some of these numbers, obviously not to receive the calls from them again. It was obviously upsetting and perturbing receiving these calls late at night or in the early hours of the morning. Also profanities used
20 during some of these calls, if I may say, Chair, some of the calls said I must stop my shit, I must stop writing shit about Bosasa.

 And I can say it was really a kind of aggressive tone from the callers that made it very clear that I am endangering their livelihoods and should stop this nonsense.

ADV PAUL PRETORIUS SC: And what was your reaction when receiving these calls

and you refer specifically to your reaction to the content of the calls?

MR ADRIAAN JURGENS BASSON: Chair, I think if you become a journalist it comes with the territory that you will have to grow thick skin. I had a thinner skin then, it was ten years ago, more than ten years ago, but it was upsetting. I tried to explain to these callers what the purpose of a journalist is in society and what I was trying to do with my investigations into corruption that ultimately the poor of the country are the main victims of corruption, specifically by this company then, but it was upsetting. It made me feel threatened.

I did not know, I knew that this company obviously had lots of tenders in
10 Correctional Services and other security areas so I did not know to what extent they would actually go to threaten me. It was upsetting it was perturbing to hear these calls.

ADV PAUL PRETORIUS SC: Did you receive and we are not asking you to disclose your sources, but did you receive any information from your sources in regard to how your number had been distributed?

MR ADRIAAN JURGENS BASSON: Yes, Chair, I at that stage had cultivated a number of sources within the Bosasa Group. I asked a specific source about these calls and it was confirmed to me that my number, my cell phone number had been distributed in the group to employees and that the employees were tasked to call me and threaten me and the name of one specific Director was named.

20 **ADV PAUL PRETORIUS SC:** Now you have explained to the legal team why you do not wish to mention the name of the Director. It is a decision ultimately that the, Chair, will make whether to ask you or not, but would you give your reasons please?

MR ADRIAAN JURGENS BASSON: Chair, in the process in the journalistic information gathering process you sometimes receive information, but I believe and it is common practice that you have to corroborate every piece of information with either a

second source or a piece of documentary evidence. I had not yet done that. I do not have corroboration for what my one source told me, who the Director was that instructed – that was specifically central to distributing my cell phone number and that is why I would not be comfortable in disclosing it.

ADV PAUL PRETORIUS SC: It may be the subject of further investigation and perhaps preferable to look for corroboration.

CHAIRPERSON: *Ja.*

ADV PAUL PRETORIUS SC: For the witness' evidence.

CHAIRPERSON: *Ja.*

10 **ADV PAUL PRETORIUS SC:** Thank you, Chair. The identifiable numbers for this first group of telephone calls did you save them?

MR ADRIAAN JURGENS BASSON: Chair, those numbers that I could see on my phone I did save them, I checked up and I saved them with names like Bosasa angry 1, Bosasa angry 2, just to identify them for myself.

ADV PAUL PRETORIUS SC: And I understand that you still have these numbers and you are willing to assist the investigators in this regard?

MR ADRIAAN JURGENS BASSON: That is correct, Chair.

ADV PAUL PRETORIUS SC: In paragraph 17 of your affidavit Mr Basson you deal with what you refer to as the second episode. Please tell the, Chair, about that second
20 episode?

MR ADRIAAN JURGENS BASSON: Chair, in February 2009 my – she is now my wife, she was then I think my girlfriend and myself we were on holiday and I remember I was driving at night when I received a phone call from a visible number, but it was not a number that I had saved on my phone. The person on the other side of the line was a woman who did not introduce herself by name, but said that she was a colleague or

somehow involved in the media and that she wanted to warn me about the investigations into Bosasa.

I put the – I was driving and I had my phone on speakerphone and she then proceeded to attempt to convince me that she is helping me by saying things like it is very dangerous what she is doing – what I am doing, there is a much bigger story behind the Bosasa investigation and then she interrupted herself continuously with, by saying to me I just need to make sure that I am talking to the right person, and I just need to make sure that I can trust you. Are you Adriaan Basson with ID number? Do you live at this address? Are these your friends and are these your family members?

10 And she proceeded to read a quite accurate list of names of friends and family members. Do your friends and family members do they do these professions? Are they lawyers, are they engineers etcetera. Chair, she also – it was clear to me at that point of our conversation she was reading from some kind of what I would refer as an intelligence document that some intelligence was done on me and that the real purpose of the call was not to help me, but to scare me.

She proceeded to tell me how dangerous Bosasa was. How scared I must be that I am very brave for a young man was some of her quotes. Some of the other personal information, Chair, that I can remember she disclosed to me was my place of birth, for example, continuously saying are you sure you were born here in this town?

20 She also had study records of mine of my tertiary studies, where I studied, what I studied.

And it was clear to me that this information was obtained through some kind of intelligence operation. I kept her talking, it was interesting to hear what she had to say, but after the telephone call of about 18 to 19 minutes I said to her look I will phone you when I get back to Johannesburg where I was living at the time and try and set up

the meeting.

Again, Chair, I was perturbed by the call and the fact that someone knew all this personal information about me, knew about my family members, where I stayed, where they stayed, what I studied, where I was born, what my ID number was. I then on advice of my clever wife said – went home and put in the cell phone number from which she called just into a Google search.

So I just literally went onto Google and typed in the number...[intervenes]

ADV PAUL PRETORIUS SC: Before you go there just two brief questions if I may. You know best of the context of the call, its content, what did you conclude about the purpose of the call?

MR ADRIAAN JURGENS BASSON: Chair, my conclusion was that this was a Bosasa operation to intimidate and scare me.

ADV PAUL PRETORIUS SC: And were you warned not to speak to anybody about the conversation?

MR ADRIAAN JURGENS BASSON: Indeed, Chair, she warned me with words like I will kill you if you tell anyone about our conversation. Now if I speak to – it is not the type of language I would use, but I know that people sometimes use that phrase jokingly. It was not jokingly at all it was in a context of a much larger, much longer conversation, very ominous type of language, even the tone of her voice very hush and trying to supposedly help me.

ADV PAUL PRETORIUS SC: Alright, and then you say you conducted a Google search?

MR ADRIAAN JURGENS BASSON: Yes, Chair, and to my surprise I quickly found out the identity of the caller, someone by the name of Benadicta Dube. She was by then a Public Relations Consultant for a company called Egagu Media which I think I referred

to in my affidavit. I did not know Ms Dube. I think I may have heard of her by then, but I quickly established that she was in fact a journalist. She used to work for reputable publications like The Financial Mail and at e-tv before, but that she was now in public relations.

ADV PAUL PRETORIUS SC: And when you say now you mean at the time of the call in January 2009?

MR ADRIAAN JURGENS BASSON: Correct, Chair.

ADV PAUL PRETORIUS SC: Alright, there has been evidence of this person receiving instructions from Bosasa, Chair, and that will be dealt with later in submissions before
10 you. Did you receive further information and, Chair, this information is hearsay, but it does corroborate evidence already given.

CHAIRPERSON: Okay.

ADV PAUL PRETORIUS SC: So just tell the, Chair, of your conclusion in relation to the telephone call and its purpose and what you subsequently learnt?

MR ADRIAAN JURGENS BASSON: Chair, as I mentioned earlier I had by then a range of sources inside the Bosasa Group and one of my sources at the time told me, when I told the source about Ms Benadicta Dube confirmed to me that she was indeed on the company's payroll and had been consulted on me.

ADV PAUL PRETORIUS SC: Alright. If you would go to page 7 after the green divider,
20 Chair, of the affidavit and Annexures.

CHAIRPERSON: Yes?

ADV PAUL PRETORIUS SC: EXHIBIT T6 you will see there an article under the heading very brave for a young man. What was the reason for this article and when did it happen and to which incident does it relate?

MR ADRIAAN JURGENS BASSON: Chair, at the time there was quite a number of

cases in South Africa where journalists were being targeted by either rogue private intelligent services or rogue state intelligent operators and I was working at The Mail and Guardian at the time and we then published a series called spy nation which dealt with all these occurrences where journalists were being spied on.

The call by Benadicta Dube that I just relied to, Chair, was the subject of this article that I published in The Mail and Guardian on 22 May 2009.

ADV PAUL PRETORIUS SC: On page 9, that is the third page of the article the article reads in reference to you:

10 "I am convinced her motives were never to caution, but rather
to intimidate. The Mail and Guardian's lawyer wrote to Bosasa
and Egagu Media where Dube is Group Executive Media and
Publishing on May 6th demanding an immediate return of all my
personal information in their possession. Bosasa's lawyer
denied the company had acted in an unlawful manner as
alleged or at all and said Dube's information falls within the
public domain. Egagu Media did not respond. Dube claim she
does not recall our conversation and that she does not work for
Egagu anymore. She accused The Mail and Guardian of
blackmail journalism."

20 That was the conclusion of that episode, at least as far as that article is
concerned, am I correct?

MR ADRIAAN JURGENS BASSON: That is correct, Chair.

ADV PAUL PRETORIUS SC: Alright. The information that was related to you over that
17 minute period of the telephone call that you have referred to, did that information all
fall within the public domain?

MR ADRIAAN JURGENS BASSON: No, Chair. I, as an investigative journalist myself we make use of a plethora of public sources to find information for our own investigations and you know the detail of the information she had for example the addresses of where I have lived or occupations and names of my friends and family that is not something you can google.

ADV PAUL PRETORIUS SC: Just one more matter please Mr Basson. A video clip was played before the, Chair, of the Commission during the evidence of Mr Agrizzi. You are aware of that clip?

MR ADRIAAN JURGENS BASSON: I am.

10 **ADV PAUL PRETORIUS SC:** The soundtrack if one listens carefully mentions a person called Adriaan and as the legal team recalls there is reference there to Adriaan having visited Angelo Agrizzi with his that is Adriaan's family. Would you like to comment on the truth of that allegation?

MR ADRIAAN JURGENS BASSON: Chair, I had heard the clip a few months ago and was very upset when I heard it, because it is completely false. I have never taken my children on working meetings and will never do. In fact at the time I only had one baby child. Chair, I did have one meeting with Mr Agrizzi at his house after hearing that he had turned on Bosasa and was now going to spill the beans that is obviously news that makes journalists happy, because we always want more information and I made an
20 appointment to see him at his house, had a meeting, I went there on my own, I had a meeting with him on my own and where I attempted to extract information from Mr Agrizzi for my – for purposes of further investigating Bosasa.

ADV PAUL PRETORIUS SC: Thank you, Chair. Thank you Mr Basson.

CHAIRPERSON: Thank you Mr Basson. He can be released for now or he might come back later?

ADV PAUL PRETORIUS SC: Yes.

CHAIRPERSON: Or just released?

ADV PAUL PRETORIUS SC: Well he may be asked to come back later.

CHAIRPERSON: Yes. Thank you, Mr Basson you are excused for now and if you are needed we will ask you to come back.

MR ADRIAAN JURGENS BASSON: Thank you, Chair.

CHAIRPERSON: Thank you, you are excused.

MR ADRIAAN JURGENS BASSON EXCUSED

ADV PAUL PRETORIUS SC: Chair, the next witness is Mr Gregory John Lawrence, he
10 is just being called from the waiting area.

CHAIRPERSON: Okay, thank you. And his affidavit?

ADV PAUL PRETORIUS SC: His statement, his affidavit together with Annexures is, I
scratched, Chair, EXHIBIT U, incorrectly marked Volume U that will be dealt with.

CHAIRPERSON: Well I thought also there was enough space for it and the Annexures
in this one so we might not unnecessarily increase the number of lever arch files.

ADV PAUL PRETORIUS SC: Yes, Chair, it was a judgment call made, we did not quite
know.

CHAIRPERSON: *Ja.*

ADV PAUL PRETORIUS SC: The volume at the stage we decided to separate the
20 bundles, but you are correct, Chair, it could have gone into, and perhaps we can still do
that, Chair.

CHAIRPERSON: Yes, maybe we should still do that and therefore you might deal with
it on the basis that it is part of EXHIBIT T.

ADV PAUL PRETORIUS SC: So Chair this will then be a little out of sequence, but it
will be.

CHAIRPERSON: Huh-uh.

ADV PAUL PRETORIUS SC: EXHIBIT T9.

CHAIRPERSON: T9?

ADV PAUL PRETORIUS SC: Yes, Chair.

CHAIRPERSON: Okay. Thank you.

ADV PAUL PRETORIUS SC: And then the references to exhibits will have to be amended accordingly.

CHAIRPERSON: Yes.

ADV PAUL PRETORIUS SC: But that will be done and placed in the file and I will try
10 to refer to the corrected number on the transcript.

CHAIRPERSON: Okay. Thank you. You may administer the oath or affirmation.

REGISTRAR: [Indistinct].

MR GREGORY JOHN LAWRENCE: Okay. Ja, I am religious.

REGISTRAR: Please state your full names for the record.

MR GREGORY JOHN LAWRENCE: Gregory John Lawrence.

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

MR GREGORY JOHN LAWRENCE: No.

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

MR GREGORY JOHN LAWRENCE: Yes.

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

MR GREGORY JOHN LAWRENCE: I do.

REGISTRAR: Thank you.

CHAIRPERSON: Thank you.

ADV PAUL PRETORIUS SC: Mr Lawrence the bundle before you we will refer to as Bundle T, T9. Would you go please to page 9 of T9?

MR GREGORY JOHN LAWRENCE: Ja.

ADV PAUL PRETORIUS SC: Whose signature is that above the words G J Lawrence?

MR GREGORY JOHN LAWRENCE: That is mine.

ADV PAUL PRETORIUS SC: The document from pages 1 to nine, whose affidavit is that?

MR GREGORY JOHN LAWRENCE: Mine.

ADV PAUL PRETORIUS SC: Are you satisfied that the contents are true and correct?

10 **MR GREGORY JOHN LAWRENCE:** Yes.

ADV PAUL PRETORIUS SC: Are you aware Mr Lawrence that some at least of the contents may implicate you in improper or even unlawful activities?

MR GREGORY JOHN LAWRENCE: Yes.

ADV PAUL PRETORIUS SC: Nevertheless do you give your evidence freely and voluntarily?

MR GREGORY JOHN LAWRENCE: Yes.

ADV PAUL PRETORIUS SC: And have you been offered any incentive?

MR GREGORY JOHN LAWRENCE: No.

ADV PAUL PRETORIUS SC: Or reward?

20 **MR GREGORY JOHN LAWRENCE:** No.

ADV PAUL PRETORIUS SC: You are currently the Managing Director of a business called AfriTrade Distributors?

MR GREGORY JOHN LAWRENCE: Yes.

ADV PAUL PRETORIUS SC: In 1993 did you begin employment with or under a person by the name of Gregg Lacon-Allan?

MR GREGORY JOHN LAWRENCE: Yes.

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

MR GREGORY JOHN LAWRENCE: Yes.

ADV PAUL PRETORIUS SC: What business was he conducting at the time?

MR GREGORY JOHN LAWRENCE: Catering.

ADV PAUL PRETORIUS SC: And the name of the business?

MR GREGORY JOHN LAWRENCE: At the time was Grantham Integrated Food Services.

ADV PAUL PRETORIUS SC: Grantham, G-R-A-N-T-H-A-M-S [spelt].

10 **MR GREGORY JOHN LAWRENCE:** Yes.

ADV PAUL PRETORIUS SC: Right. To what post were you appointed?

MR GREGORY JOHN LAWRENCE: As a Catering Manager.

ADV PAUL PRETORIUS SC: Where?

MR GREGORY JOHN LAWRENCE: At Impala Platinum Mines.

ADV PAUL PRETORIUS SC: Right. In 1996 did you place an advertisement in the media for the employment of an Assisted Catering Manager at Impala Platinum Mines?

MR GREGORY JOHN LAWRENCE: Yes.

ADV PAUL PRETORIUS SC: Right. Who applied for the job and who was appointed?

MR GREGORY JOHN LAWRENCE: Angelo Agrizzi.

20 **ADV PAUL PRETORIUS SC:** Right. Then you speak in paragraph 4 of a fallout with Mr Agrizzi. It is clear from your evidence that there is no love lost between yourself and Mr Agrizzi?

MR GREGORY JOHN LAWRENCE: Not at all.

ADV PAUL PRETORIUS SC: But as I understand it and we needed not go into too much detail you say that Mr Agrizzi set you up by informing your superiors that you

were inflated prices and overcharging clients?

MR GREGORY JOHN LAWRENCE: That is my belief, yes.

ADV PAUL PRETORIUS SC: Right. Were you subjected to a disciplinary enquiry?

MR GREGORY JOHN LAWRENCE: Yes.

ADV PAUL PRETORIUS SC: Was it an internal disciplinary enquiry?

MR GREGORY JOHN LAWRENCE: Yes.

ADV PAUL PRETORIUS SC: How long did that enquiry last?

MR GREGORY JOHN LAWRENCE: If I remember correctly a week and a half two weeks.

10 **ADV PAUL PRETORIUS SC:** Was documentary evidence led at that enquiry?

MR GREGORY JOHN LAWRENCE: I cannot remember. It was such a long time ago.

ADV PAUL PRETORIUS SC: Alright and what was the outcome of the enquiry?

MR GREGORY JOHN LAWRENCE: I was dismissed.

ADV PAUL PRETORIUS SC: In 2003 did you commence employment with a company supplying meat products to the mining industry?

MR GREGORY JOHN LAWRENCE: Yes, I did.

ADV PAUL PRETORIUS SC: And in about 2004 did you then go into the business of supplying food products into Africa?

MR GREGORY JOHN LAWRENCE: Yes, I did.

20 **ADV PAUL PRETORIUS SC:** And were you in act a 25 percent shareholder in a company by the name of Intrepid Foods (Pty) Ltd?

MR GREGORY JOHN LAWRENCE: Yes.

ADV PAUL PRETORIUS SC: Right. In paragraph 6 you go into some detail in regard to your employment background. It is not necessary to detail that for the purposes of your evidence, your oral evidence at least. It is there on the record.

MR GREGORY JOHN LAWRENCE: Sure.

ADV PAUL PRETORIUS SC: But you became experienced in two spheres as a result of your work experience from 2004 onwards?

MR GREGORY JOHN LAWRENCE: Ja.

ADV PAUL PRETORIUS SC: In what fields did you gain experience?

MR GREGORY JOHN LAWRENCE: Well supplying into the [indistinct] countries in Africa.

ADV PAUL PRETORIUS SC: Supplying what?

MR GREGORY JOHN LAWRENCE: Food products being maize, long life milk, oil.

10 **ADV PAUL PRETORIUS SC:** Right. So you were involved in the export market?

MR GREGORY JOHN LAWRENCE: Yes.

ADV PAUL PRETORIUS SC: In relation to food stuffs?

MR GREGORY JOHN LAWRENCE: Yes.

ADV PAUL PRETORIUS SC: Any other aspect of the export market in which you became involved and experienced?

MR GREGORY JOHN LAWRENCE: Yes, into alcohol.

ADV PAUL PRETORIUS SC: And is it the same business, the export of alcohol?

MR GREGORY JOHN LAWRENCE: Yes.

ADV PAUL PRETORIUS SC: To foreign countries?

20 **MR GREGORY JOHN LAWRENCE:** Yes, it is.

ADV PAUL PRETORIUS SC: In the Southern African Region?

MR GREGORY JOHN LAWRENCE: Yes.

ADV PAUL PRETORIUS SC: Right. Did you join Mr Gregg Lacon-Allan's company subsequent to 2004?

MR GREGORY JOHN LAWRENCE: Yes.

ADV PAUL PRETORIUS SC: I just want to check, because in paragraph 2 you say you started working for a person by the name of Gregg Lacon-Allan in about 1993. Was that in a different capacity, in a different company?

MR GREGORY JOHN LAWRENCE: Yes. That was Grantham Integrated Food Services first and then into.

ADV PAUL PRETORIUS SC: Right. The company that you joined after 2004, what was its name?

MR GREGORY JOHN LAWRENCE: Equal Trade 4.

ADV PAUL PRETORIUS SC: Equal Trade 4, the figure 4, (Pty) Ltd?

10 **MR GREGORY JOHN LAWRENCE:** Yes.

ADV PAUL PRETORIUS SC: Where was that company based?

MR GREGORY JOHN LAWRENCE: In Natal.

ADV PAUL PRETORIUS SC: But where did you work yourself?

MR GREGORY JOHN LAWRENCE: Oh, I worked from my, my house. I have got an office at my place.

ADV PAUL PRETORIUS SC: And what were your duties?

MR GREGORY JOHN LAWRENCE: To continue looking after the clientele who I had brought to supply alcohol and other food stuff as I was doing prior to joining up with Gregg in, in that period.

20 **ADV PAUL PRETORIUS SC:** Right. Now your clients perhaps I used the word export business incorrectly. Your clients who wished to purchase alcohol were they in the Southern African Region when they received their consignments or did they come into South Africa?

MR GREGORY JOHN LAWRENCE: They would.

ADV PAUL PRETORIUS SC: For that purpose?

MR GREGORY JOHN LAWRENCE: They would come in and the transport would be arranged for them to take their product into Africa.

ADV PAUL PRETORIUS SC: And how would payment be made?

MR GREGORY JOHN LAWRENCE: Payment would be made in two ways. Either in cash or EFT.

ADV PAUL PRETORIUS SC: And what was the approximate ratio or proportion.

MR GREGORY JOHN LAWRENCE: I would say.

ADV PAUL PRETORIUS SC: Of cash payments as against EFT payments?

MR GREGORY JOHN LAWRENCE: Cash, cash payments roundabout 60 percent and
10 EFT 40 percent.

ADV PAUL PRETORIUS SC: And how much cash on average would you receive per consignment?

MR GREGORY JOHN LAWRENCE: On.

ADV PAUL PRETORIUS SC: In relation to each order?

MR GREGORY JOHN LAWRENCE: On, on alcohol it would range from around about 1.1 million to 2.5 million.

ADV PAUL PRETORIUS SC: Did the business do well?

MR GREGORY JOHN LAWRENCE: Okay.

ADV PAUL PRETORIUS SC: What was the consequence of the, any growth in the
20 business?

MR GREGORY JOHN LAWRENCE: Well the company, Gregg Lacon-Allan's company, there was a cash problem in the company. We could not grow the company, because of cash flow. Gregg's other side of the business required a lot of money as well where he was supplying into the mining industry and Gregg's company would only get paid 30 days after statement. So with, with my side of the business increasing on a monthly

basis we needed more cash in order for me to fulfil my clients' orders.

ADV PAUL PRETORIUS SC: Well you would have to pay upfront for the alcohol?

MR GREGORY JOHN LAWRENCE: Yes.

ADV PAUL PRETORIUS SC: Which was to be purchased?

MR GREGORY JOHN LAWRENCE: Yes.

ADV PAUL PRETORIUS SC: And for that purpose you say you needed cash?

MR GREGORY JOHN LAWRENCE: Ja.

ADV PAUL PRETORIUS SC: And that cash had to be paid out before you received payment in?

10 **MR GREGORY JOHN LAWRENCE:** Yes.

ADV PAUL PRETORIUS SC: How did you address this problem in the business?

CHAIRPERSON:

MR GREGORY JOHN LAWRENCE: Well I approached people I knew who could assist me for a fee to help me fund the business so that I could purchase alcohol. So for a small fee I would loan money on a short term basis and then pay them back their, their money plus the small fee that was negotiated [intervenes].

ADV PAUL PRETORIUS SC: You would borrow money?

MR GREGORY JOHN LAWRENCE: Ja.

ADV PAUL PRETORIUS SC: On a short term basis?

20 **MR GREGORY JOHN LAWRENCE:** Yes.

ADV PAUL PRETORIUS SC: Now if you received cash in the course of your business and you then deposited into the company's bank account was there a fee chargeable?

MR GREGORY JOHN LAWRENCE: Yes, there was one point, between 1.5 and 1.8 percent if I remember correctly.

ADV PAUL PRETORIUS SC: Cash deposit fee?

MR GREGORY JOHN LAWRENCE: Fee, yes.

ADV PAUL PRETORIUS SC: That the bank charged your business?

MR GREGORY JOHN LAWRENCE: Yes.

ADV PAUL PRETORIUS SC: And did you in fact in the beginning of the business' history deposit the cash in the bank?

MR GREGORY JOHN LAWRENCE: Yes. It was one of the biggest costs to our business.

ADV PAUL PRETORIUS SC: One of the biggest costs was the cash deposit fee?

MR GREGORY JOHN LAWRENCE: Ja.

10 **ADV PAUL PRETORIUS SC:** Was a new arrangement proposed to you around 2012?

MR GREGORY JOHN LAWRENCE: Yes.

ADV PAUL PRETORIUS SC: Who proposed the arrangement?

MR GREGORY JOHN LAWRENCE: I was, I was told by Gregg Lacon-Allan that instead of taking the money to the bank and being charged the fee that we were charged that I could take the, the cash to Bosasa.

ADV PAUL PRETORIUS SC: Right. When you say Bosasa could you be a bit more specific?

MR GREGORY JOHN LAWRENCE: Hm.

ADV PAUL PRETORIUS SC: Bosasa where?

20 **MR GREGORY JOHN LAWRENCE:** Bosasa, their head offices in Krugersdorp if I remember correctly. I am not sure on the physical address.

ADV PAUL PRETORIUS SC: Did he explain the background to this arrangement and its implications?

MR GREGORY JOHN LAWRENCE: Not really.

ADV PAUL PRETORIUS SC: Well did he say what you had to do?

MR GREGORY JOHN LAWRENCE: All I did; all he said to me is once I had got a certain amount of money from my clients to take it to Bosasa and they would take it from us and we would be paid back. So that I did not have to go to the bank and deposit the money. For me it was a cost saving to the alcohol side of the business instead of taking it to the banks.

ADV PAUL PRETORIUS SC: When you say the arrangement was that you would be paid back what do you mean?

MR GREGORY JOHN LAWRENCE: Well the money would come with, for the cash that I was giving through to Bosasa we would be paid back via Bosasa via EFT.

10 **ADV PAUL PRETORIUS SC:** Was there any other benefit that you would receive?

MR GREGORY JOHN LAWRENCE: No.

ADV PAUL PRETORIUS SC: Was there any commission?

MR GREGORY JOHN LAWRENCE: Oh there would be commission. Obviously instead of us paying the 1.5 or 1.8 percent to the banks that would be a start, but I was not, I was not included in the negotiations with Bosasa on what percentage would be paid for us taking the cash to them. I had.

ADV PAUL PRETORIUS SC: It is important that the questions that I ask are clear.

MR GREGORY JOHN LAWRENCE: Okay.

ADV PAUL PRETORIUS SC: And that the answer is equally accurate and clear.

20 **MR GREGORY JOHN LAWRENCE:** Sure.

ADV PAUL PRETORIUS SC: Do you know whether any commission was payable for the transaction of handing cash to Bosasa?

MR GREGORY JOHN LAWRENCE: Yes, there was but what amount I am not sure.

ADV PAUL PRETORIUS SC: Okay. What was the relationship between you say in your statement Gregg, but I presume you mean his business and Bosasa at the time?

Did they have a business relation?

MR GREGORY JOHN LAWRENCE: As far.

ADV PAUL PRETORIUS SC: Other than this cash?

MR GREGORY JOHN LAWRENCE: Yes, as far as I know yes they, Gregg Lacon-Allan's company Equal Trade 4 was a supplier of foodstuff to Bosasa.

ADV PAUL PRETORIUS SC: Right and you know for what purposes these foodstuffs were provided?

MR GREGORY JOHN LAWRENCE: I would say knowing the industry that I come for and working for, for Gregg it would be food products that were delivered to either, well
10 the contracts that Bosasa had which was negotiated with Gregg being prisons, being mining the mining industry.

ADV PAUL PRETORIUS SC: Right. You do say in your statement as you have just told the Chair that Bosasa had apparently agreed to pay you a percentage of the total amount of cash delivered as a commission which was negotiated with Gregg, but you were unaware of the percentage and you were not part of those discussions or arrangements?

MR GREGORY JOHN LAWRENCE: That is correct.

ADV PAUL PRETORIUS SC: Were you given any detail in regard to the delivery? For example the person to whom delivery was to be made?

20 **MR GREGORY JOHN LAWRENCE:** Yes, I may; I was told there was a person who once I had enough cash to take through I had to contact the person which I have, unfortunately I have forgotten what his name is, but I would contact this person and let him know that I have sufficient funds and then I would make arrangements with him to meet him at a certain time at Bosasa's Head Office.

ADV PAUL PRETORIUS SC: Right. This person to whom you were told to make the

deliveries does his image appear on a video which we are about to show the Chair?

MR GREGORY JOHN LAWRENCE: Yes.

ADV PAUL PRETORIUS SC: In paragraph 12 if you would look at it please, you describe to the Commission how the scheme worked and how your instructions to deliver cash to the Bosasa Head Office in Krugersdorp.

MR GREGORY JOHN LAWRENCE: Ja.

ADV PAUL PRETORIUS SC: Was carried out. Would you tell the Chair please of that information?

MR GREGORY JOHN LAWRENCE: I hope I am correct. Chair I would notify either
10 Gregg Lacon-Allan or notify the person who I was dealing with at Bosasa who I paid a certain amount and it normally was pretty much a large amount of money, because that is what the business detailed. I would notify them that I have the cash available and I would make arrangements for what time and where I would meet him. Sometimes it would be at Bosasa. On a few occasions it was outside Bosasa, because it was over a weekend or something like that and I would make the arrangements and I would either, the way I would receive the money from my clients would be the way that I would deliver the money to the person who I was dealing with at Bosasa and every time I had enough money I would make contact.

CHAIRPERSON: How, how; what amounts are we talking about more or less?

20 **MR GREGORY JOHN LAWRENCE:** Like I said, like I said earlier is it would vary and it is such a long time ago. I cannot exactly.

CHAIRPERSON: Yes.

MR GREGORY JOHN LAWRENCE: Remember how, how much, but.

CHAIRPERSON: Yes.

MR GREGORY JOHN LAWRENCE: You know for me I did not really want to sit with a

lot of money.

CHAIRPERSON: Hm.

MR GREGORY JOHN LAWRENCE: In cash with myself. So as soon as I pretty much got to a figure of anywhere I would say maybe R500 000 I would contact him and make arrangements for me to meet him and take the money across to him.

CHAIRPERSON: So would you be able to say maybe that although it is a long time ago you know that it would never have been less than R100 000?

MR GREGORY JOHN LAWRENCE: Yes.

CHAIRPERSON: At any particular time?

10 **MR GREGORY JOHN LAWRENCE:** Yes.

CHAIRPERSON: Are you able to give a much closer estimate of what the lowest amount may have been or.

MR GREGORY JOHN LAWRENCE: I would.

CHAIRPERSON: Could have been?

MR GREGORY JOHN LAWRENCE: Most, most probably say maybe 200 000.

CHAIRPERSON: Okay, okay, but normally it would be above that?

MR GREGORY JOHN LAWRENCE: Yes, normally.

CHAIRPERSON: And what is the highest amount you can remember that you might have had at any one stage?

20 **MR GREGORY JOHN LAWRENCE:** I, I might have if I remember correctly maybe 800 or a million Rand.

CHAIRPERSON: Yes, okay. Thank you.

ADV PAUL PRETORIUS SC: Are you able to estimate in total how much money over the period of time you were involved in this arrangement you would have delivered to Bosasa?

MR GREGORY JOHN LAWRENCE: I wish I could but I, I really cannot. I have.

ADV PAUL PRETORIUS SC: Right. Going back to the physical arrangements involved in your execution of this arrangement Mr Lawrence when you received money what did you do with the money and how did you deliver it and how was the money packed?

MR GREGORY JOHN LAWRENCE: I would wait until I obviously had a sufficient amount of money gathered by my clients and I would then make contact and the money would come either in boxes or plastic bags depending which client it was and how I received it from them and pretty much exactly the way I received it from my clients I
10 would take through to Bosasa but like I said it would be, I would pretty much have a large amount before I [intervenes].

ADV PAUL PRETORIUS SC: How was a record kept of these deliveries and their amounts in particular?

MR GREGORY JOHN LAWRENCE: There was no record kept by me. I am quite sure that the record was kept Gregg Lacon-Allan and Bosasa. I would never know. There would, at times there would be a little bit of money short that I delivered but it would a few hundred Rands that was short.

ADV PAUL PRETORIUS SC: At the time the money was received by you and then in particular at the time you delivered it did you see any documentation such as orders
20 invoices?

MR GREGORY JOHN LAWRENCE: Eventually after a while, after it actually came to an end. I got documentation which I can only say that was sent to me by error.

ADV PAUL PRETORIUS SC: Right. We will come to that.

MR GREGORY JOHN LAWRENCE: Okay.

ADV PAUL PRETORIUS SC: In a moment and you have annexed the documentation

that you.

MR GREGORY JOHN LAWRENCE: Ja.

ADV PAUL PRETORIUS SC: Received, but up until then did you see any; was there any documentation.

MR GREGORY JOHN LAWRENCE: No.

ADV PAUL PRETORIUS SC: That accompanied these deliveries?

MR GREGORY JOHN LAWRENCE: No.

ADV PAUL PRETORIUS SC: Right. For how long did this practice last?

MR GREGORY JOHN LAWRENCE: I really cannot remember how long it lasted for.

10 **ADV PAUL PRETORIUS SC:** Was it weeks, months, years?

MR GREGORY JOHN LAWRENCE: I would say months it carried on for. I really cannot remember for how long it, it carried on for.

ADV PAUL PRETORIUS SC: Were there difficulties experienced in execution of the arrangement and its outcome for Mr Lacon-Allan's company?

MR GREGORY JOHN LAWRENCE: Sorry, I am.

ADV PAUL PRETORIUS SC: Well, did Mr Lacon-Allan start telling you that the arrangement and its fruits for his company were changing?

MR GREGORY JOHN LAWRENCE: Yes, there was. He said to me that Bosasa eventually said that they did not need any more cash and that this cash arrangement
20 that deal that we had on the table with them was coming to an end.

ADV PAUL PRETORIUS SC: Right. Was it a profitable arrangement for your company?

MR GREGORY JOHN LAWRENCE: Well just.

ADV PAUL PRETORIUS SC: The company for whom you worked?

MR GREGORY JOHN LAWRENCE: Just by saving the 1.5 percent instead of

delivering the money to the bank, as I said earlier it was, it was quite a large amount of money that we paid to the banks for delivering cash to the banks. So just on that alone was a saving to me.

ADV PAUL PRETORIUS SC: Yes, but in addition you have told the Chair that you received a commission.

MR GREGORY JOHN LAWRENCE: Yes through, it would be through Bosasa.

ADV PAUL PRETORIUS SC: Yes.

MR GREGORY JOHN LAWRENCE: That we would receive. What the amount was or what the, the negotiated amount was I, I do not know. I was not part and parcel of it.

10 **ADV PAUL PRETORIUS SC:** Did you ask yourself any questions about what you were doing?

CHAIRPERSON:

MR GREGORY JOHN LAWRENCE: Ja, I did because like I said you asked me a question earlier my feelings towards Angelo and I just know that the amount of money that was delivered to them they are not a bank. There must have been something or some underhanded business that was going on.

ADV PAUL PRETORIUS SC: Did you know anything at the time or were you?

MR GREGORY JOHN LAWRENCE: I had suspicions.

ADV PAUL PRETORIUS SC: What were your suspicions?

20 **MR GREGORY JOHN LAWRENCE:** That they were using it for something that was unhanded. No one would want that amount of money on a regular basis the amount that I was giving. No one would want to just use it for their personal use. So, and the rumour about Bosasa in the industry was that they bribed.

ADV PAUL PRETORIUS SC: And despite this knowledge you continued with this practice?

MR GREGORY JOHN LAWRENCE: Ja.

ADV PAUL PRETORIUS SC: And this arrangement?

MR GREGORY JOHN LAWRENCE: Yes.

ADV PAUL PRETORIUS SC: So it will become apparent from the evidence that you are about to lead now that at a stage you started to record, video record the delivery of cash to Bosasa?

MR GREGORY JOHN LAWRENCE: Yes.

ADV PAUL PRETORIUS SC: Why did you do that?

MR GREGORY JOHN LAWRENCE: I just, if you ask me why did I not do it right from
10 the beginning or right until the end. I cannot remember when I filmed. I just did it because I thought that there was going, this was wrong number one what I was doing and I just did it to maybe protect myself or if there was anything, if there was going to be an outcome out of it, something. I, for what reason specifically I do not know [intervenes].

ADV PAUL PRETORIUS SC: Right. Perhaps the reason is less relevant than the fact that you actually did record?

MR GREGORY JOHN LAWRENCE: Yes.

ADV PAUL PRETORIUS SC: These visits or some of these visits to the Bosasa Head Office and the delivery of cash there.

20 **MR GREGORY JOHN LAWRENCE:** Ja.

ADV PAUL PRETORIUS SC: How did you record these incidents?

MR GREGORY JOHN LAWRENCE: I recorded them on my phone.

ADV PAUL PRETORIUS SC: Right. Chair once again that term crops up, metadata. There will be evidence in relation to both the location and the dates on which these films were recorded, but for the present we are going to ask our technician to play the

video records. Before we do so however from the recordings you know that a number of still shots were taken?

MR GREGORY JOHN LAWRENCE: Yes.

ADV PAUL PRETORIUS SC: These are not individual photographs, but still shots taken from video recording?

MR GREGORY JOHN LAWRENCE: Yes.

ADV PAUL PRETORIUS SC: Would you look at Annexure A please?

MR GREGORY JOHN LAWRENCE: [Intervenes].

ADV PAUL PRETORIUS SC: On page 10 of your affidavit.

10 **MR GREGORY JOHN LAWRENCE:** Ja.

ADV PAUL PRETORIUS SC: What is this document?

MR GREGORY JOHN LAWRENCE: Those are photos that I took of the cash that was delivered to Bosasa.

ADV PAUL PRETORIUS SC: The counter notes.

MR GREGORY JOHN LAWRENCE: Ja.

ADV PAUL PRETORIUS SC: On top of at least three of those bundles.

MR GREGORY JOHN LAWRENCE: Ja.

ADV PAUL PRETORIUS SC: It is apparent if you look carefully that counter notes were on top of all the bundles. What were those?

20 **MR GREGORY JOHN LAWRENCE:** I will suppose that is well that is the way I received them from my clients and obviously got marked to say how much and where the money had come from.

ADV PAUL PRETORIUS SC: And if you look at Annexure B.

MR GREGORY JOHN LAWRENCE: Ja.

ADV PAUL PRETORIUS SC: On page 11 is that a close up of one of those counter

notes?

MR GREGORY JOHN LAWRENCE: Yes.

ADV PAUL PRETORIUS SC: And one will see a date there 5 March but the, the year is obscured?

MR GREGORY JOHN LAWRENCE: Ja.

ADV PAUL PRETORIUS SC: Do you know more or less the year in which this incident occurred?

MR GREGORY JOHN LAWRENCE: I think it was [intervenes].

ADV PAUL PRETORIUS SC: Or this photograph was taken rather?

10 **MR GREGORY JOHN LAWRENCE:** I think it was 2013.

ADV PAUL PRETORIUS SC: Right and then on page 12, Annexure C, what is that?

MR GREGORY JOHN LAWRENCE: That is one of the boxes that I would receive the cash in, closed.

ADV PAUL PRETORIUS SC: Right and is the box here being opened?

MR GREGORY JOHN LAWRENCE: Yes.

ADV PAUL PRETORIUS SC: Annexure D on page 13?

MR GREGORY JOHN LAWRENCE: That is the box being opened.

CHAIRPERSON: Is it the same box we saw in Annexure C?

MR GREGORY JOHN LAWRENCE: I think so Chair.

20 **CHAIRPERSON:** Or is it a different one?

MR GREGORY JOHN LAWRENCE: I think so Chair.

CHAIRPERSON: It is the same?

MR GREGORY JOHN LAWRENCE: I think so, yes.

CHAIRPERSON: Okay.

ADV PAUL PRETORIUS SC: If you look carefully at the side of the box you will see

yellow tape, blue tape.

MR GREGORY JOHN LAWRENCE: Ja.

ADV PAUL PRETORIUS SC: And a cross. Those are the same on pages 12 and 13.

MR GREGORY JOHN LAWRENCE: 13, yes.

ADV PAUL PRETORIUS SC: It appears to be the same box.

MR GREGORY JOHN LAWRENCE: Ja.

ADV PAUL PRETORIUS SC: Who is the person opening the box?

MR GREGORY JOHN LAWRENCE: It is the person who came with me in the vehicle, Jason.

10 **ADV PAUL PRETORIUS SC:** Right and why did you have a person with you in the vehicle?

MR GREGORY JOHN LAWRENCE: Well number one is driving around with so much cash in my car pretty much for protection.

ADV PAUL PRETORIUS SC: Right and then on page 14 once again is this the same box. Can you recall?

MR GREGORY JOHN LAWRENCE: Yes, I think it is.

ADV PAUL PRETORIUS SC: Right and what do you see in the box?

MR GREGORY JOHN LAWRENCE: R100 notes.

ADV PAUL PRETORIUS SC: That is Annexure E?

20 **MR GREGORY JOHN LAWRENCE:** Ja.

ADV PAUL PRETORIUS SC: On page 14 of the bundle?

MR GREGORY JOHN LAWRENCE: Ja.

ADV PAUL PRETORIUS SC: And a similar photograph or still shot of the video appears on page 15 as Annexure F?

MR GREGORY JOHN LAWRENCE: Yes.

ADV PAUL PRETORIUS SC: We need not go to Annexure G. That seems simply to be another shot of the same box on page 16. Page 17 what do we see on this page, Annexure H?

MR GREGORY JOHN LAWRENCE: More R100 notes in bundles.

ADV PAUL PRETORIUS SC: In a box?

MR GREGORY JOHN LAWRENCE: In a box, ja.

ADV PAUL PRETORIUS SC: And the same is visible on page 18, Annexure J and page 19, Annexure K?

MR GREGORY JOHN LAWRENCE: Ja.

10 **ADV PAUL PRETORIUS SC:** Where one sees two boxes of cash?

MR GREGORY JOHN LAWRENCE: Ja.

ADV PAUL PRETORIUS SC: On page 20, Annexure L, what does that show?

MR GREGORY JOHN LAWRENCE: That is more cash received but just in a plastic bag.

ADV PAUL PRETORIUS SC: And Annexure M?

MR GREGORY JOHN LAWRENCE: Same thing.

ADV PAUL PRETORIUS SC: Page 21, Annexure M you say that those are plastic bags containing cash. Can you recall that?

MR GREGORY JOHN LAWRENCE: Yes.

20 **ADV PAUL PRETORIUS SC:** And then on page 22, Annexure N, appears to be bundles of what appear to be R200 notes?

MR GREGORY JOHN LAWRENCE: Yip.

ADV PAUL PRETORIUS SC: Are these still pictures part of the videos that we are going to show?

MR GREGORY JOHN LAWRENCE: Ja, it will be yes.

ADV PAUL PRETORIUS SC: And apart from the pictures do you have an independent recollection of these images?

GREGORY JOHN LAWRENCE: Ja.

ADV PAUL PRETORIUS SC: Are we ready to show? Alright Exhibit U21 on page 5 of your affidavit is referred to in paragraph 17.14 for the record now Chair this will be Exhibit T9.1.

CHAIRPERSON: You said I must first go to paragraph 17?

ADV PAUL PRETORIUS SC: 17.14 please. The Exhibit that is now to be shown will not be U2.1 it will be T9.1. Page 5 of the affidavit Chair.

10 **CHAIRPERSON:** Oh, oh paragraph 17.14?

ADV PAUL PRETORIUS SC: Yes Chair.

CHAIRPERSON: Okay so what did you say about the exhibit?

ADV PAUL PRETORIUS SC: It is marked here as Exhibit U21 we have under your direction Chair.

CHAIRPERSON: Oh okay.

ADV PAUL PRETORIUS SC: Changed bundle U to bundle T9.

CHAIRPERSON: Oh okay that is now – oh so this will be now be T9?

ADV PAUL PRETORIUS SC: T9.1, T9.1.

CHAIRPERSON: T9.1 and then the rest will follow?

20 **ADV PAUL PRETORIUS SC:** The rest will follow Chair.

CHAIRPERSON: Okay thank you.

ADV PAUL PRETORIUS SC: And then I do not have to...

CHAIRPERSON: Yes.

ADV PAUL PRETORIUS SC: Mention each one.

CHAIRPERSON: Yes.

ADV PAUL PRETORIUS SC: I will try and do it anyway. It is not a long video clip. What I suggest we do is play the whole video clip if there is any point at which there is evidence of the presence of a Bosasa employee and a container being handed over you can ask our technician to stop the video at that stage but we will be going to still images in any event.

GREGORY JOHN LAWRENCE: Okay.

ADV PAUL PRETORIUS SC: Arising out of this particular video. So may we play the video from beginning to end? I must forewarn Chair it is not as clear as other videos but there are certain scenes or images on the video that corroborate the witness' evidence.

10

CHAIRPERSON: Thank you.

ADV PAUL PRETORIUS SC: So without any comment can we play this?

[Viewing video footage]. Stop there. That image please tell the Chair about that please?

GREGORY JOHN LAWRENCE: That is an image once we received our bag back that we put money into – we had received it back and we were about to leave. So the money had been given...

ADV PAUL PRETORIUS SC: Who is the person on the left hand side carrying the bag or container?

20 **GREGORY JOHN LAWRENCE:** That is the person that came with me pretty much for protection carrying so much cash.

ADV PAUL PRETORIUS SC: Your security person?

GREGORY JOHN LAWRENCE: Ja well ja.

ADV PAUL PRETORIUS SC: The person on the right?

GREGORY JOHN LAWRENCE: Is the person that I – we used to give the cash to.

ADV PAUL PRETORIUS SC: So on this occasion on more than one occasion?

GREGORY JOHN LAWRENCE: No on more than one occasion.

ADV PAUL PRETORIUS SC: Right do you recall this particular delivery?

GREGORY JOHN LAWRENCE: Yes I do it was a Saturday.

ADV PAUL PRETORIUS SC: What stands out for you? When did it occur and what stand out for you?

GREGORY JOHN LAWRENCE: I know it was a Saturday morning because he – the person that we were giving the cash had just been for a cycle and I remember the Saturday morning.

10 **ADV PAUL PRETORIUS SC:** Right. And that car on the right we will see a clearer image of it in due course, whose car is that?

GREGORY JOHN LAWRENCE: I think it is his. He got into it.

ADV PAUL PRETORIUS SC: Right.

CHAIRPERSON: So what – what would be the process? Would you have all the time a bag in which you put the money which you would use to deliver the money and you would take the bag back or is the – was the position that sometimes that is what you would do but sometimes you would deliver the money in bags – in boxes or bags that you did not need to take back?

GREGORY JOHN LAWRENCE: Chair on this specific occasion this was from one of
20 the clients that I used to get money from and this is the way this specific client would give me the money. He would give it to me in that bag there on other occasions it be would plastic bags and other bags it would be boxes.

CHAIRPERSON: Yes, yes. And when you had delivered the money you would need to bring the bag back?

GREGORY JOHN LAWRENCE: Ja.

CHAIRPERSON: Yes but would you pass it on to the client or not really?

GREGORY JOHN LAWRENCE: I would take the bag back so that I could give it to my client so that he could fill it up again and give it back to me then it was – pretty much that is the way it would work with this specific client and that specific bag.

CHAIRPERSON: Okay, okay but did you say that there were also deliveries which were not – where the money was not put in bags that you had to take back? Maybe the money was in boxes?

GREGORY JOHN LAWRENCE: No it was in boxes and in bags but...

CHAIRPERSON: Yes.

10 **GREGORY JOHN LAWRENCE**: I would just take it like that and I would hand it over to the gentleman at Bosasa.

CHAIRPERSON: If it was in a box?

GREGORY JOHN LAWRENCE: Yes, yes, yes.

CHAIRPERSON: Yes you would not – did not have to take that back?

GREGORY JOHN LAWRENCE: Exactly the way – exactly the way I got it is how I would hand it over.

CHAIRPERSON: Yes. Yes, okay alright. Thank you.

ADV PAUL PRETORIUS SC: Where is this incident occurring?

GREGORY JOHN LAWRENCE: At Bosasa head office.

20 **ADV PAUL PRETORIUS SC**: Continue please.

[Viewing video footage]. Stop. Stop there please. Who is that person?

GREGORY JOHN LAWRENCE: I cannot recall his name but it was the person that I handed over the cash to on every occasion.

ADV PAUL PRETORIUS SC: Is this the person that you would contact?

GREGORY JOHN LAWRENCE: Yes.

ADV PAUL PRETORIUS SC: In order to arrange a delivery?

GREGORY JOHN LAWRENCE: Yes.

ADV PAUL PRETORIUS SC: And the person to whom you gave cash on each occasion?

GREGORY JOHN LAWRENCE: Yes.

ADV PAUL PRETORIUS SC: And you understood did you that he was employed by whom?

GREGORY JOHN LAWRENCE: Bosasa.

ADV PAUL PRETORIUS SC: Alright.

10 **CHAIRPERSON:** So throughout the period during which you were engaged in these transactions this is the only person – is this the only person at Bosasa that you dealt with?

GREGORY JOHN LAWRENCE: Only person ever.

CHAIRPERSON: Yes okay. Thank you.

ADV PAUL PRETORIUS SC: We have asked you questions in this line before and perhaps you could try and recollect over the short adjournment but on how many occasions would you have delivered money in this fashion?

GREGORY JOHN LAWRENCE: If I could remember I would tell you but I really cannot remember that far.

20 **ADV PAUL PRETORIUS SC:** Could you estimate, is it once, twice, ten times, fifty times?

GREGORY JOHN LAWRENCE: Maybe it – ten, twenty times.

ADV PAUL PRETORIUS SC: Alright.

CHAIRPERSON: And that would be over what period if you remember?

GREGORY JOHN LAWRENCE: Ja that is the problem I cannot.

CHAIRPERSON: You cannot remember?

GREGORY JOHN LAWRENCE: I am so – I am struggling to remember it was for a period of time.

CHAIRPERSON: Yes.

GREGORY JOHN LAWRENCE: And how long it lasted for.

CHAIRPERSON: Ja.

GREGORY JOHN LAWRENCE: Chair I really cannot remember.

CHAIRPERSON: But just in terms of ball parks could it have been within one year?

GREGORY JOHN LAWRENCE: Oh yes definitely I think

10 **CHAIRPERSON**: Oh okay not over a number of years?

GREGORY JOHN LAWRENCE: No not numbers – a number of years.

CHAIRPERSON: Maybe over?

GREGORY JOHN LAWRENCE: Maybe a little I cannot...

CHAIRPERSON: A little bit into the second year or something?

GREGORY JOHN LAWRENCE: It could have but it also may be less if you know what I am saying.

CHAIRPERSON: Yes, yes okay.

GREGORY JOHN LAWRENCE: But I am not a hundred percent sure.

20 **CHAIRPERSON**: Yes. No but at least that gives some idea it is not something that happened over five years or so on?

GREGORY JOHN LAWRENCE: No, no, no definitely not.

CHAIRPERSON: Okay alright. And this might be difficult but if you are able to help you must please do so.

GREGORY JOHN LAWRENCE: Sure.

CHAIRPERSON: Do you have an estimate of about how much in total you had

delivered – how much cash you had delivered to Bosasa when you finished these transactions at the end of the – the period during which you were involved?

GREGORY JOHN LAWRENCE: As I said my transactions Chair that when I would sell a load it would be anywhere between R1.1 and R2.5 million and so I would say it was quite a few million rand that was delivered to Bosasa but the exact amount I cannot recall.

CHAIRPERSON: No thank you, thank you.

ADV PAUL PRETORIUS SC: If one goes to page 59 one sees a transcription marked Exhibit U2.2 that Exhibit number appears on page 58 in fact and that will be Exhibit
10 T9.2 Chair. So on page 58 if we could mark that T9.2 and on page 59 is a transcript of ...

CHAIRPERSON: Yes.

ADV PAUL PRETORIUS SC: And the transcript reads on page 59 on line 7 person 1 says: “At least you had a cycle this morning.” Does that coincide with your own recollection of the events of that morning?

GREGORY JOHN LAWRENCE: Yes.

ADV PAUL PRETORIUS SC: You described to the Chair that the person to whom money was handed had cycling shorts on?

GREGORY JOHN LAWRENCE: Yes.

20 **ADV PAUL PRETORIUS SC:** If one goes back to paragraph 17.16 Exhibit T9.3 deals with a number of screen shots, still images from the video, you know that from your preparatory work?

GREGORY JOHN LAWRENCE: Sorry page which?

ADV PAUL PRETORIUS SC: If you go paragraph 17.16 on page 5.

GREGORY JOHN LAWRENCE: Okay yes.

ADV PAUL PRETORIUS SC: There is reference there to Exhibit U2.3 that should now change to Exhibit T9.3. You see that?

GREGORY JOHN LAWRENCE: Ja.

ADV PAUL PRETORIUS SC: And those can you confirm that that Exhibit if everyone goes to page 60 are still shots of the video we have just seen and which we will perhaps deal with after the short adjournment Chair?

CHAIRPERSON: Okay we will have the short tea adjournment and we will resume at half past eleven.

ADV PAUL PRETORIUS SC: Thank you.

10 **CHAIRPERSON:** We adjourn.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Yes, Mr Pretorius?

ADV PAUL PRETORIUS SC: Thank you, Chair. Mr Lawrence you have told the, Chair, that a number of still images have been extracted from the video clip, you will be able to recognise them, can we go please to page 60 of EXHIBIT T9? You will see there the rear-view mirror of a vehicle and then you will see a Volkswagen with a registration number BC 27 VV GP. Do you recall this particular image?

20 **MR GREGORY JOHN LAWRENCE:** That was the vehicle that the person that I gave the money to get into. Not sure if it is his vehicle, but that is pretty much the vehicle he was driving that specific day.

ADV PAUL PRETORIUS SC: Yes. On page 61 we will insert exhibit numbers in the transcript in due course, Chair.

CHAIRPERSON: Thank you.

ADV PAUL PRETORIUS SC: But I am hesitant to do it now in case the sequencing is

incorrect.

CHAIRPERSON: Yes, okay.

ADV PAUL PRETORIUS SC: Who is that person who appears on that screenshot?

MR GREGORY JOHN LAWRENCE: That is the person who would always come with me when I delivered cash, because I was carrying so much cash. My associate.

ADV PAUL PRETORIUS SC: On page 62 you see a shot of the rear-view mirror.

MR GREGORY JOHN LAWRENCE: Yes.

ADV PAUL PRETORIUS SC: And an image, is that image in the rear-view mirror?

MR GREGORY JOHN LAWRENCE: Yes, that is an image of me with my phone.

10 **ADV PAUL PRETORIUS SC:** Right, and is that the phone you used to take the pictures or the video that you referred to in evidence?

MR GREGORY JOHN LAWRENCE: Yes, I did.

ADV PAUL PRETORIUS SC: 63 is a screenshot of the parking lot and on the right hand side you see an image of two persons. What is happening there and again from your own recollection?

MR GREGORY JOHN LAWRENCE: That is us receiving the bag back that we had given over to the Bosasa person receiving the bag back.

ADV PAUL PRETORIUS SC: Similar shot appears on page 64.

MR GREGORY JOHN LAWRENCE: Ja.

20 **ADV PAUL PRETORIUS SC:** There is a clearer shot on page 65 that seems to be the same image as the image where we stopped the video, is that correct?

MR GREGORY JOHN LAWRENCE: That is correct.

ADV PAUL PRETORIUS SC: And that is of a taller man handing over a bag to your security man?

MR GREGORY JOHN LAWRENCE: Yes, my associate, security guy.

ADV PAUL PRETORIUS SC: Page 66...[intervenes]

CHAIRPERSON: I am sorry is the taller man your contact person?

MR GREGORY JOHN LAWRENCE: At Bosasa yes.

CHAIRPERSON: At Bosasa?

MR GREGORY JOHN LAWRENCE: Yes, Chair.

CHAIRPERSON: Okay.

ADV PAUL PRETORIUS SC: Yes, and you can see the cycling shorts more clearly on page 66 and page 67. Images of the same two people.

MR GREGORY JOHN LAWRENCE: Yes.

10 **ADV PAUL PRETORIUS SC:** There is a clearer image of the person we have now referred to as your contact person in Bosasa on page 68, page 69 and page 70.

MR GREGORY JOHN LAWRENCE: That is correct.

ADV PAUL PRETORIUS SC: Then on page 71 and 72 there are further clear images?

MR GREGORY JOHN LAWRENCE: That is correct.

ADV PAUL PRETORIUS SC: On page 73 there is another clear image of the car to which reference has been made the white Volkswagen vehicle with registration number BC 27 VV GP and your Bosasa contact person dressed in cycling gear?

MR GREGORY JOHN LAWRENCE: That is correct.

20 **ADV PAUL PRETORIUS SC:** We need not then go any further. Perhaps we could go to EXHIBIT T9(2).

CHAIRPERSON: What page is that?

ADV PAUL PRETORIUS SC: Well, Chair, I was informed during the short adjournment of...[intervenes]

CHAIRPERSON: Are you back at paragraph 17?

ADV PAUL PRETORIUS SC: We are on page 5 of the statement paragraph 17.17.

CHAIRPERSON: Okay.

ADV PAUL PRETORIUS SC: Reference is made there to a second video clip. If I may I am going to refer to the old numbering, because a suggested sequence of numbering to now change it is going to be to complex and...[intervenes]

CHAIRPERSON: Okay, alright.

ADV PAUL PRETORIUS SC: Difficult, so let us just deal with what is referred to in your statement as EXHIBIT U3(1). That is a second video clip. Once again we will play it, if it is possible to stop it at any particular point we will do so, but we will also deal with the transcript of the soundtrack and certain screenshots. But perhaps before we go
10 there, if I could take you to page 59, that is the transcript of the first video.

CHAIRPERSON: Is it page 39?

ADV PAUL PRETORIUS SC: 59, Chair.

CHAIRPERSON: Oh.

ADV PAUL PRETORIUS SC: 59.

CHAIRPERSON: Thank you.

ADV PAUL PRETORIUS SC: There is a reference there to person 1, person 2 and person 3, can you say from your recollection of the conversation that took place on that occasion who is person 1?

MR GREGORY JOHN LAWRENCE: I think it would be the Bosasa person.

20 **ADV PAUL PRETORIUS SC:** Well look at line 7 where person 1 appears to have said at least you...[intervenes]

MR GREGORY JOHN LAWRENCE: Oh, no, that would be me then that would be me.

ADV PAUL PRETORIUS SC: We must try and not speak at the same time, because the record then will be confused.

MR GREGORY JOHN LAWRENCE: I apologise.

ADV PAUL PRETORIUS SC: So person 1 is who?

MR GREGORY JOHN LAWRENCE: Yes.

ADV PAUL PRETORIUS SC: Is you?

MR GREGORY JOHN LAWRENCE: Yes.

ADV PAUL PRETORIUS SC: And person 1 says two thirds down the page:

"Exactly, *ja*, 900 alright *boetie* we will see you most probably
next week again."

Person 2:

"*Ja*, we will"

10 That is in answer to a question asked by person 1 now Jay how much is in
there? Can you explain what is being talked about there please?

MR GREGORY JOHN LAWRENCE: On that specific one where it says exactly *ja* 900,
alright *boetie* that means that we will be bringing more money next week.

ADV PAUL PRETORIUS SC: Alright. And 900?

MR GREGORY JOHN LAWRENCE: I am not 100% sure what it meant.

ADV PAUL PRETORIUS SC: 900 000?

MR GREGORY JOHN LAWRENCE: It could be 900 000.

ADV PAUL PRETORIUS SC: Well that is you speaking. You say you recollect the
event?

20 **MR GREGORY JOHN LAWRENCE:** Yes, if it was 900 then I most probably was saying
R900 000.

ADV PAUL PRETORIUS SC: Alright.

CHAIRPERSON: Namely the cash that you were bringing on that day?

MR GREGORY JOHN LAWRENCE: Yes, or it would be, Chair, on the next week's
delivery would be 900 000 that would be delivered.

CHAIRPERSON: Yes, but is the question not how much is in there to lines before that and then there is indistinct and then person 1 exactly, *ja*, 900?

MR GREGORY JOHN LAWRENCE: If I – Chair, if I go to that specific one and it says we will see you most probably next week again that would most probably me saying to him that is pretty much how much I am planning on bringing to him the next week.

CHAIRPERSON: Despite the how much is in there?

MR GREGORY JOHN LAWRENCE: I am not sure.

CHAIRPERSON: My impression when I – you see, you said you are person 1?

MR GREGORY JOHN LAWRENCE: Correct.

10 **CHAIRPERSON:** Then somewhere in the middle of the page it says I do not know whether it is now Jay or *nou jy*, how much is in there? That seems to be a question.

MR GREGORY JOHN LAWRENCE: That would be, Chair, that would be the money that was delivered to him.

CHAIRPERSON: On that day?

MR GREGORY JOHN LAWRENCE: On that day then yes. That is correct.

CHAIRPERSON: Yes that is what I was trying to get, *ja*, okay, alright.

ADV PAUL PRETORIUS SC: Alright, let us go then to the second video clip for present purposes, EXHIBIT U3(1).

VIEWING VIDEO CLIP

20 **ADV PAUL PRETORIUS SC:** Alright, stop there please. What is happening here?

MR GREGORY JOHN LAWRENCE: That is me, or us opening a box where the money was in and I filmed it.

ADV PAUL PRETORIUS SC: Whose car?

MR GREGORY JOHN LAWRENCE: My car.

ADV PAUL PRETORIUS SC: And on what occasion?

MR GREGORY JOHN LAWRENCE: When you say what occasion?

ADV PAUL PRETORIUS SC: Yes, I mean there is a box of money in your car and you are filming it, when? And in relation to what operation?

MR GREGORY JOHN LAWRENCE: That was filmed in Bosasa's parking lot and it was money that was about to be handed over to the person that I was dealing with.

ADV PAUL PRETORIUS SC: And to whom are you speaking in the transcript?

MR GREGORY JOHN LAWRENCE: Jason, my colleague that was with me pretty much for protection, with driving so much money.

ADV PAUL PRETORIUS SC: So he knew you were taking these video clips or video
10 shots?

MR GREGORY JOHN LAWRENCE: Yes.

ADV PAUL PRETORIUS SC: Did the Bosasa employee know?

MR GREGORY JOHN LAWRENCE: No, not at all.

ADV PAUL PRETORIUS SC: Alright. Carry on please.

VIEWING VIDEO CLIP

ADV PAUL PRETORIUS SC: Those offices that one has just seen on the video, where is that?

MR GREGORY JOHN LAWRENCE: Bosasa.

ADV PAUL PRETORIUS SC: Carry on please.

20 **VIEWING VIDEO CLIP**

ADV PAUL PRETORIUS SC: Stop there please. Can you go back a frame please? Stop there. What is happening there?

MR GREGORY JOHN LAWRENCE: That is me filming.

ADV PAUL PRETORIUS SC: Alright, and that camera is that your Blackberry camera?

MR GREGORY JOHN LAWRENCE: That is correct.

ADV PAUL PRETORIUS SC: Or your Blackberry cell phone?

MR GREGORY JOHN LAWRENCE: Correct.

ADV PAUL PRETORIUS SC: Carry on please.

VIEWING VIDEO CLIP

ADV PAUL PRETORIUS SC: Right, do you recall that incident from your own memory?

MR GREGORY JOHN LAWRENCE: Pretty much yes.

ADV PAUL PRETORIUS SC: What happened? From your own memory.

MR GREGORY JOHN LAWRENCE: We arrived there, I had already made
10 arrangements to meet up with the person that I was dealing with at Bosasa.

ADV PAUL PRETORIUS SC: The same person?

MR GREGORY JOHN LAWRENCE: Same person, only person I ever met.

ADV PAUL PRETORIUS SC: Yes, carry on.

MR GREGORY JOHN LAWRENCE: And we were going to deliver the cash that we
were filming deliver it to that person from Bosasa and hand it over to him.

ADV PAUL PRETORIUS SC: Yes, there is no shot, however, of any person to whom
cash is being handed?

MR GREGORY JOHN LAWRENCE: There is I think in the next video clip, but not on
specifically that one.

20 **ADV PAUL PRETORIUS SC:** And is the next video clip of the same occasion? Or is it
a different occasion?

MR GREGORY JOHN LAWRENCE: It could have been a different occasion, because
the money came out of the back of the boot.

ADV PAUL PRETORIUS SC: One goes to page 75 one sees there the reference to the
video clip as EXHIBIT U3.1 and that is the video clip referred to in paragraph 17.17 of

your statement.

MR GREGORY JOHN LAWRENCE: *Ja.*

ADV PAUL PRETORIUS SC: But please go to page 77, that is the transcript according to the transcriber of that video clip. Person 1 is recorded as saying:

"Where is that box? Jay just bring it here and put it here so that I can film it."

Who says that?

MR GREGORY JOHN LAWRENCE: Myself.

ADV PAUL PRETORIUS SC: Person 2 says:

10 "Okay."

And person 1 again, you say:

"Or just open it there quickly, see if nothing is flashing if I point that at you."

What is happening there?

MR GREGORY JOHN LAWRENCE: That is me filming with my Blackberry and I was not quite sure if you were looking from the other side to the phone that there would be something be flashing so that the person that we were handing the cash to be aware that we are actually filming it.

20 **ADV PAUL PRETORIUS SC:** Alright, and then if one goes to page 79 you will see what appears to be cash, is that the cash in the box that we have just seen on the video?

MR GREGORY JOHN LAWRENCE: That is correct.

ADV PAUL PRETORIUS SC: And then page 80 is that the box?

MR GREGORY JOHN LAWRENCE: That is correct.

ADV PAUL PRETORIUS SC: That is being seen on the video?

MR GREGORY JOHN LAWRENCE: That is correct.

ADV PAUL PRETORIUS SC: There is some writing on the box, what is that writing?

MR GREGORY JOHN LAWRENCE: It is Equal Trade 4.

ADV PAUL PRETORIUS SC: And please remind the, Chair, what is that entity?

MR GREGORY JOHN LAWRENCE: That is the company that I was working for.

ADV PAUL PRETORIUS SC: And then page 81 is more video clips of money. Page 82 is a screenshot of a person, you cannot see his head, but you can see his shirt, who is that?

10 **MR GREGORY JOHN LAWRENCE:** That is the person who was with me delivering the cash.

ADV PAUL PRETORIUS SC: A clearer picture on page 83?

MR GREGORY JOHN LAWRENCE: That is correct.

ADV PAUL PRETORIUS SC: On page 88 what does that picture show?

MR GREGORY JOHN LAWRENCE: 88 is me with my Blackberry.

ADV PAUL PRETORIUS SC: Alright, and then if one goes to page 90 you will recall on the video you see a person walking past across the line of vision of the video, correct?

MR GREGORY JOHN LAWRENCE: Correct.

ADV PAUL PRETORIUS SC: Alright, do you know who that person is on page 90?

MR GREGORY JOHN LAWRENCE: No idea.

20 **ADV PAUL PRETORIUS SC:** That shirt, that blue shirt do you recognise that shirt?

MR GREGORY JOHN LAWRENCE: Not that I recognise it, but I think it was a denim shirt.

ADV PAUL PRETORIUS SC: Alright, well there has been evidence about blue shirts at the Bosasa Head Office, but it is not necessary to trouble you with that. Can we then go to the third video that is referred to in paragraph 17.20 as EXHIBIT U4(1)? Once

again can we play it through? If we need to stop we will stop and I will ask you to identify.

VIEWING VIDEO CLIP

ADV PAUL PRETORIUS SC: Just go back please to that. Stop there please. One sees in that screen shot a rear-view mirror and the elbow of a person, presumably sitting in that vehicle, correct?

MR GREGORY JOHN LAWRENCE: Correct.

ADV PAUL PRETORIUS SC: Do you have a personal recollection of this incident

MR GREGORY JOHN LAWRENCE: Yes, it was me filming Jason handing over the
10 box of money to the Bosasa.

ADV PAUL PRETORIUS SC: And you were filming by using the rear-view mirror?

MR GREGORY JOHN LAWRENCE: That is correct.

ADV PAUL PRETORIUS SC: Alright.

CHAIRPERSON: Is Jason – the name Jason for the same person that has been referred to as Jay in some of the transcripts?

MR GREGORY JOHN LAWRENCE: That is correct.

CHAIRPERSON: And that was the person you took along for protection as you say?

MR GREGORY JOHN LAWRENCE: Pretty much, he carries a weapon.

CHAIRPERSON: Ja, okay. Thank you.

20 **ADV PAUL PRETORIUS SC:** And the other person visible in the rear-view mirror?

MR GREGORY JOHN LAWRENCE: That is the Bosasa contact that I had the dealings with.

ADV PAUL PRETORIUS SC: Is that the same person as has appeared in the first video we showed?

MR GREGORY JOHN LAWRENCE: That is correct.

ADV PAUL PRETORIUS SC: Alright, he is wearing a blue shirt with rolled up sleeves and he is standing with a box. What is – what does that box contain, or what does it represent?

MR GREGORY JOHN LAWRENCE: Cash that we were delivering.

ADV PAUL PRETORIUS SC: Carry on please.

VIEWING VIDEO CLIP

ADV PAUL PRETORIUS SC: If one goes back to page 93 one would have seen on the video a conversation taking place between a certain person and the contact person in Bosasa to whom you have referred now on several occasions, correct?

10 **MR GREGORY JOHN LAWRENCE:** Correct.

ADV PAUL PRETORIUS SC: Who is the person speaking to the Bosasa person?

MR GREGORY JOHN LAWRENCE: It would be my Bosasa contact.

ADV PAUL PRETORIUS SC: No, who is speaking to the Bosasa contact?

MR GREGORY JOHN LAWRENCE: Myself.

ADV PAUL PRETORIUS SC: Alright. And it appears from the transcript and from what we heard that arrangements were being made for example you say 100% I will give you a call in the morning. What does that refer to?

MR GREGORY JOHN LAWRENCE: It refers to me collecting more cash and me going to make arrangements with him when to deliver the next load of cash.

20 **ADV PAUL PRETORIUS SC:** Alright. If one goes to page 106 one sees a still screen shot from the video. Who is the person in the blue shirt?

MR GREGORY JOHN LAWRENCE: That is the Bosasa contact.

ADV PAUL PRETORIUS SC: And the person on the right hand side in the black shirt?

MR GREGORY JOHN LAWRENCE: That is Jason that would assist me with or coming with me to Bosasa to hand over the cash.

ADV PAUL PRETORIUS SC: And what is the person in the blue shirt holding?

MR GREGORY JOHN LAWRENCE: A box of cash.

ADV PAUL PRETORIUS SC: And on page 103 in the rear-view mirror what is the scene shown there?

MR GREGORY JOHN LAWRENCE: That is the box of cash being handed over.

ADV PAUL PRETORIUS SC: By whom to whom?

MR GREGORY JOHN LAWRENCE: From Jason to the Bosasa contact.

ADV PAUL PRETORIUS SC: Alright.

CHAIRPERSON: Are you able to say that your Bosasa contact knew what this – what
10 these transactions were about?

MR GREGORY JOHN LAWRENCE: Chair, the negotiations were not between me and Bosasa, it was between the company I was working for and them so I had no idea what the arrangement was between them.

CHAIRPERSON: Yes, no, what I mean is you obviously had interactions with him over a certain period of time when you delivered cash?

MR GREGORY JOHN LAWRENCE: Yes, Chair.

CHAIRPERSON: So during those times, those occasions was there never a time when the two of you discussed what these deliveries of cash were about?

MR GREGORY JOHN LAWRENCE: No, never, Chair.

20 **CHAIRPERSON:** Okay.

ADV PAUL PRETORIUS SC: Right, we are going now to a different part of your evidence which commences at paragraph 18, you have told the, Chair, after a period you are not sure how long that period was deliveries under your control and deliveries by you stopped?

MR GREGORY JOHN LAWRENCE: That is correct.

ADV PAUL PRETORIUS SC: Do you know of any deliver that happened after you stopped making deliveries, a delivery of cash?

MR GREGORY JOHN LAWRENCE: Yes.

ADV PAUL PRETORIUS SC: Alright. You say in paragraph 18 that after the period during which you were involved in making deliveries you received an email?

MR GREGORY JOHN LAWRENCE: That is correct.

ADV PAUL PRETORIUS SC: Tell the, Chair, about the circumstances under which you received the email, from whom you received the email and the contents of the email and what that signified to you please?

10 **MR GREGORY JOHN LAWRENCE:** Chair, it was an email that I received from the person that I was delivering the cash to at Bosasa and I was quite surprised, because the cash deliveries had stopped approximately for round about a month, it had stopped.

CHAIRPERSON: Yes.

MR GREGORY JOHN LAWRENCE: I then received an email and I presume it is the – because the only contacts I ever had with anyone in Bosasa was this specific person that I was delivering the cash to.

CHAIRPERSON: Yes.

MR GREGORY JOHN LAWRENCE: That he sent an email and the email was sent to me by mistake.

20 **CHAIRPERSON:** Yes.

MR GREGORY JOHN LAWRENCE: And I received it and I did not really have the time, and I remember it correctly, I did not have the time to have a look at it, I was not really concerned about it, I honestly thought it was meant for Greg Lawrence and I had a bit of time the one day which I started going through the email and then I realised that – I felt that the cash delivery had continued, because I was – if it had stopped why

would this be sent to Greg, me and I assumed that it was done in error, not being sent to me Greg Lawrence, but being sent to Greg Lake and it should have gone to him.

I then had time to study it and I approached Greg Laken Allen about it and he had said to me that there was another delivery that happened and that is what it was about and after this delivery or after this email that I received the cash dealings had come to an end.

ADV PAUL PRETORIUS SC: Alright. Let us take that step by step if we may please Mr Lawrence.

MR GREGORY JOHN LAWRENCE: Sure.

10 **ADV PAUL PRETORIUS SC:** You had seized making deliveries?

MR GREGORY JOHN LAWRENCE: That is correct.

ADV PAUL PRETORIUS SC: After that you received what you described is an email in error from the Bosasa person with whom you had had contact?

MR GREGORY JOHN LAWRENCE: That is correct.

ADV PAUL PRETORIUS SC: You examined the content of the emails and we will come to that in a moment, correct?

MR GREGORY JOHN LAWRENCE: Correct.

ADV PAUL PRETORIUS SC: In particular the documents attached to the email?

MR GREGORY JOHN LAWRENCE: Correct.

20 **ADV PAUL PRETORIUS SC:** You confronted Mr Greg Laken Allen.

MR GREGORY JOHN LAWRENCE: Correct.

ADV PAUL PRETORIUS SC: With the documentation?

MR GREGORY JOHN LAWRENCE: That is correct.

ADV PAUL PRETORIUS SC: And Mr Laken Allen said to you that these documents related to a further cash delivery made by someone other than yourself?

MR GREGORY JOHN LAWRENCE: That is correct.

ADV PAUL PRETORIUS SC: Did you conclude then that these documents were directly related to the further cash delivery?

MR GREGORY JOHN LAWRENCE: I felt so.

ADV PAUL PRETORIUS SC: Alright, well let us look at them. On page 23 to page 55 sorry page 56 are a number of documents. Can you identify these documents in relation to the email and attachments you received?

MR GREGORY JOHN LAWRENCE: Yes, the first page, page 23 is a summary of goods that were delivered to different units that Bosasa had and there is a total and
10 thereafter on each – on the summary that there is there are pretty much, not invoices I would say purchase orders that was sent for the value of the summary on the page 23 and it is purchase orders for the total amount that is on the summary sheet.

ADV PAUL PRETORIUS SC: Yes, purchase orders for the amount of R2 240 753,87?

MR GREGORY JOHN LAWRENCE: That is correct.

ADV PAUL PRETORIUS SC: Alright, and the summary reflects the documents which follow from page 24 to page 56?

MR GREGORY JOHN LAWRENCE: That is correct.

ADV PAUL PRETORIUS SC: Let us first have a look at what these documents are. They are all dated 16 July 2013?

20 **MR GREGORY JOHN LAWRENCE:** That is correct.

ADV PAUL PRETORIUS SC: And that is apparent from the foot of each of those documents to which we have just referred. And then...[intervenes]

CHAIRPERSON: I assume you are excluding page 23?

ADV PAUL PRETORIUS SC: No, Chair, I am about to get there if I may.

CHAIRPERSON: Oh, okay.

ADV PAUL PRETORIUS SC: On page 23 in the left hand column the summary of these documents to which we have just referred has a date.

MR GREGORY JOHN LAWRENCE: That is correct.

ADV PAUL PRETORIUS SC: That date is also 16 July 2013?

MR GREGORY JOHN LAWRENCE: That is correct.

ADV PAUL PRETORIUS SC: So it appears that purchase orders to the amount of R2 240 753,87 were created or issued on 16 July 2013?

MR GREGORY JOHN LAWRENCE: Correct.

10 **ADV PAUL PRETORIUS SC:** That date 16 July 2013 appears on all the purchase orders?

GREGORY JOHN LAWRENCE: Correct.

ADV PAUL PRETORIUS SC: That date 16 July 2013 appears on all the purchase orders.

GREGORY JOHN LAWRENCE: Correct.

ADV PAUL PRETORIUS SC: It is apparent and let us go to page 24 because we are not going to go through all these purchase orders but the first purchase order is headed exactly that. It is headed: Purchase Order Bosasa Supply Chain Management Pty Ltd and it has a number?

GREGORY JOHN LAWRENCE: That is correct.

20 **ADV PAUL PRETORIUS SC:** 800740. And then there are number of items that are reflected on the purchase order. Amongst those items are Mielie Meel, Samp, Beans, Rice, Eggs Large and Sunfoil, do you see that?

GREGORY JOHN LAWRENCE: Correct.

ADV PAUL PRETORIUS SC: Now evidence has been given Chair by Mr Agrizzi in relation to how the cash operation with Equal Trade worked and the purchase orders

were referred to him in evidence. Do you know anything about how the operation then would have worked? The purchase order when in relation to a cash delivery do you understand it would have been issued?

GREGORY JOHN LAWRENCE: I – to be honest with you I am – I do not know how – how this would be or how it would get to be drawn up or I had like I said earlier I had no influence or I was not part and parcel of the negotiations.

ADV PAUL PRETORIUS SC: Alright. All you know is what you were told by Mr Gregg Lakin-Allan?

GREGORY JOHN LAWRENCE: Pretty much yes.

10 **ADV PAUL PRETORIUS SC**: That these documents had a relationship of sorts. You do not understand exactly how?

GREGORY JOHN LAWRENCE: That is correct.

ADV PAUL PRETORIUS SC: With a cash delivery?

GREGORY JOHN LAWRENCE: That is the way I took it because number 1 why was it sent to me and I was delivery cash prior to it and then I approached Gregg about it and I assumed that Gregg's explanation to me was that this was part and parcel of how they would...

ADV PAUL PRETORIUS SC: Alright we need not go further with you.

GREGORY JOHN LAWRENCE: Okay.

20 **ADV PAUL PRETORIUS SC**: Save to confirm that you when you confronted Mr Gregg Lakin-Allan with the documentation contained in the annexures to your statement he immediately related that to a cash delivery?

GREGORY JOHN LAWRENCE: That is correct.

ADV PAUL PRETORIUS SC: Right were you able to glean from the email the name of the person who sent it – the sender?

GREGORY JOHN LAWRENCE: It could have only been from the person that I was dealing with, with Bosasa he would be the only person with my email address that I ever had dealings with at Bosasa.

ADV PAUL PRETORIUS SC: And that is the person whose name you have forgotten?

GREGORY JOHN LAWRENCE: That is correct.

ADV PAUL PRETORIUS SC: Where is that covering email which would show the name of the sender?

GREGORY JOHN LAWRENCE: I cannot find it.

ADV PAUL PRETORIUS SC: Alright. The explanation for your contact with the sender
10 of the email and your later engagement with Gregg Lakin-Allan concerning the email and its attachments is dealt with in paragraphs 21 to 23 of your affidavit on page 8. Do you see that?

GREGORY JOHN LAWRENCE: Yes.

ADV PAUL PRETORIUS SC: Is there anything you wish to add over and above your explanation that you have just given to the Chair?

GREGORY JOHN LAWRENCE: No.

ADV PAUL PRETORIUS SC: Do you know whether for the period at least that you delivered cash to Bosasa whether anyone else from your company or Gregg Lakin-Allan's company ever delivered cash to Bosasa?

20 **GREGORY JOHN LAWRENCE:** Not that I am aware of.

ADV PAUL PRETORIUS SC: So you were the only person of whom you are aware that delivered money?

GREGORY JOHN LAWRENCE: That is correct.

ADV PAUL PRETORIUS SC: To Bosasa?

GREGORY JOHN LAWRENCE: That is correct.

ADV PAUL PRETORIUS SC: And you know of at least one cash delivery at least second hand that was made after you stopped delivering cash?

GREGORY JOHN LAWRENCE: That is correct.

ADV PAUL PRETORIUS SC: Anything else? How did these documents relating to the email and attachments come to be printed?

GREGORY JOHN LAWRENCE: I printed them.

ADV PAUL PRETORIUS SC: When?

GREGORY JOHN LAWRENCE: Pretty much or maybe a work after I received them and I just kept them. I printed them because I approached Gregg with them.

10 **ADV PAUL PRETORIUS SC:** Okay so you showed these same documents that appear in the annexures to your affidavit to Gregg Lakin-Allan and it was on the basis of those documents that he gave you an explanation involving a cash delivery?

GREGORY JOHN LAWRENCE: That is correct.

ADV PAUL PRETORIUS SC: Alright. In relation to your telephone and I am talking of the telephone that took the videos to which we have referred, do you still have that telephone in your possession?

GREGORY JOHN LAWRENCE: No I do not.

ADV PAUL PRETORIUS SC: But I presume that if the investigators need to conduct any further investigation regarding your evidence you would be happy to co-operate
20 with them?

GREGORY JOHN LAWRENCE: Yes.

ADV PAUL PRETORIUS SC: Thank you. Chair that is the evidence.

CHAIRPERSON: Thank you very much Mr Lawrence for coming to give your evidence. If it becomes necessary at a later stage to ask you to come back you would be contacted but thank you and you are excused.

GREGORY JOHN LAWRENCE: Thank you.

CHAIRPERSON: Thank you. Well I think we could take a five minutes adjournment before the next witness. If that is fine with – you are calling the witness from outside?

ADV PAUL PRETORIUS SC: No it is – the witness is here but it is indeed fine Chair.

CHAIRPERSON: Is here? Okay.

ADV PAUL PRETORIUS SC: Grateful for the adjournment.

CHAIRPERSON: Okay. Okay we will take a ten minutes adjournment. We will resume at twenty past. We adjourn.

ADV PAUL PRETORIUS SC: Thank you.

10 **INQUIRY ADJOURNS**

INQUIRY RESUMES

CHAIRPERSON: Yes Mr Pretorius.

ADV PAUL PRETORIUS SC: Thank you Chair. The next witness is Frank Kennan Dutton.

CHAIRPERSON: Yes will you administer the oath I think it is the oath?

REGISTRAR: Please state your full names for the record?

FRANK KENNAN DUTTON: Frank Kennan Dutton.

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

FRANK KENNAN DUTTON: No I do not.

20 **REGISTRAR:** Do you consider the oath to be binding on your conscience?

FRANK KENNAN DUTTON: I do.

REGISTRAR: Do you swear that the evidence that you give will be the truth, the whole truth and nothing but the truth, if you do please raise your right hand and say, I do.

FRANK KENNAN DUTTON: I do.

CHAIRPERSON: Yes Mr Pretorius.

ADV PAUL PRETORIUS SC: Mr Dutton you are an investigator employed by the State Capture Commission?

FRANK KENNAN DUTTON: That is correct.

ADV PAUL PRETORIUS SC: You are the lead investigator dealing with amongst other matters the Bosasa investigation?

FRANK KENNAN DUTTON: That is correct.

ADV PAUL PRETORIUS SC: You testified to an affidavit that was referred to prior to Mr Agrizzi giving evidence, do you recall that?

FRANK KENNAN DUTTON: Yes I do.

10 **ADV PAUL PRETORIUS SC:** This is a separate affidavit dealing with a particular matter which will become apparent in due course?

FRANK KENNAN DUTTON: Yes.

ADV PAUL PRETORIUS SC: If you would look at page 3 of Exhibit T7.

FRANK KENNAN DUTTON: Yes.

ADV PAUL PRETORIUS SC: Whose signature is that?

FRANK KENNAN DUTTON: That is my signature.

ADV PAUL PRETORIUS SC: And the affidavit at pages 1 to 3 is that your affidavit?

FRANK KENNAN DUTTON: That is correct.

ADV PAUL PRETORIUS SC: Are the contents true and correct?

20 **FRANK KENNAN DUTTON:** They are.

ADV PAUL PRETORIUS SC: Right. The topic with which you are concerned in this affidavit is the incident to which Mr Agrizzi testified that took place in the Sheraton Hotel in Pretoria?

FRANK KENNAN DUTTON: That is correct.

ADV PAUL PRETORIUS SC: And we know that evidence was given by Mr Agrizzi of a

meeting on the 6th and I think he might have said 6th or 7th floor of that hotel where he took certain photographs of documents?

FRANK KENNAN DUTTON: That is correct.

ADV PAUL PRETORIUS SC: You have conducted an investigation in relation to the evidence of Mr Agrizzi in that respect?

FRANK KENNAN DUTTON: Yes I have.

ADV PAUL PRETORIUS SC: Before you deal with your investigation what information was given to you by Mr Agrizzi in your dealings with him prior to him giving evidence and you deal with that in paragraphs 3 and 4 of your statement?

10 **FRANK KENNAN DUTTON:** Yes I met Mr Agrizzi at his home on the 18 December 2018 at about two o'clock in the afternoon and during this visit he displayed on his laptop screen a series of photographs of documents which he said he had taken at the Sheraton Hotel. The photographs appeared to be confidential SAPS ACTT documents?

ADV PAUL PRETORIUS SC: What do those letters stand for?

FRANK KENNAN DUTTON: The Anti-Corruption Task Team.

ADV PAUL PRETORIUS SC: Right.

FRANK KENNAN DUTTON: And they related to the progress of the police criminal investigation into corruption allegations against Bosasa. Agrizzi explained to me that Dudu Myeni had shown him a file of these documents at the Sheraton Hotel and that he
20 had managed to photograph some of the documents using his iPhone. Mr Agrizzi further described the layout of the 6th floor of the Sheraton Hotel and where he alleged the meeting between himself and Dudu Myeni and Mr Gavin Watson had occurred. And that that was the place where he had taken the photographs of the documents. He described this area as a restricted lounge and dining area where access was controlled. He said that he had met with Myeni in an alcove to the left of the lifts as you exit the

lifts.

ADV PAUL PRETORIUS SC: Did Mr Agrizzi tell you when these photographs were taken?

FRANK KENNAN DUTTON: I asked him to look at the data on his computer and he gave me the date of the 23 September 2015.

ADV PAUL PRETORIUS SC: Alright did he hand over to you copies of these photographs?

FRANK KENNAN DUTTON: He copied these photographs onto a memory stick and handed them over not to me but to Johan Hershling who is – was a member of the
10 Digital Forensic Team of the Commission.

ADV PAUL PRETORIUS SC: Alright did you examine the photographs after they had been printed?

FRANK KENNAN DUTTON: After the photographs had been printed I examined them and I noted that on the edge of some of the photographs there was a pattern and it looked to me as if it was a pattern of a carpet and that made sense to me because it would seem to me that Mr Agrizzi may have put the document onto the carpet and then photographed it.

ADV PAUL PRETORIUS SC: Alright let us look at the annexures to your affidavit. Page 4 of Exhibit T7 is a photograph of a document.

20 **FRANK KENNAN DUTTON:** Yes that is correct.

ADV PAUL PRETORIUS SC: What did – what were you told about this document? It is headed ACTT Monthly Progress and Audit Report. It has been referred to in evidence already.

FRANK KENNAN DUTTON: Yes.

ADV PAUL PRETORIUS SC: But just to place this document in it context please.

FRANK KENNAN DUTTON: Well it appears that this – the documents and the series of photographs dealt with the ACTT monthly progress and audit report that was put in by the police.

ADV PAUL PRETORIUS SC: And the subject matter of these monthly reports was the?

FRANK KENNAN DUTTON: Was the Bosasa investigation.

ADV PAUL PRETORIUS SC: The Bosasa investigation. Would you look at page 6 please. Sorry.

FRANK KENNAN DUTTON: Yes.

10 **ADV PAUL PRETORIUS SC:** Just above the document photographed here, what is visible?

FRANK KENNAN DUTTON: Above the photograph well that is where you can see what appears to be a carpet, the patterned – a patterned carpet.

ADV PAUL PRETORIUS SC: And would you go to page 9.

FRANK KENNAN DUTTON: Page 9 yes.

ADV PAUL PRETORIUS SC: What do you see there above the photograph?

FRANK KENNAN DUTTON: I am sorry am I on the right page? The 9 at the bottom of the document.

20 **ADV PAUL PRETORIUS SC:** Sorry not above the photograph above the document in the photograph, page 9?

CHAIRPERSON: I think the 9 is at the top right corner.

ADV PAUL PRETORIUS SC: Top right hand corner.

FRANK KENNAN DUTTON: No I see the same pattern.

ADV PAUL PRETORIUS SC: The carpet pattern?

FRANK KENNAN DUTTON: The carpet pattern.

ADV PAUL PRETORIUS SC: And there is a clearer picture – well there is another image on page 14 of Exhibit T7. A photograph but at the top of the photograph above the document being photographed.

FRANK KENNAN DUTTON: Yes and there is the same pattern of apparently a carpet.

ADV PAUL PRETORIUS SC: And then on page 18 what do you see again above the document being photographed? In the photograph though.

FRANK KENNAN DUTTON: That is correct and above the document and also going down slightly on the right hand side the same carpet or the same pattern.

ADV PAUL PRETORIUS SC: Right having seen these photographs what did you then
10 do?

FRANK KENNAN DUTTON: I decided to visit the Sheraton Hotel and to see whether I was able to match the photo – the pattern that appears in these photographs with the carpet on the 6th floor.

ADV PAUL PRETORIUS SC: Right. Did you visit the Sheraton Hotel then?

FRANK KENNAN DUTTON: I visited the Sheraton Hotel on the 21 December 2018.

ADV PAUL PRETORIUS SC: We should just insert the year there, 2018 in paragraph
9 Chair.

FRANK KENNAN DUTTON: That is correct.

ADV PAUL PRETORIUS SC: On page 2 of your affidavit. Please tell the Chair what
20 you saw?

FRANK KENNAN DUTTON: I was accompanied by a security person from the hotel and we went up to the 6th floor and I noted that the 6th floor is restricted that you need to put a card – your room card into the reader in the lift to allow the lift to stop on the 6th floor. On exiting the lift I saw that in front of me there was a dining and refreshment area and the lounge in front of the lift. So unlike the lower floors where when you exit

the lift the – there is not a full floor but just a passageway and you can then look down into the foyer of the hotel. On the 6th floor that is not the case. It is a dining area. I then turned left from the lifts as Mr Agrizzi had explained and I found that between the lifts on the far wall there was an alcove where there was a lounge suite where people could sit and meet. I then observed the carpet and I compared it to the photographs that we have just looked at now and I found that they matched.

ADV PAUL PRETORIUS SC: Right before we got to the photographs and understand what the photographs depict your own observations what conclusion did they allow you to draw?

10 **FRANK KENNAN DUTTON:** Well that the photographs were taken on that floor as described by Mr Agrizzi.

ADV PAUL PRETORIUS SC: Right did you take a photograph of the carpet?

FRANK KENNAN DUTTON: Yes I did I took a photograph to demonstrate.

ADV PAUL PRETORIUS SC: Is that the photograph that appears on page 20 of the annexures to your statement T7?

FRANK KENNAN DUTTON: Yes that is correct.

ADV PAUL PRETORIUS SC: Right just an initial observation the photographs of the documents which show portions of the carpet seem different at least in colour from the photograph on page 20. Do you have any comment to make in that regard?

20 **FRANK KENNAN DUTTON:** Well in fact the colours are not different. I think that this colour has come up lighter because I used a flash.

ADV PAUL PRETORIUS SC: Right.

CHAIRPERSON: So you said you drew the conclusion after comparing what appears like the carpet on the pictures that Mr Agrizzi took and the carpet that you found on the 6th floor at Sheraton Hotel you said you drew the conclusion that that must be the same

carpet that where Mr Agrizzi took the pictures?

FRANK KENNAN DUTTON: Yes that is correct.

CHAIRPERSON: And you would say that if they have not changed that carpet anyone who would go there and compare would be bound to reach the same conclusion?

FRANK KENNAN DUTTON: Yes that is correct.

CHAIRPERSON: Thank you.

ADV PAUL PRETORIUS SC: You further investigations are dealt with on page 3 of your statement. Chair for the moment we are leading this evidence in the form that it is being led but to the extent necessary either the original affidavits to which the witness
10 now refers will be handed over if required by law enforcement agencies as evidence for their use or we will deal with it directly in due course in this forum.

CHAIRPERSON: Okay, okay.

ADV PAUL PRETORIUS SC: But this is evidence in a summary form.

CHAIRPERSON: Yes.

ADV PAUL PRETORIUS SC: If you go to page 13 you say that – page 3 paragraph 13 you say there that the commission issued a request for information to the manager of the Sheraton Hotel, correct?

FRANK KENNAN DUTTON: Yes that is correct and a member of my – of the investigation team visited the hotel and interviewed the general manager.

20 **ADV PAUL PRETORIUS SC**: And in summary what were you told and what was recorded in the affidavit and we will go to the affidavit in a moment?

FRANK KENNAN DUTTON: I was told that on the 23 September and in fact the previous night the 22nd the 23rd Dudu Myeni had been a guest of the Sheraton Hotel and she had been accommodated in room 616.

ADV PAUL PRETORIUS SC: Right if you would go to page 21 of Exhibit T7. You will

see there what appears to be a handwritten affidavit of one Pascal Fouquet – F-o-u-q-u-e-t?

FRANK KENNAN DUTTON: That is correct.

ADV PAUL PRETORIUS SC: And it is apparent from page 25 that this handwritten document was in fact an affidavit or is in fact an affidavit?

FRANK KENNAN DUTTON: Yes that is correct.

ADV PAUL PRETORIUS SC: If you go to and if necessary the person may be called Chair.

10 **CHAIRPERSON**: Yes. It is an affidavit of the person to whom you have just referred namely Pascal – did you say Fouquet?

ADV PAUL PRETORIUS SC: Fouquet.

CHAIRPERSON: Yes. Thank you.

ADV PAUL PRETORIUS SC: If you go to page 22 paragraph 5 of that very affidavit it reads: “I can confirm that once again through hotel records she booked in on 22 September 2015 and what we can see from the invoice that these were no more – that there were no more transactions after the 24 September 2015. We can therefore deduce that she booked out on that date. The account however was only settled on 5 October 2018. Find the invoice attached hereto as Annexure PF 3” and we will come to that in a moment.

20 **FRANK KENNAN DUTTON**: That is correct.

ADV PAUL PRETORIUS SC: The affidavit continues “when scrutinising and interrogating the invoice I can see that she booked the Mopani boardroom on the 7th floor of the hotel although it is dated 24 September 2015 she could have used it on one of the days before this while she was staying there.” There was some confusion in the mind of Mr Agrizzi as to whether this meeting took place...

CHAIRPERSON: Is that while he was – she was staying here?

ADV PAUL PRETORIUS SC: While she was staying here yes I am sorry Chair. As to whether it was the 6th or the 7th floor where the meeting took place. Can you comment?

FRANK KENNAN DUTTON: I did not do any investigation on the 7th floor but Mr Agrizzi told me emphatically that it was the 6th floor.

ADV PAUL PRETORIUS SC: Alright.

CHAIRPERSON: I think at the hearing he also said 6th floor.

ADV PAUL PRETORIUS SC: Yes he did mention 7 at one stage but...

CHAIRPERSON: Oh okay.

10 **ADV PAUL PRETORIUS SC**: You were told the 6th floor?

FRANK KENNAN DUTTON: When I interviewed Mr Agrizzi he told me the 6th floor.

ADV PAUL PRETORIUS SC: The 6th and 7th floor are they similar in any respect?

FRANK KENNAN DUTTON: I cannot comment about the 7th floor but they are both in a – in the restricted area of the hotel. I think that the manager makes it quite clear that she did – she was accommodated in room 616 and the boardroom that he refers to is probably on the 7th floor.

CHAIRPERSON: Okay. Thank you.

ADV PAUL PRETORIUS SC: Then on page 24 once again the same affidavit at paragraph 15 the deponent says: "I attach a customer registration card copy as per
20 Annexure PF7 it must be noted that there is a handwritten entry on top of this card stating "account or ACC Jacob Zuma Foundation" which presumably a contact person of Nicole, N-i-c-o-l-e. The account for Ms Myeni's stay was paid from an FNB account of Nicola Stone. It appears that Ms Myeni's signature.

CHAIRPERSON: I think it is Nicole – is it not Nicole Stone. Nicola.

ADV PAUL PRETORIUS SC: Nicola Stone

CHAIRPERSON: Nicola Stone.

ADV PAUL PRETORIUS SC: Yes Chair.

CHAIRPERSON: Or is it Nicole.

ADV PAUL PRETORIUS SC: That is correct we will get to the annexure in due course.

CHAIRPERSON: Ja okay.

ADV PAUL PRETORIUS SC: Where the name appears – it appears on page 36 but we will get there in a moment Chair. It is in fact Stone – S-t-o-n-e.

CHAIRPERSON: Ja I thought it was. Okay.

ADV PAUL PRETORIUS SC: It appears continues the affidavit that Mr Myeni's
10 signature as appeared or as appears on the bottom of the membership card.

CHAIRPERSON: Oh is it as appended?

ADV PAUL PRETORIUS SC: Yes you are correct Chair. It is not clear but that is correct.

CHAIRPERSON: Yes.

ADV PAUL PRETORIUS SC: I attach notification of payment of Ms Myeni's account by Nicola Stone as per Annexure PF8.

FRANK KENNAN DUTTON: Yes.

ADV PAUL PRETORIUS SC: He then says on page 24 paragraph 16 Colonel Heap, who is Colonel Heap?

20 **FRANK KENNAN DUTTON**: Colonel Heap is a member of our investigation team and he is the person that recorded this affidavit.

ADV PAUL PRETORIUS SC: And he is available to give evidence obviously if necessary?

FRANK KENNAN DUTTON: He is available to give evidence.

ADV PAUL PRETORIUS SC: Yes it read: Colonel Heap has shown me a document

titled ACTT Monthly Progress and Audit Report attached as per Annexure PF9. That is the document which appears on page 38 of your bundle which shows the carpet pattern at the top of the page.

FRANK KENNAN DUTTON: That is correct.

ADV PAUL PRETORIUS SC: The affidavit continues to read in paragraph 16: I have scrutinised the document and can say that the pattern is the same as the carpets in the hotel as that in the photo seen behind the actual document.

FRANK KENNAN DUTTON: Yes.

ADV PAUL PRETORIUS SC: Then he refers to an error in his statement at the
10 beginning of his statement he said that Ms Myeni paid for the account personally. He corrects himself in paragraph 17 to say that a Ms Nicola Stone paid?

FRANK KENNAN DUTTON: That is correct.

ADV PAUL PRETORIUS SC: Right and you have established who Ms Nicola Stone is, who is she?

FRANK KENNAN DUTTON: Ms Nicola Stone is from a travel agent in either Richards Bay or Empangeni.

ADV PAUL PRETORIUS SC: What appears on pages 29 and following are documents related apparently to the stay in the hotel and referred to in the affidavit to which we have just referred. Correct?

20 **MR FRANK KENNAN DUTTON:** On page 39?

ADV PAUL PRETORIUS SC: From page 29.

MR FRANK KENNAN DUTTON: 29, yes.

ADV PAUL PRETORIUS SC: Onwards.

MR FRANK KENNAN DUTTON: That is correct.

ADV PAUL PRETORIUS SC: If you would go please to page 35. It has been obscured

a little by the writing in the top right hand, right hand corner.

MR FRANK KENNAN DUTTON: Yes.

ADV PAUL PRETORIUS SC: What is this document? Page 35, I am sorry.

MR FRANK KENNAN DUTTON: Page 35.

ADV PAUL PRETORIUS SC: What is this document?

MR FRANK KENNAN DUTTON: Well this is a, a registration document from the Sheraton Hotel of a guest.

ADV PAUL PRETORIUS SC: And it refers on the, in the square part which presumably represents the card to Ms Dudu Myeni/

10 **MR FRANK KENNAN DUTTON:** Yes that is correct.

ADV PAUL PRETORIUS SC: What is the writing at the top of the page?

MR FRANK KENNAN DUTTON: There is a note on the very top of the page which reads ACC, presumably account, Jacob Zuma Foundation and then there is a little arrow that goes down to Nicola.

ADV PAUL PRETORIUS SC: And over the page on page 36.

MR FRANK KENNAN DUTTON: Yes.

ADV PAUL PRETORIUS SC: It seems, appears to be a notification of payment on an FNB letterhead. Correct?

MR FRANK KENNAN DUTTON: That is correct.

20 **ADV PAUL PRETORIUS SC:** And the payer details are recorded here as Nicola Stone?

MR FRANK KENNAN DUTTON: That is correct.

ADV PAUL PRETORIUS SC: And you say she is an estate agent, according to your investigation in any event?

MR FRANK KENNAN DUTTON: Yes.

CHAIRPERSON: Not estate agent, travel agent?

ADV PAUL PRETORIUS SC: Sorry, travel agent.

MR FRANK KENNAN DUTTON: Travel agent, yes.

ADV PAUL PRETORIUS SC: If you would go then to paragraph 14 and once again this is the investigation which can later be confirmed by direct evidence, but it is as well to put on record now Chair for the sake of completeness.

CHAIRPERSON: Yes. No that is that is in order.

ADV PAUL PRETORIUS SC: What did your investigations result in you learning in relation to the documents that appear in the photographs annexed to your affidavit?

10 **MR FRANK KENNAN DUTTON:** Hm.

ADV PAUL PRETORIUS SC: And annexed to Mr Agrizzi's affidavit?

MR FRANK KENNAN DUTTON: We have shown these, the photographs of this document to both General Moodley and to Senior State Advocate M de Kock who was originally the prosecutor assigned to this matter and they have both told us that the documents appear to be an ACTT progress report dated the 25th, 24 August 2015. As yet we have not been able to find the actual, the original document. We are still looking for it and we will obtain it and then we will be able to do a proper comparison.

ADV PAUL PRETORIUS SC: When you refer to document are you referring to a bundle of documents?

20 **MR FRANK KENNAN DUTTON:** Yes.

ADV PAUL PRETORIUS SC: And was anything said about whether these documents were publically available or confidential or otherwise?

MR FRANK KENNAN DUTTON: The documents are not, are not available publically. They are confidential documents for correspondence between the police and the NPA.

ADV PAUL PRETORIUS SC: Did Mr Agrizzi surrender his iPhone to the Commission?

MR FRANK KENNAN DUTTON: Yes. If I could explain, the memory stick did not contain the metadata of the photographs. It was blank. So when Mr Agrizzi had completed his evidence he voluntarily handed over his iPhone and in his presence the experts from our Digital Forensic Team conducted an examination of the, of the iPhone and they found the file where the photographs had originally been recorded.

ADV PAUL PRETORIUS SC: Now once again direct evidence or evidence on affidavit from those investigators can be produced in due course, but for the present you have possession of the report produced by the team that examined the metadata on the iPhone that captured these photographs?

10 **MR FRANK KENNAN DUTTON:** Yes that is correct.

ADV PAUL PRETORIUS SC: And if you would look at page 41 please. Is this part of the report?

MR FRANK KENNAN DUTTON: Yes.

ADV PAUL PRETORIUS SC: On page 41 on approximately lines 17 and 18.

MR FRANK KENNAN DUTTON: Yes.

ADV PAUL PRETORIUS SC: Appear the words “date time original”. What is the date there?

MR FRANK KENNAN DUTTON: 23 September 2015.

ADV PAUL PRETORIUS SC: And the date time digitised?

20 **MR FRANK KENNAN DUTTON:** The same date and the same time. The time was 10:37:06.

ADV PAUL PRETORIUS SC: And then a little way down we see next to the word “flash”, flash not fired auto mode. Do you see that?

MR FRANK KENNAN DUTTON: That is correct.

ADV PAUL PRETORIUS SC: And then there are various other aspects of the

metadata referred to in that report on that page?

MR FRANK KENNAN DUTTON: That is correct.

ADV PAUL PRETORIUS SC: But the lens model in the very last line appears to be a lens belonging to an iPhone 6. Correct?

MR FRANK KENNAN DUTTON: Yes that is correct.

ADV PAUL PRETORIUS SC: Then if we go over the page we see a metadata analysis in relation to location.

MR FRANK KENNAN DUTTON: Yes, I do.

ADV PAUL PRETORIUS SC: And the latitude and longitude coordinates of the place
10 where the photograph or the photographs were taken according to the report at least appear?

MR FRANK KENNAN DUTTON: That is correct.

ADV PAUL PRETORIUS SC: And then there is a location map as part of the report on page 43?

MR FRANK KENNAN DUTTON: That is correct.

ADV PAUL PRETORIUS SC: That area there do you know whether the Sheraton Hotel is in that area depicted on that photograph?

MR FRANK KENNAN DUTTON: Yes that is the area of the Sheraton Hotel. I cannot quite make out the street. The writing is a bit small, but the experts have told me that
20 the location is in the vicinity of the Sheraton Hotel.

ADV PAUL PRETORIUS SC: Alright and again direct evidence of that is available to the extent that it may be necessary either for the Commission's own use and evidence before you Chair or for transfer to any appropriate law enforcement institution. If you go to page 30 please, there is an explanation, you will see there that the room number is 9066. Do you have any comment there?

MR FRANK KENNAN DUTTON: I cannot comment on that. The, the General Manager has indicated in his affidavit that the room was 616.

ADV PAUL PRETORIUS SC: And then there is arrival date, 15 September and a departure date, 5 October 2015. I am sorry not the 5th. The arrival date is 22 September 2015 and the departure date is 5 October 2015 which seems to differ from the affidavit which presumes that Ms Myeni left on the 23rd. Do you have any comment in that regard?

MR FRANK KENNAN DUTTON: Well I, I think that the explanation for that is that the payment was received on 5 October 2015. The arrival date corresponds with what the
10 General Manager has declared in his affidavit and if you will remember he said that by looking at the; that the invoice and, and the expenditures that were generated by the guests they stopped on the 24th.

ADV PAUL PRETORIUS SC: All the documents are consistent however that they in, insofar as they indicate that Ms Myeni was there on the 23rd?

MR FRANK KENNAN DUTTON: Yes.

ADV PAUL PRETORIUS SC: Is there anything you wish to add to your statement?

MR FRANK KENNAN DUTTON: No, other than that I do know that the, the Digital Forensic Experts have prepared affidavits concerning the location and time of the, of the photographs. Unfortunately we did not receive them in time.

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

CHAIRPERSON: Thank you very much Mr Dutton. Thank you for coming. You are excused.

MR FRANK KENNAN DUTTON: Thank you very much.

CHAIRPERSON: Thank you.

ADV PAUL PRETORIUS SC: Chair I am not sure whether we will finish this witness'

evidence in five minutes if you wish to take the long adjournment now.

CHAIRPERSON: How long do you think?

ADV PAUL PRETORIUS SC: But the evidence is reasonably short, 10 to 15 minutes.

CHAIRPERSON: I think let us take his evidence.

ADV PAUL PRETORIUS SC: Thank you Chair.

CHAIRPERSON: Ja.

ADV PAUL PRETORIUS SC: The next witness is Themba Patrick Mlambo.

CHAIRPERSON: Oath or affirmation.

REGISTRAR: Oath or affirmation?

10 **MR THEMBA PATRICK MLAMBO:** Affirmation.

ADV PAUL PRETORIUS SC: Ah, yes okay.

REGISTRAR: Please state your full name for the record?

MR THEMBA PATRICK MLAMBO: Themba Patrick Mlambo.

REGISTRAR: Do you have any objections to take the affirmation?

MR THEMBA PATRICK MLAMBO: I do not.

REGISTRAR: Do you affirm that all the evidence you will provide will be the truth, the whole truth and nothing, but the truth? Please raise your right hand and say I do.

MR THEMBA PATRICK MLAMBO: I do.

REGISTRAR: Thank you.

20 **CHAIRPERSON:** Thank you.

ADV PAUL PRETORIUS SC: Chair the statement of Mr Mlambo appears in EXHIBIT T8.

CHAIRPERSON: T8, ja.

ADV PAUL PRETORIUS SC: The last document in the bundle.

CHAIRPERSON: Ja, I have got it.

ADV PAUL PRETORIUS SC: Mr Mlambo the signature on page 3 above the words T P Mlambo whose signature is that?

MR THEMBA PATRICK MLAMBO: It is mine.

ADV PAUL PRETORIUS SC: And the statement or affidavit at pages 123, is that your affidavit?

MR THEMBA PATRICK MLAMBO: It is.

ADV PAUL PRETORIUS SC: Are the contents of this affidavit to the best of your knowledge true and correct?

MR THEMBA PATRICK MLAMBO: That is correct.

10 **CHAIRPERSON:** Just raise your voice a little bit.

MR THEMBA PATRICK MLAMBO: Oh, okay.

CHAIRPERSON: Thank you.

MR THEMBA PATRICK MLAMBO: Let me get closer.

CHAIRPERSON: Okay.

MR THEMBA PATRICK MLAMBO: That is correct Chair.

ADV PAUL PRETORIUS SC: Perhaps you can speak closer to the microphone.

MR THEMBA PATRICK MLAMBO: Will do.

ADV PAUL PRETORIUS SC: Mr Mlambo you are an investigator employed by the State Capture Commission?

20 **MR THEMBA PATRICK MLAMBO:** That is correct.

ADV PAUL PRETORIUS SC: And you are working with a team together with Mr Dutton and others?

MR THEMBA PATRICK MLAMBO: That is correct Chair.

ADV PAUL PRETORIUS SC: In paragraph 2 you describe in general terms your duties as an investigator and in paragraph 3 you refer to the investigation into allegations of

possible wrongdoing by employees of the Bosasa Group of Companies. Do you see that?

MR THEMBA PATRICK MLAMBO: I do see that Chair.

ADV PAUL PRETORIUS SC: You were part of the investigation team dealing with those issues?

MR THEMBA PATRICK MLAMBO: That is correct.

ADV PAUL PRETORIUS SC: You had dealings with Mr Le Roux, Mr Richard Le Roux who testified here before the Chair?

MR THEMBA PATRICK MLAMBO: That is true.

10 **ADV PAUL PRETORIUS SC:** And did you accompany Mr Le Roux in relation to any inspections during the course of your dealings with him and during the course of the investigations you conducted?

MR THEMBA PATRICK MLAMBO: That is correct.

ADV PAUL PRETORIUS SC: You deal with those in paragraph 5. Would you tell the Chair please what you did together with Mr Le Roux?

MR THEMBA PATRICK MLAMBO: I first met Mr Le Roux on Monday morning of 14 January 2019 in Krugersdorp.

CHAIRPERSON: We must correct that sir. 2018 should be 2019?

MR THEMBA PATRICK MLAMBO: 2019 that is 100 percent.

20 **CHAIRPERSON:** Okay.

MR THEMBA PATRICK MLAMBO: Ja. This was part of the investigation that I was conducting on matters relating to the allegations. [Intervenes].

ADV PAUL PRETORIUS SC: We know that Mr Le Roux has given evidence about a Special Projects Team.

MR THEMBA PATRICK MLAMBO: Yes.

ADV PAUL PRETORIUS SC: Tasked with installation of security equipment on various properties.

MR THEMBA PATRICK MLAMBO: That is correct.

ADV PAUL PRETORIUS SC: Right. Is it in relation to that evidence?

MR THEMBA PATRICK MLAMBO: Absolutely.

ADV PAUL PRETORIUS SC: That you conducted your investigation about which you speak here in this affidavit?

MR THEMBA PATRICK MLAMBO: Absolutely Chair, absolutely.

ADV PAUL PRETORIUS SC: Right. Please tell the Chair what occurred and as
10 referred to in paragraph 6?

MR THEMBA PATRICK MLAMBO: Ja. On this particular day which was the morning I requested Mr Le Roux.

CHAIRPERSON: Are you deliberately skipping the last half of paragraph 5?

ADV PAUL PRETORIUS SC: Yes. I am not sure it is necessary for him to place on record that information Chair.

CHAIRPERSON: Oh, okay. No.

ADV PAUL PRETORIUS SC: Because.

CHAIRPERSON: No that that is fine. I, I.

ADV PAUL PRETORIUS SC: That should be.

20 **CHAIRPERSON:** I assumed there would be some relevance later, but it is okay if you do not think it is.

ADV PAUL PRETORIUS SC: Not at this stage.

CHAIRPERSON: Ja, okay.

ADV PAUL PRETORIUS SC: Hm.

CHAIRPERSON: Okay. Then he can continue on paragraph 6.

ADV PAUL PRETORIUS SC: The; sorry Chair. I am told that there is another correction that must be made. The date on page 1 of the affidavit in paragraph 4, 31 January 2018 should be amended too I suppose to 31 January 2019. Correct/

MR THEMBA PATRICK MLAMBO: Correct sir.

ADV PAUL PRETORIUS SC: Alright. Let us go then to paragraph 6 of your affidavit. You made a request to Mr Le Roux?

MR THEMBA PATRICK MLAMBO: Yes Chairperson.

ADV PAUL PRETORIUS SC: What was that request?

MR THEMBA PATRICK MLAMBO: The request was going to point out the places
10 where the Special Projects Team did installations and the purpose for this more than anything Chair was to.

CHAIRPERSON: I guess that second sentence is probably supposed to be it is to be noted that rather than it be noted? I think that might have been what was confusing you. That is right?

MR THEMBA PATRICK MLAMBO: Well English is my third if not fourth language.
[Intervenues].

CHAIRPERSON: Ja, no, no, no, no. I understand. I am not criticising you.

MR THEMBA PATRICK MLAMBO: Absolutely, absolutely.

CHAIRPERSON: I was just helping you. So, but would that be correct as far as you
20 are concerned if we say it is to be noted?

MR THEMBA PATRICK MLAMBO: It is to be noted Chairperson.

CHAIRPERSON: Okay. Thank you. You may proceed.

MR THEMBA PATRICK MLAMBO: Mr Le Roux indicated to me that he could not recall in detail all the work that was done by a Special Projects Team in all the work that they were doing, but to the extent that he could recall he was going to take me through and

indicate what work was done in the particular premises that he took me around to.

ADV PAUL PRETORIUS SC: Right. Did he take you to various premises where he told you installations had been made by the Special Projects Team of Bosasa?

MR THEMBA PATRICK MLAMBO: Chairperson he did take me through to four of the premises where the Projects Team did installations.

ADV PAUL PRETORIUS SC: You describe four premises in subparagraph 6A, B, C and D on pages 2 and 3 of your statement?

MR THEMBA PATRICK MLAMBO: That is correct.

ADV PAUL PRETORIUS SC: Tell the Chair please to which addressed did Mr Le Roux
10 take you and what did he say to you in relation to those addresses?

MR THEMBA PATRICK MLAMBO: The first address Chairperson was the address that he pointed out as that which is allegedly belonging to Ms Mokonyane. In this particular address or the premises the team installed CCTV cameras according to him and when we did the inspection he realised that the, the same cameras that the team installed were still in existence.

ADV PAUL PRETORIUS SC: That was in the inspection conducted in your presence?

MR THEMBA PATRICK MLAMBO: In my presence. It was myself and Mr Le Roux in the car. It was just the two of us.

ADV PAUL PRETORIUS SC: You then asked for assistance from other investigators in
20 the State Commission. What did you ask them to do?

MR THEMBA PATRICK MLAMBO: I wanted them to, to verify ownership of the premises that were pointed out to and so that we could verify who those premises belonged to.

ADV PAUL PRETORIUS SC: How did you record the premises, the identity of the premises?

MR THEMBA PATRICK MLAMBO: At the time I noted the addresses and I did not take photographs of the places, because at that state in my opinion it was still, you know, a hearsay or an allegation that he did installations.

ADV PAUL PRETORIUS SC: Right.

MR THEMBA PATRICK MLAMBO: In those particular places. However.

ADV PAUL PRETORIUS SC: But for your purposes.

MR THEMBA PATRICK MLAMBO: Yes.

ADV PAUL PRETORIUS SC: You wanted to establish to whom the property to which you were taken belonged?

10 **MR THEMBA PATRICK MLAMBO:** Yes, absolutely.

ADV PAUL PRETORIUS SC: And did you ask for the assistance of further investigators in the Commission in this regard?

MR THEMBA PATRICK MLAMBO: I did Chairperson.

ADV PAUL PRETORIUS SC: And what was the result of that investigation?

MR THEMBA PATRICK MLAMBO: With respect to this particular address we discovered or it was established that the property was registered in the names of Nomvula Paula Mokonyane and Abel Mantununu Mokonyane.

ADV PAUL PRETORIUS SC: Right. The next address.

20 **CHAIRPERSON:** Before, I am sorry, before you went there or maybe let me rephrase then ask this. In taking you to this address that Mr Le Roux that you say Mr Le Roux said is the residence of Minister Mokonyane did he do so from his own memory or did he have to get some aid to remember where exactly Ms Mokonyane's residence was to be, to be found?

MR THEMBA PATRICK MLAMBO: He did all of this Chairperson out of his own memory, because he did indicate to me.

CHAIRPERSON: He did it out of his memory?

MR THEMBA PATRICK MLAMBO: Out of his memory.

CHAIRPERSON: And is that, is that the case with the other residences that you are going to talk to us about as well?

MR THEMBA PATRICK MLAMBO: That is true Chairperson.

CHAIRPERSON: Thank you.

ADV PAUL PRETORIUS SC: In summary then in relation to all the four properties referred to on pages 2 and three of your affidavit Mr Le Roux took you to a site. He pointed out the site and building concerned. Is that correct?

10 **MR THEMBA PATRICK MLAMBO:** That is correct.

ADV PAUL PRETORIUS SC: And he told you that security equipment had been installed at that site by the Special Projects Team of Bosasa. Is that correct?

MR THEMBA PATRICK MLAMBO: That is correct.

ADV PAUL PRETORIUS SC: Right. The next address pointed out you deal with in paragraph 6B on page 2. Tell the Chair of that please.

MR THEMBA PATRICK MLAMBO: This particular address when we interrogated it and also with the help of, of the team we discovered that it belonged to Mr Desmond Nair and this address is in Pretoria. I will not disclose all the details of the addresses, you know.

20 **CHAIRPERSON:** Ja.

MR THEMBA PATRICK MLAMBO: You know, but.

CHAIRPERSON: Ja.

MR THEMBA PATRICK MLAMBO: At best I will say it is in Pretoria.

ADV PAUL PRETORIUS SC: Did it belong to only Desmond Nair?

MR THEMBA PATRICK MLAMBO: It belongs to Desmond Nair and [indistinct] Nair.

ADV PAUL PRETORIUS SC: Right. Once again were you given any information by Mr Le Roux as to what the task team or the special projects team did at that site?

MR THEMBA PATRICK MLAMBO: That is correct. According to him he said that the team did installation of cameras, electric fence and the beams and from our, his observation when I was with him he indicated that all those still existed as he could see them.

ADV PAUL PRETORIUS SC: The third site you deal with is referred to in paragraph 6C on page 3 of your affidavit. Once again was a certain premises pointed out to you?

MR THEMBA PATRICK MLAMBO: Yes. That is correct.

10 **ADV PAUL PRETORIUS SC:** And what was told to you about any installation that might have taken place at those premises?

MR THEMBA PATRICK MLAMBO: According to Mr Le Roux the team installed a full electric fence, the alarm system, the IPCCTV camera system. Those are the installations that were conducted by the team.

ADV PAUL PRETORIUS SC: Were these installations visible at the time of pointing out by Mr Le Roux?

MR THEMBA PATRICK MLAMBO: What was clear from, from his observation was that the cameras in this residence had, had been removed at the time. However the electric fence that appeared at the time appeared to be the same one as that which was
20 installed by the Special Projects Team.

ADV PAUL PRETORIUS SC: And this was stated to you I presume by Mr Le Roux at the time of the pointing out?

MR THEMBA PATRICK MLAMBO: That is correct.

ADV PAUL PRETORIUS SC: Yes. Did you ask for the assistance of the investigators in order to establish who owned the property at this address?

MR THEMBA PATRICK MLAMBO: Chairperson I did and according to information that we could gather it was established that the premises belonged to Sampson Phathakge Makwetla and Kela Leah Makwetla.

ADV PAUL PRETORIUS SC: Sampson is spelt S-A-M-P-S-O-N, Phathakge is spelt P-H-A-T-H-A-K-G-E and Makwetla, M-A-K-W-E-T-L-A. Kela Leah is spelt K-E-L-A new word L-E-A-H. Is that correct?

MR THEMBA PATRICK MLAMBO: That is correct Chairperson.

ADV PAUL PRETORIUS SC: Right the last premises visited?

MR THEMBA PATRICK MLAMBO: The last premises visited belonged to
10 Vincent G Smith Family Trust.

ADV PAUL PRETORIUS SC: Well what did Mr Le Roux say to you?

MR THEMBA PATRICK MLAMBO: According to Mr Le Roux he observed that the camera at this particular address, the cameras rather are different from the ones that that his team installed. However he further observed that what appears to be the same electric fence that was erected by the Special Projects Team was still existed.

ADV PAUL PRETORIUS SC: Right. What did Mr Le Roux say about any original installation conducted by the Special Projects Team?

MR THEMBA PATRICK MLAMBO: Well he did not have a comment on that particular one. Truth be told I did not ask him as to what happened there.

20 **ADV PAUL PRETORIUS SC:** Well look at the second sentence of your affidavit if you would in paragraph D, 6D.

MR THEMBA PATRICK MLAMBO: Come again Chairperson.

ADV PAUL PRETORIUS SC: I asked you to look at subparagraph D.

MR THEMBA PATRICK MLAMBO: Okay.

ADV PAUL PRETORIUS SC: On page 3 of your affidavit.

MR THEMBA PATRICK MLAMBO: Yes.

ADV PAUL PRETORIUS SC: Are you there?

MR THEMBA PATRICK MLAMBO: I am there.

ADV PAUL PRETORIUS SC: Look at the second sentence. What does that say?

MR THEMBA PATRICK MLAMBO: “According to Mr Le Roux the team
installed the IPCCT Camera and the electric fence.”

ADV PAUL PRETORIUS SC: Now from your own recollection what did Mr Le Roux say
to you? Is that correct?

MR THEMBA PATRICK MLAMBO: He said to me that the cameras appeared to have
10 been removed at the time. They were not the same cameras.

ADV PAUL PRETORIUS SC: Okay.

MR THEMBA PATRICK MLAMBO: As the one that the Special Projects Team had
installed.

ADV PAUL PRETORIUS SC: Yes. So that is consistent with what you have just told
the Chair. Thank you, but he said that the same electric fence that had been installed
was still there?

MR THEMBA PATRICK MLAMBO: Absolutely.

ADV PAUL PRETORIUS SC: And did you ask for the assistance of the investigators in
relation to establishing the ownership of that property?

20 **MR THEMBA PATRICK MLAMBO:** In, indeed Chairperson and according to the
results of the search it indicated that the property belonged to Vincent G Smith Family
Trust.

CHAIRPERSON: What did Mr Le Roux tell, tell you? Who did Mr Le Roux tell you the
property belonged to? Now leave out now what your fellow investigators found out
when they assisted you, but what did he say, who did he say to you the property

belonged to?

MR THEMBA PATRICK MLAMBO: Yes. Chairperson I think I need to say, elaborate a little bit on this.

CHAIRPERSON: Yes, do.

MR THEMBA PATRICK MLAMBO: The purpose of the, of the visit to the sites predominantly was about the work that was done by the team less about who the, the properties belonged to. However he did indicate to me that some of, some of the places he got to know either later or at the time that they belonged to say Vincent Smith or however. So that is, the point I am trying to make Chairperson is that the visit was
10 more about the work that the Special Projects Team did in particular premises, because on his own I suppose he cannot verify you know unless you know he knows for a fact.

CHAIRPERSON: Well, well when he gave evidence he was not saying definitely the properties belonged to the people that he mentioned. He was simply saying he had been told that the properties belonged to the people who he mentioned.

MR THEMBA PATRICK MLAMBO: That is correct.

CHAIRPERSON: So it might not have been important to the investigators to find out, but I would like to know whether he, he mentioned to you the properties belonged to the people that he mentioned. He was simply saying he had been told that the properties belonged to the people that he mentioned.

20 **ADV PAUL PRETORIUS SC**: That is correct Chair.

CHAIRPERSON: So it might not have been important to the investigators to find out, but I would like to know whether he, he mentioned to you in the course of pointing out whether as at that time when he was pointing out the, the property whether he told you what his, who he understood the property to belong to.

MR THEMBA PATRICK MLAMBO: That is correct Chairperson.

CHAIRPERSON: He did?

MR THEMBA PATRICK MLAMBO: He did indicate.

CHAIRPERSON: What did he say?

MR THEMBA PATRICK MLAMBO: He did say that the property in respect to this particular one belonged to Mr Smith.

ADV PAUL PRETORIUS SC: Right.

MR THEMBA PATRICK MLAMBO: Vincent Smith in particular.

CHAIRPERSON: Okay, thank you.

ADV PAUL PRETORIUS SC: Thank you Chair. That is the evidence.

10 **CHAIRPERSON:** Thank you Mr Mlambo for your evidence. You are excused.

MR THEMBA PATRICK MLAMBO: Thank you so much.

CHAIRPERSON: Thank you. Was that your last witness for the day?

ADV PAUL PRETORIUS SC: Yes Chair.

CHAIRPERSON: Mr Pretorius and we are not sitting tomorrow. Is it not?

ADV PAUL PRETORIUS SC: We are not sitting tomorrow or Friday Chair.

CHAIRPERSON: Hm.

ADV PAUL PRETORIUS SC: And you had forewarned of an announcement last week.

CHAIRPERSON: Ja and we will be able to resume on Monday?

ADV PAUL PRETORIUS SC: Yes Chair.

20 **CHAIRPERSON:** Yes. We are going to adjourn now. We are not going to sit for the rest of the week. One, on Thursday is the opening of Parliament and the leadership of the judiciary usually takes part in the judicial process so that is where I will be required to be, but we will resume the hearing on Monday next week. We adjourn.

REGISTRAR: All rise.

INQUIRY ADJOURNS TO 11 FEBRUARY 2019