

STATE CAPTURE INQUIRY
PARKTOWN, JOHANNESBURG

28 AUGUST 2018

DAY 5

SESSION 1 – 3.

Contents

Session 1	2
Session 2	35
Session 3	69

Session 1

CHAIRPERSON: Good morning everybody. Mr Maleka, you initiated the issue of applications yesterday afternoon. I have had chance to look at them. I have something to say with regard to each one of them. Of course there were only three substitute applications. You have told me there is an affidavit now by Mr Fana Hlongwane but no notice of motion but from your side you are happy that it should be treated as substitute application.

ADV ISAAC MALEKA SC: Yes Chair.

CHAIRPERSON: I will allow you hand it up when you are able to. With regard to what I
10 mention now for you to say what you might need to say but it may be that I will be
wanting to hear from Counsel for the implicated persons who have applied for leave to
cross-examine. With regard to Ms Kaunda's application, my inclination is that I shouldn't
at this stage decide that application. You see, her issue is a very limited one and it may
well be, I mean, it is all simply about whether or not she is the person who called Ms
Mentor to tell her that the former President would be able to meet her the following day
and whether she is the person who gave her the number of the person that she,
according to Ms Mentor said, would meet her. That is basically all. Now, it possible that
before the end of Ms Mentor's evidence, before cross-examination if cross-examination is
granted, it's possible that she might not be insistent that it was Ms Kaunda that called her.
20 I am saying that because as Ms Kaunda correctly points out, I think, in her affidavit, in
another affidavit Ms Mentor says she received a call from a person, she says a woman
whose name she did not know from the Presidency and Ms Kaunda's version is during
that year I never spoke to Ms Mentor so it may be that through questions we might arrive
at a point where Ms Mentor says well, I believed it was her but I can't be sure or whatever
in which case it may well be that Ms Kaunda might say, look, if she is able to say she is

not sure, there is no need to cross-examine, I don't know. But I am just saying, my inclination is that we should wait at that particularly because also so as I recall the role of the Commission's legal team, their approach is not to regard witnesses such as Ms Mentor and Mr Jonas and other witnesses that they will present to the Commission as they are witnesses in the sense in which one talks about that in litigation in a court of law. They present them and we will ask questions including questions that seek to establish whether what they are telling the Commission is true. So it may well be that at the end of the questions that Ms Sello will put to her and questions that I may put to her, that issue might go away. So that's the reason why I am inclined to defer that applications.

- 10 In regard to Mr Mtolo and his Counsel which are listening, in regard to Tsolo, my concern is whether in his affidavit, what he has told us is his full version about his encounter or dealings with Ms Mentor because I would like to know that it is a full version in relation to that encounter and part of the reason why it's important for me to know that is because when I grant leave to cross-examine to any implicated person, I intend to put a time limit, I don't intend to just allow cross-examination that will just go on forever but obviously I want to try to the best of my ability to give a time that is fair to one, the Commission, the public interest, two, the implicated person and so on. I want to take into account everything and if I don't know the full version, I might not be able to give a realistic time but if I am told that what he has put there is the full version relating to the incident, then
- 20 we can take it from there. So that's Mr Mtolo.

ADV ISAAC MALEKA SC: And Chair, I take it you are referring to the version put about Mr Mtolo in D3, page 49, paragraph 3.

CHAIRPERSON: In that affidavit, in the whole of that affidavit. Yes.

ADV ISAAC MALEKA SC: Because that is the response to paragraph 120 of Ms Mentor's evidence and it is a burden now.

CHAIRPERSON: Ja, so as I say, if his Counsel says to me this is the full version, then I will treat it as the full version but they might have focussed just dealing with that, in other words, I don't like a situation where he will say no, I deny that, I was there on that day but actually you were there the following day you know, and whatever she may have said happened on the one day actually happened on the other day. I want you to be able to say it didn't happen on that day but I did come the following day and this is what happened the following day, then I have a full picture. Okay. And then well, Mr
10 Hlongwane, I didn't have his affidavit as yet so.

ADV ISAAC MALEKA SC: Is it convenient to place it before you?

CHAIRPERSON: Let me.

ADV ISAAC MALEKA SC: Chair, can I ask for your Registrar's permission to hand this up to you?

CHAIRPERSON: Yes, she is coming.

ADV ISAAC MALEKA SC: You will see that I had started to mark at 3A, I had not completed the pagination but at least we know where it sits, if you could go to the folder under Mr Hlongwane, you will see it ends at 3, what follows thereafter is 3A and so on. We will complete the pagination later. Let me ask you to place it in that folder. 3A will be
20 the letter dated 27 August.

CHAIRPERSON: 3B is the second page of the letter.

ADV ISAAC MALEKA SC: And 3C is the beginning of the affidavit. We will complete the pagination later as I say.

CHAIRPERSON: No, that's fine.

ADV ISAAC MALEKA SC: I am not too sure whether you can give any guidance at this stage because you have not looked at the affidavit but from my side accept that that is a substantive application within the meanings of the rules and that you should be able to give some directions.

CHAIRPERSON: We won't be too formalistic about some of these things so that's fine, we will take it as his application. So I will have to have a look at it or maybe his Counsel when if he stands up and says anything, we will take it from there because as I said in the private meeting I had with all the parties just now, my recollection was that as far as Mr Hlongwane is concerned, Ms Mentor said nothing more than simply that she was introduced to him on a flight to China.

ADV ISAAC MALEKA SC: The affidavit of Mr Hlongwane gives a substantive version in our view and it is quite interesting because it raises more cautions which can only be clarified if he comes in because he admits to some of the meetings taking place between him and Mr Duduzane and Mr Jonas that rephrases the agenda for those meetings and therefore it is important for the pursuit of the truth to try and examine his version.

CHAIRPERSON: Okay, that's in relation to Mr Jonas that he would like leave to cross-examine through his Counsel, that is fine and then there is the application by his Major General Mnonopi. Now, I have read the affidavit by Major General Mnonopi. At this stage it seems to me that unless I have missed out something that it probably is also not a full version as you will recall. Mr Jonas's evidence included that she came with a prepared statement that she wanted him to sign which he refused to do. I didn't get a chance to compare certain paragraphs in her affidavit with the statement of Mr Jonas but I didn't see what she has to say about where she says this prepared statement came from.

ADV ISAAC MALEKA SC: Yes, I would Chair like to remind you if you can go to Exhibit C1 and you go to page 17.

CHAIRPERSON: Okay no I see that they didn't bring my C1, I have got D's only here but you can maybe read to me what you wanted to draw to my attention.

ADV ISAAC MALEKA SC: All I was going to say is that from C1, page 17 and maybe let me place a copy of one of my colleagues before you.

CHAIRPERSON: Well I guess that relates to Mr Jonas and the reason why it's not here is because it wasn't expected we would need it.

ADV ISAAC MALEKA SC: But he gives a detailed version beginning from paragraph 51.

10 **CHAIRPERSON:** That I remember.

ADV ISAAC MALEKA SC: Relating to not only Major General Mnonopi but his involvement with other officials at that point in time including Brigadier Ntlemeza and it is not enough to simply respond to that version by a cryptic denial such as the one you may find in his statement for instance page 6, paragraph 5. There is a copy Chair, can I ask for your Registrar's kind indulgence again?

CHAIRPERSON: Well, we might not need to go into detail because I am just giving my inclination, I will hear what their Counsel might have to say. In regard to Major General Mnonopi for example, if I recall correctly, she didn't come alone to see Mr Jonas, she came with I think one other person, I don't know if it was two people but I think it would be
20 important for example, that we know what the version of the other person is because what if that other person says, no, actually that prepared statement or what Mr Jonas is saying is true so it's important that when I decide whether to grant leave to cross-examine, I have as full a picture as is possible so I don't know whether the Commission's

legal team did send a notice to the other person that Mr Jonas alleges was with Major General Mnonopi and whether there has been any response so but I would prefer to decide the application after I have seen what the version of that other person is about these events.

ADV ISAAC MALEKA SC: Chair, we are grateful to the guidance that you have given and we leave it to our learned friends representing General Mnonopi and the like to persuade you that the version now given is enough or that they would respond by additional particulars relating to that version and we for our part, would leave matters as they are until you have received some sort of submissions from them. I would close by
10 saying, we will still ask you to ultimately give directions consistent with your discretion under Rule 37 to impose conditions when you grant the privilege of cross-examination and we stand by that definition. It is a privilege, it is a permission, it is not a right and to that extent we would leave matters and we would resume the debate when it comes to the terms and conditions upon which you grant the permission to cross-examine.

CHAIRPERSON: No thank you very much, you will get an opportunity to address me when that point comes. May I ask Counsel for Ms Kaunda to come forward and indicate what he has to say in the light of what I said about Ms Kaunda's application.

COUNSEL FOR ADV MTOLO: We have heard what you said Chair and we are in agreement with that and we will abide the time, thank you.

20 **CHAIRPERSON:** Thank you very much. Counsel for Mr Mtolo, is he here? Yes, good morning, just press the button there?

COUNSEL FOR ADV MTOLO: Thank you Chair.

CHAIRPERSON: Did you hear what I said about Mr Mtolo?

COUNSEL FOR ADV MTOLO: Yes.

CHAIRPERSON: Is there anything you want to say?

COUNSEL FOR ADV MTOLO: Yes. Firstly, we concur Chair that we received the notice and further we find your depose to an affidavit based on the allegation as contained in the notice. So now, it's obvious that my client has been implicated by Ms Mentor and that she is still on the stand so we have answered as far as what was contained in the notice which implies Chair, that this circumstance might change depending on what Ms Mentor still has to say. But as for now I concur Chair that the application of notice is comprehensive including the supporting sworn statement or affidavit. That is my humble
10 submission with regards to Advocate Mtolo's letter.

CHAIRPERSON: Ja, but what I am looking for is not your submission, it's simply whether it's his full version that's a factual issue and if you say to me that in regard to those allegations, it is his full version, I will have regard to that but obviously you will appreciate that you will need to be sure that that's his position before you say it because if you say it is his full version in regard to those allegations and he later on comes into the witness stand and says something else, that might not be good for his version. So in other words, if you are sure that it is his full version in regard to those allegations, you can tell me, if you would rather go back and consult with him and let him reflect and then make a decision that there may be time because Ms Mentor hasn't finished to give me evidence.
20 You can tell me what you choose.

COUNSEL FOR ADV MTOLO: Well, thank you Honourable Chair. To be on the safe side Chair, let's see where Mentor's testimony leads to before I make any commitment in that regard.

CHAIRPERSON: Okay alright. No thank you then.

COUNSEL FOR GENERAL MNONOPI: And secondly, with regards to General Mnonopi.

CHAIRPERSON: Oh you represent her as well.

COUNSEL FOR GENERAL MNONOPI: Yes, Chair has correctly pointed out that somehow the affidavit is not comprehensive or does not reply to each and every allegation contained in the statement of the Honourable Mr Jonas which submission we agreed with and in this instance we are *ad idem* with my learned colleague Mr Mavundla, the Counsel for the Commission that we will before Friday file a supplementary affidavit, the reason being, at the time we were responding, we had not been finished with all the necessary and relevant document as far as the Honourable Jonas's submissions were
10 concerned. So may I humbly request an indulgence from the Chair that we be allowed to file such supplementary affidavit on or before Friday at the latest?

CHAIRPERSON: No, that's in order, thank you very much. You may do so. Thank you, you may sit. Then these three applications then must count as Mr Mtolo's application and Major General Mnonopi's one, they stand deferred and will be dealt with at another stage that I will indicate because there are still certain things that must be done or we must still wait for Ms Mentor to finish evidence. In regard to Mr Hlongwane's application, I haven't had time to read his affidavit so maybe before the end of the week I might be able to indicate what my thinking is, I think Mr Maleka, you want to say something.

ADV ISAAC MALEKA SC: Chair, the only thing that we would like to draw your attention
20 to is that there is a need to make logistical arrangements about when the witnesses who are still hanging in this suspense should be recalled for cross-examination if you allow any or all of those applications so we need some logistical arrangements. We would ask for your guidance that the applications be dealt with fairly conveniently and we would ask you to do so certainly by Friday because there has been an indication from our learned

friends of the Friday group that they are available with the cross-examination of the relevant witnesses in that first week of September which is effectively next week.

CHAIRPERSON: No, I am quite happy to do that. My concern, let's take one by one. Ms Kaunda's one will depend on what happens by the time we have exhausted questions from Ms Mentor and that's the one thing. With regard to Major General Mnonopi and her supplement affidavit will be filed on Friday. With regard to Mtolo, they will revert I think Counsel for Mtolo in regard to Mtolo, shall we say you will revert by Friday as well in regard to what your decision is as to whether what he has put up in his affidavits is a full version in relation to those allegations or whether you are going to supplement in regard
10 to him. Is it fine if we say if you are going to supplement, you will do so by Friday or if you have decided not to supplement, you will communicate that by Friday to the Commission's legal team?

COUNSEL FOR ADV MTOLO: Thank you Honourable Chair, yes, we will do so the latest by Friday Chair. I have indicated Chair that it will all depend on what Ms Mentor testifies upon because as far as we are concerned, at this stage, she has excluded him from her viva voce evidence before the Commission but however, her statement suggests otherwise so it's a matter of wait and see what she has to say before we can make early comment in this regard.

CHAIRPERSON: Okay but you will be in touch with the Commission's legal team at some
20 stage after she has finished to make final arrangements in regard to that.

COUNSEL FOR ADV MTOLO: Certainly we will do so Honourable Chair.

CHAIRPERSON: Thank you.

COUNSEL FOR ADV MTOLO: Thank you Chair.

CHAIRPERSON: Thank you, so Mr Maleka it just depends then on those things that I told about being done on time. I don't know if when you receive whatever statements you are going to receive not later than Friday, if you receive them and you take the view that there is no need for you to check anything or verify anything or check anything with any other person, it may be that we can definitely have cross-examination starting on Monday. But I don't know if you receive statements, affidavits and they require that you check certain things before cross-examination of a particular witness can start so I don't know whether you have any view in regard to that eventually.

ADV ISAAC MALEKA SC: Chair, we would simply suggest that out of planning, we ask
10 those witnesses to keep themselves available for cross-examination for Monday and it will of course be Mr Jonas, Ms Mentor and Mr Maseko who is scheduled for Friday but we would like to indicate that it is available tomorrow if or other persons do not have any objection to advance any evidence so those will be the three witnesses who would ask to make themselves available for cross-examination next week.

CHAIRPERSON: Okay, no, that's fine. Thank you then, those applications stand deferred and before the end of the week we will deal with Mr Hlongwane's application.

ADV ISAAC MALEKA SC: Thank you Chair.

CHAIRPERSON: Thank you. Before Mr Pretorius has something to say, I have omitted to say earlier on that we started later than we should have or than the time I had indicated.
20 We started about 10 to 10. I had said we would start at half past 9. We apologise for that, I had to have an urgent meeting with the lawyers for various parties and to discuss some of the matters so I just want everybody to know that definitely when we have said we are going to start at a certain time, we try to make sure that we start at that time unless there

is really good reason and we will communicate that good reason to everybody if it does happen. Thank you, Mr Pretorius.

ADV PAUL PRETORIUS SC: Before Ms Mentor resumes her evidence, may I just respond to the proceedings this morning from the perspective of the legal team as a whole Mr Chair. There are a number of arrangements for the calling of witnesses early next week that have already been made. Mr Jonas has not yet finished his evidence so there are a number of logistical arrangements that the legal team needs to make in consultation with various witnesses and the like so it is premature at this stage to give any person an assurance of how things will occur next week and the legal team may well
10 approach you perhaps in Chambers to set down the date for applications that is a certain date so that we can plan around it.

CHAIRPERSON: Okay, is the effect of what you are saying, is the effect that less delay time the week with exactly when cross-examination may start?

ADV PAUL PRETORIUS SC: Yes, we will have to present a programme to you after consultation with various members of the legal team that have various matters that they have planned for later this week and next week and perhaps it will be better if we presented you with a comprehensive plan that takes into account the various matters that other Counsel must attend to.

CHAIRPERSON: Okay, that's fine, thank you.

20 **ADV MAHLAPE SELLO SC:** Good morning Chair.

CHAIRPERSON: Good morning Ms Sello.

ADV MAHLAPE SELLO SC: When we rose yesterday, Ms Mentor still testified and I intend to call her, she is in the adjacent room, she is close by. As the Chair will recall, I

indicted we have received some documentation, she had an opportunity to go through with her attorneys and she is finalising that right now. I would like to enquire.

CHAIRPERSON: You say she is finalising, does that mean she might not be ready or is she ready?

ADV MAHLAPE SELLO SC: No I understand that she is ready.

CHAIRPERSON: Oh okay.

ADV MAHLAPE SELLO SC: Yes, I was explaining her absence in the room currently, thanks Chair. In light of the, there she is in fact. In light of the Chair's decisions this morning and so not to interrupt Ms Mentor's evidence, I would like to clarify two issues, in fact three. They relate to the people implicated by Ms Mentor's statement. As the Chair correctly pointed out, we are in receipt of Ms Kaunda's affidavit and Advocate Mtolo's. I understand the Chair has granted them opportunity to indicate whether those documents constitute the totality of their version. My question of clarification is if they choose to make additions to those constitute supplementary affidavits permitting me to put before Ms Mentor what they already have on the affidavits on hand or do they intend to decide whether to withdraw their affidavits and their admissions made therein and refile, that's the first.

CHAIRPERSON: Just repeat the first?

ADV MAHLAPE SELLO SC: The affidavits that we already have, even if their representatives for Ms Mentor, Ms Kaunda and Advocate Mtolo were to conclude, are not comprehensive enough, am I to understand that by Friday they are required to supplement which is not to withdraw what is on the file.

CHAIRPERSON: Let's take one by one because they are not the same. Ms Kaunda I don't have any concerns about the adequacy or otherwise of her affidavit so the only reason why hers deferred is because Ms Mentor is still testifying and she will be asked questions which may or may not result in her adopting a certain stance in regard to her evidence about Ms Kaunda and if she adopts a second stance, that stance might mean that Ms Kaunda might see no reason to cross-examine her. With regard to Mr Mtolo, I have said to his Counsel I have concerns whether the version they have put up in his affidavit, the version that he has put up, Mr Mtolo, in his affidavit is a full version in regard to those allegations but if I am told by his Counsel that it is his full version, I will have
10 regard to that and then we will take it from there. His Counsel has chosen that he would rather just listen further to the evidence of Ms Mentor and they will make a decision later as to what to do so I think that if for example there were to be a supplement at the affidavit and if you wanted to put that to Ms Mentor before she is cross-examined, we could look at that.

ADV MAHLAPE SELLO SC: Thank you Chair. Chair, am I to understand therefore that I can't today put the versions as currently, on record.

CHAIRPERSON: Yes.

ADV MAHLAPE SELLO SC: Thank you and we will decide whether there is a need to put further supplementary versions?

20 **CHAIRPERSON**: Ja.

ADV MAHLAPE SELLO SC: The second point is Chair relates to former President, Mr Zuma and Mr Ajay Gupta who were served with Rule 3.3 notices and have to date have not indicated and we do not know how to deal with the two witnesses because we do not

know whether they intend to still submit responses in terms of Rule 3.4 and if so, we would request an indication by when they must do so Chair.

CHAIRPERSON: In the meeting that I had with the Commission's legal team together with Counsel representing various parties, Counsel for the former President were also there and they have indicated that a decision is yet to be taken if I understood correctly whether the former President will apply for leave to cross-examine or not but that decision will be communicated on Friday. In regard to Mr Gupta now, I haven't sought to make distinction between the different brothers but I think it is Mr Ajay Gupta. Counsel for him has indicated that he is going to tell him if my recollection is wrong. He has indicated that
10 a decision has been taken to filing application for leave to cross-examine and that application will be filed on Friday after they will have been served with some further documents by end of today. Mr Hellens, am I correct?

ADV MICHAEL HELLENS SC: That is correct Chair.

CHAIRPERSON: Thank you yes.

ADV MAHLAPE SELLO SC: Thank you Chair and thanks for the clarification. Chair, I don't know when I came in I cleared the space for the applications. May I take half a second to retrieve my files and we are ready to proceed.

CHAIRPERSON: You can do so. Maybe when you are getting your stuff in order, may I put some questions to Ms Mentor. Good morning Ms Mentor. You are still under oath.
20 When I read your statement, in particular the paragraphs which referred to, is it MM or MP1 and MP1, those are the pictures relating to the Sahara building and to Saxonwold. The impression I received was that you were certain that the buildings appearing in the pictures were the buildings where the Sahara building and the Saxonwold compound but

yesterday you said that one, you didn't take the pictures yourself. Two, the pictures were not taken in your presence, it's pictures that you took from the media, is that right?

MS VYTJIE MENTOR: That's right Chairperson.

CHAIRPERSON: At least one of the statements or maybe an affidavit that you deposed, they didn't give me the impression it's something you got somewhere, it gave me the impression that maybe you took the photos yourselves because I think it said in effect these are the buildings that I was a tourist. If it is something that you took from somewhere, probably all you might say is it looks like it's the same, maybe you can't be definite as such if you didn't take the photos, I am not sure, but basically in the end you
10 are saying you went to certain buildings, one of them was written Sahara and then there was Saxonwold and subsequently you saw pictures in the media and the pictures represented what you believed were the buildings to which you had been. Thank you, you agree?

MS VYTJIE MENTOR: I agree Chair.

CHAIRPERSON: Feel free if there is a reservation to say there is a reservation. In other words, you must speak freely. If you agree, you must say you agree, if you don't agree, you must say you don't agree because if you say you agree and inside you don't agree, you get cross-examined, then you regret why you didn't qualify your agreement.

MS VYTJIE MENTOR: Chair, I agree in that when I was going through my statement with
20 my legal representatives they asked me if this picture, I did not source the picture, of both the house and Sahara, if the pictures represent the buildings that I had been to so I agreed that the pictures that I saw before me do represent the buildings.

CHAIRPERSON: It may be that is the formulation of the relevant sentences in the statement, not really your fault. Okay thank you.

MS VYTJIE MENTOR: Pleasure Chair.

ADV MAHLAPE SELLO SC: Thank you Chair. Before I proceed with Ms Mentor or with her testimony this morning, Ms Mentor had requested to address you briefly on an issue, may I invite you?

CHAIRPERSON: Yes Ms Mentor?

MS VYTJIE MENTOR: Thank you Advocate Sello, thank you Chairperson for indulging me. I would like to request the Chairperson to allow me to peep into my statement from time to time. I do not have an intention to read it. Events that I covered in my statement occurred 8 years ago plus and I need to from time to time peep, have a look into it, not
10 necessarily read it so this is the humble request that I would like to put before you today
Chairperson?

CHAIRPERSON: I don't have a problem allowing you that. One understands that there has been a lapse of time. It may well be that when you get cross-examined, somebody may make seek to make some point about the fact that you keep on having a look at your statement but you will deal with it, explain the way you are happy to explain. I don't mind allowing you that opportunity.

ADV MAHLAPE SELLO SC: Ms Mentor, before we go back to your testimony, I don't know if you are in a position to clarify an issue you raised yesterday. With reference to your statement, the main bundle, paragraph 122, you sought to effect some changes or
20 corrections and the Chair had ask that you consider that overnight and to be absolutely certain the extent of corrections you would like effected. I am not asking you to do so, I want to find out whether you are in a position now to make the final corrections or would you still want the matter to stand down.

MS VYTJIE MENTOR: I would still want the matter to stand down.

CHAIRPERSON: Well I presume that is not to meant to stand down now in the true sense but that she would rather do that later in time, we go on with the evidence in the meantime, with other evidence.

ADV MAHLAPE SELLO SC: Indeed Chair, I confirm that. What she is standing down is when she makes the final correction and she will still come back to the Chair on that. Ms Mentor, when we parted yesterday afternoon, you had informed the Chairperson of your interaction and discussions with Mr Ajay Gupta and you had I think, stopped where you testified that Mr Ajay Gupta had indicated that had offered you the position of Minister of Finance if you undertook the Johannesburg, Mumbai SAA route, do you recall that?

10 **MS VYTJIE MENTOR:** Yes I do.

ADV MAHLAPE SELLO SC: Now that's where we ended. I apologise Chair, apparently I said Minister of Finance. No, I take that back and you must have been confused. I meant Minister of Public Enterprises, I correct that. Thank you. You recall that Ms Mentor, that's where we ended yesterday afternoon with your testimony.

MS VYTJIE MENTOR: Yes.

CHAIRPERSON: I am sorry Ms Mentor. Try and raise your voice so that the recording machine can capture what you say thank you.

MS VYTJIE MENTOR: Yes, thank you.

20 **ADV MAHLAPE SELLO SC:** Oh your mic was off. You deal with these matters from page 25 in particular, the cancellation of this airline from page 25, paragraph 87 and following. So you find your place in the statement. Now can you take what subsequently transpired from there after Mr Gupta had made you this offer?

MS VYTJIE MENTOR: May I go slightly back through the Chairperson please?

CHAIRPERSON: Yes.

MS VYTJIE MENTOR: Thank you. Before the issue of the offer of a Minister were posed and the cancellation of the airline route from South Africa to India and back, Mr Ajay Gupta had also brought forward the issue of Denel. He mentioned an issue of Denel that pertained between Denel and some companies in India and particularly the Indian Government. That issue that he raised with me was a top secret issue that no private citizen should have known about. I knew about the issue but I didn't say much because I was a member of the joint standing committee on intelligence and I knew about the issue and he suggested there was a matter, I don't want to disclose much of the matter, that he offered to resolve between Denel and the Indian Government. I was surprised that he knew about the matter, I was also extremely shocked because that matter was top secret. Because the matter was top secret, I did not entertain him on the matter.

ADV MAHLAPE SELLO SC: And just for the record, this aspect, is it covered in your statement or is it in your statement?

MS VYTJIE MENTOR: It is in my statement.

ADV MAHLAPE SELLO SC: Thank you, you may proceed.

MS VYTJIE MENTOR: Thank you. I am back at the offer as I had put it yesterday that he all of a sudden said that if I agreed to facilitate the abandonment of the route by SAA, I could become the Minister of Public Enterprises because the President was, no, I asked him questions when he gave me the offer. I asked him how could I become a Minister of Public Enterprises, he said the President was about to reshuffle the Cabinet and as I said yesterday, that was not in the public domain and I asked him how he could make me a Minister, he said that they often put word to the President for people to become Ministers and by "we" I understood him to mean "they", the Gupta brothers or the Gupta family. I

did not accept the offer, I failed that he does not have authority to offer Ministerial positions to me or to any other person. I was irritated, I actually said to him, it is only the President together with Lutuli House or in discussion with Lutuli House that can determine or that has authority to make people Ministers.

ADV MAHLAPE SELLO SC: Now when you said that to him, did he...

CHAIRPERSON: I am sorry Ms Sello, I am going back to the witness evidence about five minutes ago in regard to Mr Ajay Gupta telling her an issue that she says was top secret. I am assuming that the Commission's legal team has applied his mind or is applying its mind to the question of how that should be dealt with because obviously, maybe I
10 shouldn't say obviously because Mr Ajay Gupta may not know what matter she is talking about if she is not able to say what that issue was and so I am assuming that the legal team either has already applied its mind to how it will deal with that or it is applying its mind because obviously if that evidence is true, it is quite important but how it is handled is also important and the legal team would have to apply its mind as to how that should be dealt with at some stage or another before...

ADV MAHLAPE SELLO SC: Indeed Chair, we are applying our minds, the option is for Ms Mentor to make a separate statement as regards that and provide the necessary detail which statement itself shall be deemed secret and then the Commission can apply for a declassification of the issue together with Ms Mentor's statement on this matter.

20 **CHAIRPERSON:** Ja, I didn't necessarily want you to address how you propose to deal with it, I just wanted assurance that that is an issue that to which the legal team either has already applied its mind or will be applying so that is not left hanging.

ADV MAHLAPE SELLO SC: Thank you Chair, I can give the assurance that the legal team will definitely apply its mind to the matter thank you. Ms Mentor, I had inquired

whether when you told Mr Gupta that only the President in discussion with Luthuli House can offer Ministerial posts, whether he had responded thereto and if so, what his response was.

MS VYTJIE MENTOR: He was perturbed or that did not persuade him to abandon his offer. He persisted on it and we had a bit of an exchange and I became agitated. I began to become agitated and I got angry and I raised my voice. We were not agreeing on the issue and just as a point, when I declined the offer and I was telling that you have no authority whatsoever to offer me a Ministerial post, the President walked in. The President did not walk in from the entrance that I had used when I entered the house. He
10 walked in from the direction that I was led through when I was shown the bathrooms and the direction which Ajay Gupta emerged from when he came to join me in the house. The President entered, his entrance was just while I was getting very angry, he emerged and when he walked in I rose from my seat much as I was on crutches out of courtesy protocol and respect and he greeted me whilst he was standing and I was standing. Ajay remained seated and I immediately went ahead to tell the President what Ajay had said to me which was in relation to the offer including the issue of the eminent reshuffle of Barbara Hogan as he had informed me about. The President sought to calm me down, he did not address the issues that I was putting before him. He repeatedly told me to calm down. I felt that he was not paying attention to the issues I was bringing to his attention
20 and I felt that he was finding issue with me rather, with my agitation and with my anger. That further frustrated me, the discussion between the President and I occurred whilst we were still both standing. He continued to calm me down and I realised that he is not surprised, he is not objecting as I would have expected him to what I was telling him Ajay Gupta told me. He neither did not even ask Ajay about the issues I was telling him Ajay

raised with me. His vision was just to calm me down. When I realised that I was not winning, I decided that maybe I will have to leave.

ADV MAHLAPE SELLO SC: Now you say, Mr Zuma's mission was to calm you down and he tried to calm you down, how did he do that?

MS VYTJIE MENTOR: He'd asked me to calm down, he repeatedly asked me to calm down, he used both little bit of English and mostly Zulu language. There was a point at which, before I indicated that maybe I should leave, there was a time when I remembered that I had refused to go and see the President in China and I said to the President, I apologise for refusing to go and see you in China two weeks ago. The President
10 accepted my apology.

ADV MAHLAPE SELLO SC: Why do you say he accepted your apology? Did he indicate verbally the acceptance of the apology?

MS VYTJIE MENTOR: I take that he accepted it because he said it's okay, I mustn't worry.

ADV MAHLAPE SELLO SC: You may continue.

MS VYTJIE MENTOR: Then I told the President that I should leave, I am leaving because the atmosphere was just inexplicable to me and I was the one that was the mad party as it has often been said in the public that I am mad, I felt that I was being made the mad party there, I felt that the President is not attending to the issues that I am raising
20 with him so I elected to suggest to the President that I am leaving. As my bag was on the seat where I had seated, where I placed it next to me all the time so the President took my handbag and we were about to move out. As we headed to move out of that reception area or lounge, Ajay asked him if he would like to eat something. He asked him in a tone that I actually did not like, in a tone that's not very, it struck me that when the President

entered, he did not rise and when he spoke to the President to offer him something, he also spoke to him in a very demeaning, not respectful manner. The President told him that he was going to eat next door because I expressed surprise and looked at him, he said that Duduzane his son, lives next door. Then the President helped me out, me on my crutches, the President holding my handbag leading me through the exit that I had entered through which is going down those four to six stairs. Ajay remained seated.

CHAIRPERSON: I am sorry Ms Mentor, please don't forget where you were when I interrupted you. Please just go back to what you have said that Mr Ajay Gupta asked the President or offered him a meal in a demeaning manner. Can you elaborate how he
10 asked him or he offered him a meal that made you believe it was demeaning. Can you just give more information. What made you think the way he asked him, was demeaning?

MS VYTJIE MENTOR: In my view, if you address the President, you would say, Mr President, may I offer you something to eat? For me that's respectful. If you say, will you have something to eat? To me, that's demeaning.

CHAIRPERSON: And is that how Mr Ajay Gupta spoke to the President?

MS VYTJIE MENTOR: Yes, I did not specifically state word by word what is that Ajay said and that is exactly what he said to the President/

CHAIRPERSON: Okay thank you.

ADV MAHLAPE SELLO SC: Thank you Chair. As you had indicated you recall at what
20 point you were when the Chair posed the question right? You can take it from there again. Where you were leaving the lounge.

MS VYTJIE MENTOR: The President hold my handbag, when I descended the stairs, those five or so stairs, the President assisted me. As we went out of the lounge, the black

twin cab that had brought me from the airport was there. The President assisted me into the twin cab but even before he did, on our way to out of the house, he apologised for having, he said that if he knew that I was on crutches, he would not have requested that I fly all the way to come and see him whilst I am still on crutches. Outside the vehicle, he continued to calm me down. He spoke to me again in Zulu, calming me down and he told me in Zulu to look after myself and he told me that we would meet again. He actually opened the vehicle and assisted me into the vehicle and I was driven away to the airport.

ADV MAHLAPE SELLO SC: Can I inquire, in your interaction with the President at this point, did he indicate verbally that he was honouring the meeting you say that was
10 scheduled between yourself and the President?

MS VYTJIE MENTOR: When the President said to me, as we were leaving the house that would he have known that I was on crutches, he would not have requested to come to meet him, to me he was acknowledging that he called me for a meeting, a meeting which has an agenda.

ADV MAHLAPE SELLO SC: Okay, did you have an opportunity before I do that, can you recall around what time this was of the day?

MS VYTJIE MENTOR: That brings me to an item that I said I might have stayed two to three hours in the house but I landed at about, if I may calculate the time, is that allowed?

ADV MAHLAPE SELLO SC: Please do.

20 **MS VYTJIE MENTOR:** I landed at past 8.

CHAIRPERSON: That is at OR Tambo?

MS VYTJIE MENTOR: Yes Chairperson.

CHAIRPERSON: Yes, in the morning?

MS VYTJIE MENTOR: Yes, past 8. I would think that I was at Sahara at about past 9 to 10. I spent about 20 to 30 minutes before I saw I was made to meet Ajay, I spent about 20 – 30 minutes in discussion there, I was in Saxonwold around lunchtime.

CHAIRPERSON: Lunchtime being 1 o'clock?

MS VYTJIE MENTOR: Around 1 o'clock. I had lunch there by myself around 1 o'clock. I waited a bit for, there was a lapse of time before Ajay came into the house which was more than an hour. I think it could have been between one hour and two hours. I know that when we rushed to the airport, it was after 3 o'clock. It was between 3 o'clock and 4 o'clock so I don't know if I have assisted you with time calculation.

- 10 **ADV MAHLAPE SELLO SC**: Yes, and maybe just on that, do you have a recollection you may not because you fly so often, around what time was your flight back to Cape Town on that day or what flight, if I may say, did you eventually take back to Cape Town?

MS VYTJIE MENTOR: You know, I definitely came in through SAA and normally if I know that I had to re-check in and I check myself in. Now if I could have returned with SAA because I have been thinking last night, I was asking myself last night if why would I not have checked myself in for the going trip and for the returning trip. So I flew SAA in my head back but I could have flown another airline.

ADV MAHLAPE SELLO SC: Firstly, do you have a recollection as to what around time that was?

- 20 **MS VYTJIE MENTOR**: It was definitely after 5 o'clock.

ADV MAHLAPE SELLO SC: Just to pick up a point you make, you state that you checked yourself in, I don't understand, what point are you trying to make about checking yourself in or otherwise?

MS VYTJIE MENTOR: What I am trying to say is that I didn't have a ready boarding pass that just allowed me through the gate which is what you do if you check yourself for both trips in.

ADV MAHLAPE SELLO SC: I understand, thanks for that clarification. Now when you were having the discussion with the President, you say this was in Mr Gupta's presence?

MS VYTJIE MENTOR: Yes, except when we were descending the stairs by the vehicle outside.

ADV MAHLAPE SELLO SC: Now, before you got into the vehicle to take you back to the airport, did you at any point remind the President that you flew to Johannesburg specifically to meet with him. Did you have that conversation at all?
10

MS VYTJIE MENTOR: Yes, that's why, if I recall, that's why the President said to me, we will meet again.

ADV MAHLAPE SELLO SC: Explain that?

MS VYTJIE MENTOR: If my memory serves me well, I regretted to the President that we did not discuss the issue that was the item of our agenda.

ADV MAHLAPE SELLO SC: Did you express that sentiment to him directly?

MS VYTJIE MENTOR: If my memory serves me well I did and his response was, take care of [isiZulu], we will meet again [isiZulu].

ADV MAHLAPE SELLO SC: Okay, now, yes Chair.

CHAIRPERSON: We don't have an interpreter who can interpret what she has just said. I know that the Commission has arranged interpreters here but she says she is able to
20

translate that, please do that for the benefit of those who might not understand isiZulu, thank you.

MS VYTJIE MENTOR: On a lighter note Chairperson, I have discovered that Hlongwa and Hlongwane are the same thing in two different Nguni languages.

CHAIRPERSON: Well whatever the position is about Hlongwa and Hlongwane, Zondi and Zondo are not the same.

ADV MAHLAPE SELLO SC: Thank you Chair, let us just...

CHAIRPERSON: Okay, you want to give a translation of what you just said in isiZulu, thank you.

10 **MS VYTJIE MENTOR**: Don't be too overly worried young lady. Look after yourself like go and look, I understood that to be, no, let me just interpret. Look after yourself.

CHAIRPERSON: That's correct.

ADV MAHLAPE SELLO SC: Thank you Chair. Now, were they inside the house or outside, did you bring to the President's attention that you had caught a 6 o'clock flight technically being in Johannesburg or in the Gauteng Province from 8 o'clock in the morning for purposes of this meeting and you are only meeting him at that hour, did you have that conversation with him?

MS VYTJIE MENTOR: No I did not.

ADV MAHLAPE SELLO SC: Why not?

20 **MS VYTJIE MENTOR**: Because he came suddenly to the house, my issue was the concerns about what the issues Ajay has raised with me of making me a Minister and meet the issue of the airline so that overtook me and the reaction of the President was

disheartening to me to say the least and I decided to leave so only outside as I said, I may have, if my memory serves me well, referred to the fact that we did not fulfil the intended agenda and then he said we will meet again.

ADV MAHLAPE SELLO SC: Did in confirming the meeting for that Monday, was a specific time allocated for the meeting or was it left open?

MS VYTJIE MENTOR: Not time in terms of half past 8 or say Monday morning.

ADV MAHLAPE SELLO SC: At this juncture, based on what you testified on yesterday that Ms Kaunda had assisted with setting up this meeting, did you contact Ms Kaunda about the delay, let's say around 3 o'clock when still you hadn't met with the President.

10 **MS VYTJIE MENTOR:** No, I did not.

ADV MAHLAPE SELLO SC: You didn't have the mind to?

MS VYTJIE MENTOR: No, I did not. Ms Kaunda's role was to assist me to realise the meeting and I did not deem it necessary to tell her of the delays. The person that I kept on updating was my friend that I phoned when I was in Sahara and when I was in the house and in the vehicle but not Ms Kaunda.

ADV MAHLAPE SELLO SC: Did you inquire from the people who collected you from the airport as to when you will be meeting the President?

MS VYTJIE MENTOR: You mean when I met them at any point?

20 **ADV MAHLAPE SELLO SC:** When they took you from the airport to Sahara, when they took you from Sahara to Saxonwold, did you inquire as to what time approximately you might be meeting with the President.

MS VYTJIE MENTOR: No, I only told them that they were delaying me because in my understanding, when I left Cape Town, I was going to proceed from the airport and be driven straight to the President so my issues with them both in Sahara and in the house was that but they explained when I raised the issue, that I am getting delayed the President is help up discussing the issue of the strike of Cosatu.

ADV MAHLAPE SELLO SC: Did you inquire of them how they come to know that?

MS VYTJIE MENTOR: It surprised me but I did not ask them.

ADV MAHLAPE SELLO SC: Now, is it your testimony that the President learnt from you as to the offer made to you by Mr Gupta, so he was not present when Mr Gupta made the offer that the President learns that when you relate that to him, is that correct?

MS VYTJIE MENTOR: In my mind, the suddenness with which the President appeared when I rejected the offer and became loud and agitated, suggested to me that he could have had the discussion but I still felt it I must put it to him and not rely on the fact that he might have heard put it to him what Ajay Gupta had said to me.

ADV MAHLAPE SELLO SC: You indicated that after you had informed him, the President was more intent in calming you down. Now I want you to recall if you can, did he appear surprised of the offer allegedly made to you by Mr Gupta, did he react to that physically or otherwise?

MS VYTJIE MENTOR: He did not act surprise at all. As I say his main focus was on calming me down. He did not act surprised at all or angered or annoyed.

ADV MAHLAPE SELLO SC: Okay, you are now outside, he has walked you to the car and you indicate that he stated you will meet again. Did you inquire as to when that might

possibly be? Did you have a conversation with the President about possibly the next meeting that you might set down.

MS VYTJIE MENTOR: No, I did not.

ADV MAHLAPE SELLO SC: Okay, you are now at the vehicle and what happens?

MS VYTJIE MENTOR: I am at?

ADV MAHLAPE SELLO SC: Next to the vehicle, the bakkie that you referred to.

MS VYTJIE MENTOR: I am assisted by the President into the bakkie.

ADV MAHLAPE SELLO SC: Okay and then?

MS VYTJIE MENTOR: The bakkie drives off and as we proceed to the airport, I am taken
10 to the airport, as I am being taken to the airport, I call my friend again to say that the
meeting did not take place meaning the meeting specifically about the agenda, not
meaning that I did not meet the President. I don't know if I will get a flight to Cape Town.
In fact, I said to her I don't know if I will miss my flight back to Cape Town and I said to
her, in the event that I don't make it on my flight, may I come put up at your house tonight
and she agreed.

ADV MAHLAPE SELLO SC: Now, on my recollection, this is about a third telephone call.
You indicated when you are in Sahara you called a friend. And you indicated as well
yesterday when you were in Saxonwold, this Saxonwold house, you once again called a
friend?

20 **MS VYTJIE MENTOR:** Yes.

ADV MAHLAPE SELLO SC: And now you just indicated you called a friend yet again?

MS VYTJIE MENTOR: Same friend.

ADV MAHLAPE SELLO SC: Are these three people or is it one person or two?

MS VYTJIE MENTOR: One friend.

ADV MAHLAPE SELLO SC: It's the same friend right through?

MS VYTJIE MENTOR: Right through.

ADV MAHLAPE SELLO SC: Okay. Who was driving you back to the airport?

MS VYTJIE MENTOR: The same people that fetched me, both of them yes.

CHAIRPERSON: Well, before you proceed Ms Sello, Ms Mentor, if I recall correctly, your evidence yesterday was to the effect that you had done quite a lot prior to this maybe for two months, I am not sure, to try and get a meeting with the President, is that right?

10 **MS VYTJIE MENTOR:** That's right Chairperson.

CHAIRPERSON: You were not getting a positive response up until you got this call which you say was from Ms Kaunda, is that right?

MS VYTJIE MENTOR: That's right Chairperson.

CHAIRPERSON: And you would have been very happy that ultimately you were granted an opportunity to meet the President, is that right?

MS VYTJIE MENTOR: That's right Chairperson.

CHAIRPERSON: What you might not have been happy about is the short notice of the meeting, is that right?

MS VYTJIE MENTOR: That's right Chairperson.

20 **CHAIRPERSON:** You travelled at short notice to OR Tambo to make it to the meeting with the President, is that right?

MS VYTJIE MENTOR: That's right Chairperson.

CHAIRPERSON: And you were driven to Sahara and you were made to wait there for some time, you are not happy with that?

MS VYTJIE MENTOR: That's right Chairperson.

CHAIRPERSON: After some time you were taken to Saxonwold and there you were made to wait some time as well, is that right?

MS VYTJIE MENTOR: That's right Chairperson.

CHAIRPERSON: And you were spoken to about things that you had not come to Johannesburg about, is that right?

10 **MS VYTJIE MENTOR:** That's right Chairperson.

CHAIRPERSON: And ultimately the President came to the room where you were, is that right?

MS VYTJIE MENTOR: That's right Chairperson.

CHAIRPERSON: Now with that background, the question might arise why you didn't take this opportunity to say, now I am face to face with the President, I must use this opportunity to meet with him and discuss this issues that I have wanted to discuss with him for such a long time?

20 **MS VYTJIE MENTOR:** I was not going to discuss this issues before a person that it's not meant to be part of, the meeting was between myself and the President so there was the third party and this third party is a third party that had acted in ways that are out of hand in my view. Firstly, it's a third party that knew about the meeting, that knew about the agenda when he was not supposed to have known about the agenda and it's a third party

that goes on to exercise authority that in my view it's not his authority, his usurping somebody's authority and that authority resides with the person that I'm supposed to have a meeting with. For me there was everything wrong, the place, the company, the issues, I was not going to proceed with that meeting and as I say, most of the time I spoke to the President standing, I did not even take a seat.

CHAIRPERSON: What would you say if somebody says maybe you should have asked the President if you could meet with him elsewhere so that you could discuss these issues?

10 **MS VYTJIE MENTOR**: The President's posture when I raised the issues to him that I had a problem with, his posture of faulting me for being agitated and for being not calm, did not render it possible in my view to do that.

CHAIRPERSON: And when he said we would meet again, also you didn't try to tie him down to any timeframes saying that you had experienced some delays in securing this meeting?

MS VYTJIE MENTOR: I don't think that it is proper for...

CHAIRPERSON: To try and tie down a President.

MS VYTJIE MENTOR: Yes, even if you are a member of Parliament the President's diary is handled in his office and there is no way I could say to him can we meet tomorrow or next week.

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

MS VYTJIE MENTOR: Thank you Chair.

ADV MAHLAPE SELLO SC: Thank you Chair, it's brought to my attention, it's 11:20. In light of the fact that we started late with Ms Mentor, so she hasn't quite been in the box

for one hour fifteen minutes, I would like the Chair's view, do we continue or would it like to take a tea break?

CHAIRPERSON: I think let's take the tea break so we try to keep to the time for tea break and lunch break as close as possible. Since it's now about twenty past, we will be back at 11:35.

ADV MAHLAPE SELLO SC: Thank you Chair.

CHAIRPERSON: Thank you, we adjourn.

Session 2

CHAIRPERSON: Ms Sello before you proceed, Ms Mentor, would I be correct in saying that in your evidence, both yesterday and today, you are also drawing attention to this Commission things that you found strange with regard to the arrangements for your meeting with the President and with regard to how Mr Ajay Gupta spoke and behaved and how the former President also behaved on that occasion. Maybe I should explain, with regards to the President, maybe with special reference to his reaction when you told him what Mr Ajay Gupta had said to you, am I correct to say you are also drawing attention to saying some of these things I found strange?

10 **MS VYTJIE MENTOR:** Yes Chairperson I found those things strange, especially the two that you pointed out as Number 2 and Number 3. The first one I found it strange and discomfoting, but I welcomed it still because I was desperate to meet the President and I had been trying for 2 months or more to do so.

CHAIRPERSON: Well from what you said yesterday or this morning, or both, you said you expect that when you are going to have a meeting, you expected that when you were going to have a meeting with the President, it would normally be in the Union Buildings, or at Mahlamba Ndlopfu or any of the official residences of the State.

MS VYTJIE MENTOR: That's correct Chairperson.

20 **CHAIRPERSON:** Must I take it that once you knew that where you were at Saxonworld, was not a resident State house, you found it strange that you would meet with the President in a private citizen's residence?

MS VYTJIE MENTOR: That's correct Chair.

CHAIRPERSON: You must just think it though when I put these questions because I am trying to make sure that I understand what you are saying and if that is not what you are saying, you must just tell me no that is not what I am saying.

MS VYTJIE MENTOR: I found it strange Chairperson when I was told that this is the place where the meeting is going to take place, because when I left Saxonworld, I was going to a holding place, or a place where I would wait for the President, so once I was told that it is the place where I am going to have a meeting with the President, it was strange, but Chairperson bear in mind that I had been desperate to see the President, I was not going to cancel just because it's strange and the President was still coming.

10 **CHAIRPERSON**: No I am not suggesting you should have cancelled and you found it strange that when you told him that Mr Ajay Gupta had offered you the position of Minister, that the President was not alarmed or surprised or angered at this suggestion?

MS VYTJIE MENTOR: I found it very strange Chairperson.

CHAIRPERSON: And you found it strange too that he didn't ask Mr Ajay Gupta in front of you whether that was true?

MS VYTJIE MENTOR: Correct Chairperson.

CHAIRPERSON: And then as you said, he focused on calming you down and he then walked you to the car?

MS VYTJIE MENTOR: Yes Chairperson.

20 **CHAIRPERSON**: Thank you, you may proceed?

ADV MAHLAPE SELLO SC: Thank you Chair, Ms Mentor, just one question for clarification, when Mr Gupta informed you of the impending reshuffle, cabinet reshuffle, do you recall your testimony in that regard, that Mr Gupta offered you the position of

Minister of Public Enterprises when the President reshuffles the cabinet which on your testimony, was imminent?

MS VYTJIE MENTOR: I recall him saying that I could become Minister in a few weeks' time and I asked how so and then he went on to explain.

ADV MAHLAPE SELLO SC: Now I need clarity on whether or not Mr Gupta spoke in definitive terms to say that there is going to be a cabinet reshuffle or whether the offer was in the context that when such a reshuffle does take place, you could become the Minister of Public Enterprises, which is which?

MS VYTJIE MENTOR: He spoke in definitive terms, because I asked him how, was he
10 going to make me a Minister.

ADV MAHLAPE SELLO SC: Did you understand that there was going to be a reshuffle at the time?

MS VYTJIE MENTOR: I gathered that from him.

ADV MAHLAPE SELLO SC: Did you inquire from him how he has that knowledge?

MS VYTJIE MENTOR: I told him in not so many words, that that is not in the public domain, how he knew that.

ADV MAHLAPE SELLO SC: What do you mean in not so many words? Did you ask him any question as regards to his knowledge on this subject matter?

MS VYTJIE MENTOR: My key question to him was how he was able to make me a
20 Minister. It was not how he knew there was an imminent reshuffle.

ADV MAHLAPE SELLO SC: At the time you were having this conversation, were you aware that a cabinet reshuffle was on the cards?

MS VYTJIE MENTOR: I was not aware.

ADV MAHLAPE SELLO SC: Okay. Now Ms Mentor if you could have regard to your statement with the permission of the Chair, Page 29, I think your testimony has taken us to Paragraph 100 and under that heading of Position of Minister, you then have two other issues that you have raised there. Could you just briefly deal with those with the Chair and then we can conclude on this subject before I ask other questions?

MS VYTJIE MENTOR: Through you Chair, are you referring me to Paragraph 11?

ADV MAHLAPE SELLO SC: No I would say your testimony thus far, appears to have taken us up to Paragraph 100, do you still confirm that there is Paragraph 101 and 102
10 before the next topic starts?

MS VYTJIE MENTOR: Did I not deal with 101 yesterday in terms of saying that I think that my time approximation was not correct?

ADV MAHLAPE SELLO SC: Yes we did effect that amendment to recall, it currently reads approximately one week or so later, you suggested to the Chair that we amend that to read approximately two to three weeks or so later and we have affected that amendment, so I just want you to deal with the contents of Paragraph 101 and 102 before we get to the next chapter?

MS VYTJIE MENTOR: The reshuffle did occur. It occurred at the end of October. I was driving from Cape Town airport when I heard about the reshuffle and I called my friend
20 again to say there it has happened, Barbara Hogan has been reshuffled.

ADV MAHLAPE SELLO SC: The same friend?

MS VYTJIE MENTOR: The same friend. Minister Barbara Hogan was not replaced by me because I declined the offer. She was replaced by Minister Gigaba and after his

appointment as a replacement to Barbara Hogan, that route that I was supposed to facilitate the closure of, did become closed. I was not aware of this until many years down the line, but from media reports, it did happen. It did not happen under Barbara Hogan, it happened under Minister Gigaba as Minister of Public Enterprises.

ADV MAHLAPE SELLO SC: Okay now just to close on this chapter, the meeting you had set up with the President in the context that you had set it up, never really took place on the day?

MS VYTJIE MENTOR: In the sense that we didn't discuss the pebble bed modular reactor.

10 **ADV MAHLAPE SELLO SC:** Yes, did you make attempts again through Ms Kaunda or anyone, to establish a further meeting with the President?

MS VYTJIE MENTOR: I did not.

ADV MAHLAPE SELLO SC: Can you tell the Chairperson why not? The issues you indicated to the Chairperson, you wanted to raise with the President, remained not discussed. Why didn't you set up a further meeting?

MS VYTJIE MENTOR: There were at the time, issues of – the issues of my trip to China persisted in the media and in the ANC also. I had gone at some stage to discuss it with Jesse Duarte and Gwede and that was my second meeting with them. The first meeting did not deal with that. It is in the first meeting, that Jesse suggested that I should try and
20 hold off. My first meeting was to tell them that I am struggling to get hold of the President and they said try going the route of Kaunda. My second meeting was dealing with the issues that persisted of my trip to China and I was receiving letters from the Public Protector from the speaker about – I was dealing with that issue for a while and subsequently I was removed from my portfolio as Public Enterprises and because I was

pursuing the meeting with the President as chairperson of the Public Enterprises Portfolio Committee, when I ceased to be the chairperson, I had no authority to persist with the issues.

ADV MAHLAPE SELLO SC: As a matter of interest, when you ceased to be the chairperson of the Portfolio Committee on Public Enterprises, did you remain a member of the committee?

MS VYTJIE MENTOR: No I was taken to the Committee of Justice I think.

ADV MAHLAPE SELLO SC: Okay, now you say you did not inform Ms Kaunda of what transpired on the day?

10 **MS VYTJIE MENTOR:** No.

ADV MAHLAPE SELLO SC: Now are you aware that Ms Kaunda has been served with your statement before this Commission?

MS VYTJIE MENTOR: Yes I am aware.

ADV MAHLAPE SELLO SC: And that she has filed a short affidavit in response thereto?

MS VYTJIE MENTOR: Yes.

ADV MAHLAPE SELLO SC: Okay, Chair I would like to refer Ms Mentor to the content of Ms Kaunda's affidavit. It is in the applications bundle. The first should be the document received from Ms Kaunda.

MS VYTJIE MENTOR: Could you guide me to the page please?

20 **ADV MAHLAPE SELLO SC:** It should be the first in your bundle, you should have an index and following the index, should be a document with the heading of the Commission followed by Theresa Kaunda Applicant do you have it D3?

MS VYTJIE MENTOR: May I request my learned friend Ms Hofmeyer to assist?

MS VYTJIE MENTOR: Mine is marked already.

CHAIRPERSON: Oh have you located Ms Kaunda's application?

MS VYTJIE MENTOR: I have Chair.

CHAIRPERSON: Okay thank you.

ADV MAHLAPE SELLO SC: Now, you will notice from what Ms Kaunda terms the notice of motion which is the first document, that she takes issue with what you state in Paragraph 60 to 64 of your statement, do you see that?

MS VYTJIE MENTOR: Yes.

10 **ADV MAHLAPE SELLO SC:** Can we refer to your Paragraph 60 to 64 of your statement. Now I am going to ask you on D3 to go further on and you will locate a document titled Sworn Statement D3 in the other file.

MS VYTJIE MENTOR: Which would be Page 3 to 10?

ADV MAHLAPE SELLO SC: Yes and at Page 4, in her Paragraph 6 she states and I quote "I deny the contents of Paragraph 60 to 64 in so far as Ms Mentor implicates me in her statement." Now from Paragraph 7, she deals with why she takes issue with your averments in Paragraph 60 to 64 and you have had opportunity to apply your mind thereto haven't you?

MS VYTJIE MENTOR: Yes I did.

20 **ADV MAHLAPE SELLO SC:** Thank you, now at Paragraph 7.1, she indicates that there are three statements in which you provide a version as regards your supposed telephonic conversation with her. Let's start with the first. She has annexed marked A, which is a

document appearing from your Page 11 as a typed statement with corrections, do you see that?

MS VYTJIE MENTOR: Yes.

ADV MAHLAPE SELLO SC: She states at Paragraph 7.1, that Annexure A is a statement provided in the investigation by the Public Protector. What is your comment to that?

MS VYTJIE MENTOR: Could you kindly repeat your question please?

ADV MAHLAPE SELLO SC: Please look at her Paragraph 7.1. Before we do that, perhaps let's go back to Annexure A and let's establish whether you recognise that
10 document.

MS VYTJIE MENTOR: I do.

ADV MAHLAPE SELLO SC: Do you know that document for a fact?

MS VYTJIE MENTOR: I have seen it before yes.

ADV MAHLAPE SELLO SC: From your recollection, what is it?

MS VYTJIE MENTOR: It is a typed, an incorrect typed version of my first statement to the police when I opened charges against President Zuma and certain Ministers, chairpersons of boards, of SOE's, CEO's and companies. That returned to me and was problematic and I corrected to show the person that brought the document back to me, the, inaccuracies and the incorrect issues. There were some differences between the
20 handwritten statement and the typed statement.

ADV MAHLAPE SELLO SC: Okay now let's got back to Ms Kaunda's statement Paragraph 7, in particular 7.1, she describes this document as a statement in the investigation by the Public Protector. Do you have a comment to that?

MS VYTJIE MENTOR: She is wrong.

ADV MAHLAPE SELLO SC: Okay. She then at Paragraph 7.2, refers to another document which she annexes marked B and that will be in your bundle from Page 18.

MS VYTJIE MENTOR: Of D3?

ADV MAHLAPE SELLO SC: Of D3 yes.

CHAIRPERSON: 18 is the notice of motion,

10 **ADV MAHLAPE SELLO SC:** It is a notice of motion Chair. Have you located Page 18?

MS VYTJIE MENTOR: I have Mam.

ADV MAHLAPE SELLO SC: And there are actually two documents, they are to be read together, they go Page 18 to Page 27.

CHAIRPERSON: The second document starts at Page 23, do you see that?

MS VYTJIE MENTOR: Yes Chair I do see it.

CHAIRPERSON: Thank you.

20 **ADV MAHLAPE SELLO SC:** So both those documents constitute Annexure B of Ms Kaunda's statement. Now I would like us to go to the start of that Annexure B at Page 18 and I would like you to inform the Chairperson whether you know that document or the two documents and if so, to briefly describe what they are?

MS VYTJIE MENTOR: These documents are documents that were filed before the High Court of South Africa, Gauteng Division.

CHAIRPERSON: Well Ms Sello, on these non-contentious issues, really you can just lead her and say is that notice of motion in case number so and so in the High Court in Pretoria, is that part of her affidavit that she filed in the same case in Pretoria.

ADV MAHLAPE SELLO SC: I am happy to do so Chair.

CHAIRPERSON: Yes if it's a non-contentious issue.

ADV MAHLAPE SELLO SC: It shouldn't be, these are court filed documents. As the Chair suggests then, the first 3 pages are the notice of motion in an application you made to the High Court in Pretoria in the case the President of the Republic of South Africa versus the Office of the Public Protector as the first Respondent and the Public Protector as the second Respondent and further on, it's the affidavit you deposed in support of that application.

MS VYTJIE MENTOR: Yes correct.

ADV MAHLAPE SELLO SC: Thank you. Now Ms Kaunda has not annexed your full affidavit, but only excerpts that are relevant to her own version. Chair with your leave, we have obtained the full application which is not a substantive application and we beg leave to hand it in and make it part of the record, because it traverses matters that may be relevant to this Commission and that it would place the allegations made by Ms Mentor against Ms Kaundu in their proper context.

CHAIRPERSON: Thank you. I guess we should mark that separately from everything else. We marked the High Court Judgement – we had a separate marking for the High Court Judgement and maybe we could mark this something-

ADV MAHLAPE SELLO SC: Chair I understand the judgement wasn't given a number, it was just called Judgements. In the circumstances, may I propose that this be marked D4.

CHAIRPERSON: That's fine.

ADV MAHLAPE SELLO SC: Thank you and if I may hand a copy over to the witness for the file. Just for the record, please refer to Page 252 of that D4 and confirm that that is your signature? That Ms Mentor is the complete application you made to the Pretoria High Court because Ms Kaunda had only provided excerpts thereof.

MS VYTJIE MENTOR: Yes.

ADV MAHLAPE SELLO SC: Then lastly Ms Kaunda then refers to Annexure C going back to Ms Kaunda's affidavit and that would appear from Page 28 and Annexure C of the applications, sorry D3 Chair and Annexure C is basically the notice in terms of 3.3 of
10 the rules of the Commission and the statements made by Ms Mentor in that statement she signed particularly in Paragraph 60 to 64 which Ms Kaunda objects to. If we then Ms Mentor go back to the issues raised by Ms Kaunda, she states at Paragraph 7.1 of D3 and 7.2 and 7.3, that you have made statements pertaining to her in these 3 sets of documents, you understand that?

MS VYTJIE MENTOR: Yes Mam.

ADV MAHLAPE SELLO SC: She then expresses a view that there are a number of inconsistencies when the 3 documents are read together. Now if you go to Paragraph 9 of her statement, it appears at Page 6 of the record, she quotes what you say in Annexure A, remember Annexure A is the document that you describe as a statement
20 that you made to the police.

CHAIRPERSON: I wonder Ms Sello, but I would leave it to you how you handle it, I wonder whether it might not be quicker if you just told her what Ms Kaunda says about a particular statement without her necessarily having to try and look for it. Obviously if she wants to look for it in order to understand it, she can do so. You might have a better

appreciation of why you might want her to do that, for example, I thought that in the one area that Ms Kaunda refers to, she says she did not know the person who called her. For example if you were just to put that to her to say Ms Kaunda says in such and such statement, you say you did not know the person that called you, but you have told this Commission it was her, maybe it might be quicker, but you know how you want to run this thing. If you feel that it is important that she should go through and find the spot where that is said, I leave it to you.

ADV MAHLAPE SELLO SC: Chair with your leave, I would prefer the latter and in particular what is quoted in Page 6 of Ms Kaunda's statement, should Ms Mentor want to satisfy herself, that that is precisely what she said, I would like her to have the opportunity to do so, but if she is willing to accept that she is properly quoted in that page, then she may indicate so and we will proceed.

CHAIRPERSON: Okay.

ADV MAHLAPE SELLO SC: Would you like verify Ms Mentor what Ms Kaunda states in her Paragraph 9 in quoting from your statement that is annexed to hers marked A? Do you accept that that is what it reads?

MS VYTJIE MENTOR: There is a problem with a portion of 9 where it says I phoned Ms Kaunda at Luthuli House.

ADV MAHLAPE SELLO SC: Please go to Annexure A which she has annexed and Page 11, it starts at Page 11, now, if you go to Page 13, that is, where the typed Paragraph 25 appears. Next to it is A in brackets is inserted by hand. Immediately below that typed paragraph, there is an entry by hand and just above it, in brackets, 25 (b) is written, do you see that?

MS VYTJIE MENTOR: Yes.

ADV MAHLAPE SELLO SC: Read for yourself what is in 25 (b).

CHAIRPERSON: Or maybe she can just read aloud?

ADV MAHLAPE SELLO SC: Okay.

MS VYTJIE MENTOR:

"I also phoned Luthuli House repeatedly to get an appointment with the President."

ADV MAHLAPE SELLO SC: Okay and the last line of – maybe let me inquire, which aspect of her Paragraph 9 do you have difficulty with?

MS VYTJIE MENTOR: What I just read now, does not refer to her.

10 **ADV MAHLAPE SELLO SC:** If I may assist you, I want you to check whether what she states at Page 6, correctly quotes what appears in A?

MS VYTJIE MENTOR: It does not quote it correctly.

ADV MAHLAPE SELLO SC: In what respect doesn't it? Just look at it and compare it to Annexure A?

MS VYTJIE MENTOR: The quote says that I also phoned Ms Kaunda at Luthuli House.

ADV MAHLAPE SELLO SC: Then let's see what the statement says at 25 (a) and 25 (b) Page 13.

MS VYTJIE MENTOR: Do you want me to read both 25 (a) and 25 (b)?

ADV MAHLAPE SELLO SC: Please because she has quoted them together.

20 **MS VYTJIE MENTOR:**

"I struggled for 2 months to arrange a meeting with the President. I went to the Tuin Huis with a letter requesting a meeting. I followed protocol in arranging the meeting. I also phoned Ms Lukela Kaunda at Luthuli House. I also phoned Luthuli House repeatedly to get an appointment with the President."

ADV MAHLAPE SELLO SC: So you are reading from Annexure A?

MS VYTJIE MENTOR: Yes.

10 **ADV MAHLAPE SELLO SC:** And in what respect does it differ from what Ms Kaunda has quoted?

MS VYTJIE MENTOR: I was saying 25 (b) differs with what Ms Kaunda stated, but now that I have read 25 (a), it does not differ with what Ms Kaunda stated in Paragraph 9 Page 6.

CHAIRPERSON: You see when you look at that statement in which Paragraph 25 (a) and (b) appears, the whole statement document, it has got parts that are typed and it has got parts that are handwritten. Whose handwriting is the one that we see in the parts that are handwritten?

MS VYTJIE MENTOR: It is my handwriting Chairperson.

CHAIRPERSON: Thank you and 25 (b) do you confirm is handwritten?

20 **MS VYTJIE MENTOR:** Yes Chairperson.

CHAIRPERSON: Okay thank you.

ADV MAHLAPE SELLO SC: Okay so now we are back to her statement, we don't have a problem with her quotation it is as appears in the statement. Now she mentions that during 2010, she served as a Deputy Director General and that in 2010, she was not stationed at Luthuli House do you have a comment to that?

MS VYTJIE MENTOR: Yes she was not stationed at Luthuli House. I have always known Ms Kaunda to be stationed at the Presidency.

ADV MAHLAPE SELLO SC: Okay.

CHAIRPERSON: Well maybe before you proceed Ms Sello, maybe we should go to the end of where I think you want to go with this. Ms Mentor and maybe you know the answer
10 because you may have consulted with her, Ms Mentor, the issue that Ms Kaunda raises which she quarrels with in regard to your statement, is your statement and evidence that she is the one who called you to arrange a meeting to say the President would be able to meet you the following day. She says she did not do that and she says you say that was in 2010 and she says she was not in Luthuli House in 2010, she says she was I think Deputy Director General in the Presidency and I think later on, she became Chief Operations Officer.

The first question that I am interested in is whether you are certain that she is the one who called you, or whether you are not certain about it. It could have been somebody else from the Presidency and I am just asking because in case your answer is that you
20 are not certain, it may be that that part of the issue might go away, but if you say you are certain, then we must take all the trouble to check to go through the evidence.

MS VYTJIE MENTOR: Chair I am certain that Ms Kaunda is the one that phoned me on the Sunday before the Monday when I took the flight.

CHAIRPERSON: Okay.

MS VYTJIE MENTOR: If I may address you with the statement that Ms Kaunda is relying on, that has got typed versions and hand inserted versions, it is a statement that I had problems with and that I had contested, that it is a corrupted version of my original statement that is handwritten, that I had sought from the police and the Hawks for more than 2 years, to prove the point that this version of the statement is a corrupted version, not an accurate version of my original statement. In the Public Protector's transcript, I refer to the matter of me seeking my statement from the police and the Hawks without any success. I had not succeeded including through this Commission, until only yesterday to get my original handwritten statement.

10 The hand corrections on the statement, it was my attempt to show the person that brought this statement to me, my first protest, when Mr Mtolo brought this statement to me, was that how do you expect me to accept this? Firstly, it's inaccurate it's got a lot of problems. Secondly, I need my original handwritten statement to put it side by side with this statement to make sure that this typed version is an accurate reflection, an exact reflection of my original handwritten statement.

I had asked Mr Mtolo about the inaccuracies which were not only, linguistic but they were very critical aspects of the original statement that were not in tandem with mine, so I started demanding. In fact, when he said he was going to come to see me, I said please bring my original statement and that battle continued for 2 years until yesterday morning.

20 At the beginning of this Commission, Legal Counsel tried, we were given 3 statements, 2 of which are termed supplementary. The handwritten one was not forthcoming so I have been denied all the time, a right to my first handwritten statement that would have corrected the issue that Ms Kaunda is relying on to reject my version of events.

I stand by my account, she is the one that called me that Sunday night and I said so to the Public Protector. I said so in my original handwritten statement. The problem only came in this corrupted version.

CHAIRPERSON: No that's very helpful to know exactly what you are sure about, because it is important that we know where you say here I am sure and where you say I am not sure here and where you say you don't know, here you are quite clear that she is the one who phoned you. Now the handwritten statement that you speak about, it is available to the Commission's legal team I assume?

MS VYTJIE MENTOR: Since yesterday.

10 **CHAIRPERSON**: Okay, so this statement that Ms Kaunda relies upon, which has got some typed parts and some handwritten parts, it is not a finished product, as representing in every respect, what you wanted to say, is that correct?

MS VYTJIE MENTOR: That is correct Chair.

CHAIRPERSON: In some respects, it might be correct, but in others, it is not correct?

MS VYTJIE MENTOR: Yes Chair.

CHAIRPERSON: Thank you.

20 **ADV MAHLAPE SELLO SC**: Chair with your leave, may I request that we flag those questions and those answers, because I am not sure, judging by Ms Mentor's responses, whether she fully understood the questions. We are going to deal with the statements in a particular fashion and I would like to believe that the questions that the Chair has posed to her, will be clarified, so if I may just request that whatever answers that she gave now to the extent that they may not tally with what she is going to testify, because I am not sure that she understood the questions.

CHAIRPERSON: Well I must just Ms Mentor again, please relax and feel free and make sure that what you are saying, is what you are comfortable with and where you are sure about what you are saying, be able to say you are sure. Where you are not sure, you say I am not sure. Where you don't know, you say you don't know, but where are you sure, feel free to say you are sure, thank you.

ADV MAHLAPE SELLO SC: Now on that statement, it doesn't have a large page in Ms Kaunda's papers, but do you have a recollection of when it was created Annexure A, you can estimate?

MS VYTJIE MENTOR: It could have been around June 2016.

10 **ADV MAHLAPE SELLO SC:** Okay the next document we deal with is Ms Kaunda's Annexure B which as I said, is that application you made to the Gauteng High Court. In Paragraph 14, she quotes what you say in that statement, I have considered that quotation and it appears to accord with what is in your affidavit and if I may just quickly read, she quotes that in that affidavit you state which is dated 24 October 2016, you stated in and around 2010, I received a call from a woman "I do not know her name, inviting me to a meeting ostensibly with the President at the Union Buildings. I boarded a flight from Cape Town to Johannesburg to attend the meeting."

MS VYTJIE MENTOR: Yes I hear it.

20 **ADV MAHLAPE SELLO SC:** Now Ms Kaunda takes issue with the fact that in the one statement you mention her by name, but before the North Gauteng High Court on the 24th of October, you now state that you received a telephone call from a woman whose name you did not know. Do you have a comment to this?

MS VYTJIE MENTOR: Yes.

ADV MAHLAPE SELLO SC: Please explain to the Chair?

MS VYTJIE MENTOR: In my transcript with the Public Protector, I had called Ms Kaunda by name. In my original statement, I had called Ms Kaunda by name. The court documents were prepared by my lawyers at Webber Wentzel, they were seated in Johannesburg when they were doing the court documents and I was seated in Cape Town, Durbanville. What was before the court, the issue that we are discussing now, was not the gist of the matter before the court.

I may have slipped to pick up that portion of the statement that says, as captured by my lawyers in the document. There were documents coming between us to and forth and then eventually I signed and it was an urgent court application, so I had to hastily receive the document and rush to the police station to go and certify it and I missed that part.

ADV MAHLAPE SELLO SC: Okay so what is the position you take before the Commission today? Did you know at the time the identity of the person who called you?

MS VYTJIE MENTOR: I knew at the time because before that high court intervention to the Public Protector before that, I had called her by name. When I made my statement in May 2016, I had called her by name, I knew, if I had picked it up, I would have corrected it.

ADV MAHLAPE SELLO SC: Okay before you received a telephone call from Ms Kaunda, did you know her personally?

20 **MS VYTJIE MENTOR:** I don't know her personally.

ADV MAHLAPE SELLO SC: How did you know on the day you had that conversation that Sunday, that it was Ms Kaunda who had called you?

MS VYTJIE MENTOR: Because I think on Paragraph 105 of my statement, I attest to the fact that I had 2 meetings in Luthuli House between myself and Jesse Duarte and Gwede. I speak largely about the second meeting there because it relates to the China trip which is a component of my statement before the Commission, but above in that 105, I refer to the first meeting with myself, Jesse and Gwede in Luthuli House. The agenda of that meeting, was to complain to them that I am struggling to get the President to discuss the issue of the pebble bed modular reactor and it is in Luthuli House that it was suggested to me that I get the President through Ms Kaunda and that is where I got her number from.

- 10 When she called me and I had also had SMS's before that call, I had SMS's with her discussing the issue trying to ask her to facilitate the meeting, so that I knew that it was her calling me.

ADV MAHLAPE SELLO SC: Do you by any chance still have those SMS's?

MS VYTJIE MENTOR: Chair that was in 2010.

ADV MAHLAPE SELLO SC: Okay so is the answer no?

MS VYTJIE MENTOR: No.

ADV MAHLAPE SELLO SC: You don't have them.

- 20 **CHAIRPERSON:** I just want to make sure I understand. I understood you earlier on to say that prior to Ms Kaunda calling you on that Sunday, to say the President would be able to meet you the following morning, I understood you earlier on to say you didn't know her before that, but I thought later on you were saying you had been to a meeting with Mr Mantashe and Ms Duarte and it had been suggested that you get in touch with

her and you had been in touch with her. In terms of what came first in regard to that, are you able to tell me?

MS VYTJIE MENTOR: Chair the first part of your question to me, deals with me knowing her in person.

CHAIRPERSON: Well there is a question that was asked by Counsel and my recollection is that she asked you whether you knew Ms Kaunda at the time she made the call to you to say the President would be able to meet you the following morning. Now my recollection is that if I am correct in saying that was the question put to you, my understanding is that your answer was that you did not know her at that time. Is that your
10 understanding of what the question was to you and is that your understanding of what your answer was to the question?

MS VYTJIE MENTOR: Yes Chair, to be, knowing means have we met before in person, so I understand the question. If I misunderstood it, I beg your pardon.

CHAIRPERSON: Oh what you meant was that you had never met her?

MS VYTJIE MENTOR: Yes.

CHAIRPERSON: But that doesn't necessarily mean that you had never communicated with her?

MS VYTJIE MENTOR: Yes Chair but the question was not did you communicate with her before.

20 **CHAIRPERSON:** No I accept that, I am trying to understand what your thinking was. In other words, were you meaning to convey to the Commission that prior to that call from her on that Sunday, you had never met her in person? So maybe then the question can be asked, prior to that call, had you communicated with her in one way or another?

MS VYTJIE MENTOR: Yes Chair hence when she called me, she said the meeting that you have been seeking with the President. I had been communicating with her, but we had not met in person.

CHAIRPERSON: Okay.

ADV MAHLAPE SELLO SC: So when you say you knew her, you meant you had had communication with her?

MS VYTJIE MENTOR: Yes I apologise for my poor English.

ADV MAHLAPE SELLO SC: No, no just so we understand and it is important because at 16.2 of her statement, Paragraph 16.2, Ms Kaunda states unequivocally and I quote
10 during 2010, Ms Mentor and I have been unknown to each other, so she denies any knowledge of you at that time or that you knew each other at all at that time.

MS VYTJIE MENTOR: Chair I don't understand what knowing means.

CHAIRPERSON: Okay she might come at some stage and explain what she means, but to the extent that she may mean the two of you had never met, you would agree with her?

MS VYTJIE MENTOR: Yes.

CHAIRPERSON: To the extent, that she may also include that there had never been any communication between the two of you, you would not agree with that?

MS VYTJIE MENTOR: I would not agree with that Chair.

20 **ADV MAHLAPE SELLO SC:** When you say you knew her, what exactly do you mean by knowing, so from your perspective, what would you want us to understand?

MS VYTJIE MENTOR: I said I did not know her personally, we had not met, but we had communicated.

ADV MAHLAPE SELLO SC: And that is what you mean by knowing her?

MS VYTJIE MENTOR: Yes.

ADV MAHLAPE SELLO SC: That's as far as it goes, thank you Chair. Okay now let's look at the statements you previously made regarding Ms Kaunda, you mentioned the PP's interview, you mention the statement you made to SAPS and then there is the intervention application. So let's try and put them in date form. When I look at the record, the PP transcript appears from Mentor main bundle D1 starting from Page 38 and
10 as I indicated to the Chair, it is regarding an interview either on the 21st or the 22nd of July 2016 and on my records at Page 84 of that transcript Line 7 to be precise. I will read what you state there into the record.

"Low and behold I read, I heard over the radio and in the media that I have been removed as the chair of Public Enterprises and that the reason was the China trip, but then before that, Lakela Kaunda whom Jessie advised me to call, called me one Sunday evening even before I called her, that is before my removal from Portfolio Committee. She said to me you have been, wanting to see the President for a long time."

20 It continues, I said

'Yes of course I am glad you called.'

She said

"It was Sunday evening, the President will be able to see you tomorrow which was a Monday and it was latish on Sunday and then she said to me, somebody is going to call you but I am going to give you that person's number also so that if she has not called you, you call them, but before she said that, it is because I complained that it is short notice, it is Sunday, it is late at night."

Now we know from this record, that you indicated on the 21st of July. The next indication, the next reference you have-

10 **CHAIRPERSON**: Do you want confirmation from her? I just want to make sure if she is supposed to respond, she does, and that the record captures that?

ADV MAHLAPE SELLO SC: I wasn't going to do that, but I am happy Chair, but unless she disputes the record of the Public Protector. Do you confirm that that is what you said to the Public Protector as reflected there?

MS VYTJIE MENTOR: I do.

ADV MAHLAPE SELLO SC: Thank you. Then I would like to refer you in the same bundle, to Page 152, it starts at 150 and it goes to 158. That Chair and Ms Mentor is the complete version of Ms Kaunda's Annexure A with the last signature page. In particular at Page 152-

20 **MS VYTJIE MENTOR**: Sorry Mam, that page is in the debrief file that you are referring to.

ADV MAHLAPE SELLO SC: I mean D1 no remember D1 is where your statement is. Now if you go to D1 Page 150 up to 158 and I stated that that is the full version of the

statement which Ms Kaunda annexes as Annexure A. Now if you go in particular to Page 152 and at Paragraph 26, can you just quickly read there what is written into the record?

MS VYTJIE MENTOR:

"After speaking to Mr L. Kaunda, she made contact with me one Sunday evening after 10:00 on my official phone. She just informed me that the person will phone me with regards to my meeting with the President together with the arrangement. That was to be for the next day, which was a Monday."

10 **ADV MAHLAPE SELLO SC:** Now if you go to Page 158, it will indicate on what date this statement was made?

MS VYTJIE MENTOR: The date on Page 158 is the 9th of May 2016.

ADV MAHLAPE SELLO SC: And I don't have to take you to that Chair, D4 which is the intervention application. It is dated the 25th of October 2016, so at least on record, on two previous occasions-

MS VYTJIE MENTOR: Though you Chair, am I able to ask Advocate Sello or to bring something to the attention pertaining to the matter we canvassed before you were moving to the new matter, the one of Ms Kaunda?

ADV MAHLAPE SELLO SC: I am still on Ms Kaunda, I have not moved.

20 **CHAIRPERSON:** Okay, but do feel free if you think there is something important?

MS VYTJIE MENTOR: It is important to me that in this part that I read into the record, it is referred to Mr Kaunda and in my original handwritten statement, I refer to Ms Kaunda as Ms Kaunda and I did not type this version and this Mr Kaunda is in a typed version and I

did not have my handwritten statement that I had been demanding to correct that and this was a just a quick correction to show the person that there are discrepancies, I need my statement, bring it. But in my original statement, I did not refer to her as a Mr.

CHAIRPERSON: Okay I think that's important, thank you.

ADV MAHLAPE SELLO SC: Ms Mentor I am going to submit your original statement, we will give it a, number and at that juncture, I will be happy to take you to the paragraph where you make this point.

CHAIRPERSON: Just while Ms Sello is looking at asking her next question, I see that there is a suggestion that Ms Kaunda called you on your official phone. Is that correct?

10 **MS VYTJIE MENTOR**: Yes Chairperson.

CHAIRPERSON: That official phone I assume you did not keep beyond chairperson of the portfolio committee, or, did you?

MS VYTJIE MENTOR: I should have said my official number, not the handset.

CHAIRPERSON: Oh okay.

MS VYTJIE MENTOR: Official in that Parliament asks you to give them a number that you want to officially communicate with them. It's your own number, it's your own contract, but it's a number that they officially correspond with you with.

CHAIRPERSON: Do you still have that number, your number?

20 **MS VYTJIE MENTOR**: I have submitted all the phone numbers that I had in 2010 to the Commission.

CHAIRPERSON: Alright and I assume that maybe the number that Ms Kaunda may have used to call you, is also recorded somewhere, or you are not sure about that, whatever

number she used to call you on that Sunday evening, do you know whether that number is available?

MS VYTJIE MENTOR: Available as still in operation or do I know the number?

CHAIRPERSON: Knowing the number?

MS VYTJIE MENTOR: I know the number it was the only 072 number that I was using in 2010.

CHAIRPERSON: No sorry I think you may have misunderstood, I understand what the position is with your number. I am asking about the number that Ms Kaunda used, the cell phone number or landline number from which she was calling you that Sunday, whether
10 that number is available or not, do you know?

MS VYTJIE MENTOR: No it is not available with me.

CHAIRPERSON: Oh okay alright thank you.

ADV MAHLAPE SELLO SC: I must indicate that we made attempts to obtain records from cell phone providers and unfortunately we are informed that any records that are older than 5 years, are not retained by the cell phone providers, so that is the position and if the Chair would have regard to some transcripts before the PP, she appeared to have made attempts as well, not only in respect of Ms Mentor, but other witnesses and she seemed to have faced the same difficulty.

So Ms Mentor do you still maintain your position that the person you spoke to, was Ms
20 Kaunda on the day, that Sunday who invited you to a meeting on Monday with the President?

MS VYTJIE MENTOR: Yes I do.

ADV MAHLAPE SELLO SC: And is it your position that notwithstanding what you stated in your intervention application, you were aware at the time, who exactly you were talking to?

MS VYTJIE MENTOR: Yes.

ADV MAHLAPE SELLO SC: And you stand by the explanation you provided to the Chair as to why your affidavit in your application to intervene claims that you don't know the person?

MS VYTJIE MENTOR: Yes.

ADV MAHLAPE SELLO SC: Thank you. Now we then move onto the issue of
10 disclosure of the offer for a ministerial position made to you as you state by Mr Ajay Gupta. If you go to D1, your statement, you deal with that from Page 29 at Paragraph 103. Now I would like you to deal with these aspects in the following manner – you 've got a main heading and you've got one titled First Disclosures and starting at Paragraph 118, you have a small heading The Hawks and at Page 35 Paragraph 124, you finally have the Public Protector. Do you confirm that?

MS VYTJIE MENTOR: Yes.

ADV MAHLAPE SELLO SC: So that we are able to follow your evidence, can you deal when you explain to the Chair in the manner that they appear, so you firstly deal with what you call the First Disclosures?

20 **MS VYTJIE MENTOR:** Shortly after my encounter, I cannot say exactly how many days after my encounter at Saxonworld, but it was at a meeting of the portfolio committee of the joint standing committee on intelligence. Our meeting had two portions. We

converged in one portion, we have tea and we leave our cell phones, we eat there and then we go to the meeting room.

ADV MAHLAPE SELLO SC: Sorry who is the “we” could you be specific?

MS VYTJIE MENTOR: Members of the portfolio committee on joint standing committee.

ADV MAHLAPE SELLO SC: And that is in Parliament?

MS VYTJIE MENTOR: Yes. This is going to correct slightly a detail that was omitted on 103.

ADV MAHLAPE SELLO SC: Okay let’s deal with that correction and get it out of the way.

MS VYTJIE MENTOR: I would like to make an addition in the sentence that starts with
10 “shortly after” of 103 to the effect that I would like to add before the 3 names.

ADV MAHLAPE SELLO SC: Okay just read the statement as it stands right now and then indicate in what respect you would like to correct it?

MS VYTJIE MENTOR: I did not go public on the Saxonworld incident immediately. The joint standing committee on intelligence of which I was a member, met on Wednesdays. Shortly after my encounter with Mr Zuma and the Gupta’s at their residence, I did disclose to a few members of the committee what had happened at my recent meeting with Mr Zuma. They were [Hlengi] [indistinct] Dennis Bloom, Siyabonga Cele the chair of the committee they all took interest in my account. There is a version that is omitted that comes before those 3 names.

20 **ADV MAHLAPE SELLO SC:** Okay please explain to the Chair what is omitted?

MS VYTJIE MENTOR: It’s a component that said that I disclosed the committee members in an informal setting where we were drinking tea and having snacks and that

those 3 members are the ones that paid attention to the matter that I was raising and are the ones that engaged the issue in that informal setting.

CHAIRPERSON: Is what you want to put in, something to the effects that the disclosure that you made was informal?

MS VYTJIE MENTOR: Yes the first one.

CHAIRPERSON: To those members? You just want it to be clear that it was an informal disclosure, is that you want?

MS VYTJIE MENTOR: I want to make it that it was an informal disclosure, but it was not limited to the 3.

10 **CHAIRPERSON**: Oh it was informal but it was to the whole committee?

MS VYTJIE MENTOR: It was to the members of the committees that were there, but they were not only 3.

ADV MAHLAPE SELLO SC: Can I see if we understand, this disclosure that you are referring to, was the committee in session, or was this before?

MS VYTJIE MENTOR: It was before the committee is in session.

ADV MAHLAPE SELLO SC: Okay and when you say informal, where about was this discussion being held?

20 **MS VYTJIE MENTOR**: It is a committee meeting venue. We are about to meet. Every time before we meet, we have tea and snacks in this room before we enter the room where our cell phones are not accepted. So we converged there, as we have tea and snacks, I informed the members of my, encounter and 3 of them paid attention to my disclosure.

CHAIRPERSON: So would you be comfortable if we add a sentence as a last sentence in that paragraph that says, I made this disclosure to members of the committee who were present at the time before our formal meeting started and then saying, included among those who were present, are the members that you have mentioned in your paragraph?

MS VYTJIE MENTOR: Yes Chair.

CHAIRPERSON: You would be happy with that?

MS VYTJIE MENTOR: Yes Chair I will be happy with that.

CHAIRPERSON: Okay.

10 **ADV MAHLAPE SELLO SC**: The paragraph as it stands right now, stands. She just qualifies and says this discussion happened not in the committee meeting itself when the committee was in session, but before and it was made amongst a number of people, 3 of whom took an interest in what she was saying and it is the 3 that are listed there.

CHAIRPERSON: I made this disclosure informally to members of the committee who were present as you were having tea before the formal meeting, is that fine?

MS VYTJIE MENTOR: Yes Chair.

CHAIRPERSON: As we were having tea before the formal meeting could start.

ADV MAHLAPE SELLO SC: Now with that correction, we have now come to understand that you made this disclosure informally while you were having tea before the committee
20 you referred to in Paragraph 103, the committee on intelligence started its meeting and that 3 members took an interest in what you were saying, specifically Hlengiwe Ngabadali, Dennis Bloom and Siyabonga Cele, the chair of the committee. Now can you

take it from there? Before you do, when you say they took an interest, did they respond in any manner and if so, what did they say?

MS VYTJIE MENTOR: If my memory serves me very well, Hlengiwe Ngabadali and Mr Dennis Bloom were saying this matter, I am just loosely trying to remember, this matter needs attention, it is repeatedly in the media like the Gupta's, I had just told them about my experience with them. Hlengiwe Ngabadali also said that because she was my neighbour, we should discuss this later when we knock off. Dr Cele outside the meeting, also expressed a concern, but we were not in a formal meeting, so we go now into the meeting and 2 or so members and I think one of them was a DA member, suggested that
10 the issue that I raised informally outside the meeting, the issue of the Gupta's needs to be discussed by the committee.

ADV MAHLAPE SELLO SC: Now 2 questions here. Do you recall the identity of that member?

MS VYTJIE MENTOR: No. I think the DA might have only had one member, I am not sure, I think they had one member, so when they have one member and one member alternating, it means that the 2 members cannot attend at the same time, only when the one member is absent, will the other member attend, so I don't recall.

ADV MAHLAPE SELLO SC: But you are certain it was a member of the Democratic Alliance?

20 **MS VYTJIE MENTOR:** I am certain it was a member of the opposition.

ADV MAHLAPE SELLO SC: When you say opposition, there are many, please specify the party if possible?

MS VYTJIE MENTOR: Let me be safe and say a member of the opposition.

CHAIRPERSON: Can I just confirm this? This disclosure to this committee, this informal disclosure, you say in your statement, took place shortly after your encounter with Mr Zuma. Now we know from what you have told us that the day of the week when you were in Johannesburg to meet the former President, was a Monday and you are saying here that this committee used to meet on Wednesdays. Could it be that this meeting where you made this informal disclosure was the first Wednesday after the Monday when you had been to Johannesburg or it could be later than that? In other words, was it the Wednesday of the same week that you had been to Johannesburg to meet with the President, or was it the Wednesday of another week and if you can't remember, you can
10 say that you can't remember, but if you do remember, just help us?

MS VYTJIE MENTOR: I am inclined to think that it was not the first Wednesday, but I know that it was not long after my encounter.

CHAIRPERSON: So maybe it could be the following week or the week after?

MS VYTJIE MENTOR: Yes but not further than that.

CHAIRPERSON: Not further than that okay thank you.

ADV MAHLAPE SELLO SC: If I may follow-up on that question that was going to be my second question to Ms Mentor. When you made this disclosure in the manner that you have described and at the place that you have referred to, was it before or after the reshuffle and removal of Ms Hogan as the Minister of Public Enterprises?

20 **MS VYTJIE MENTOR:** It was before.

ADV MAHLAPE SELLO SC: Thank you. Chair it has been drawn to my attention that it has gone past 1:00.

CHAIRPERSON: I didn't realise, thank you very much, we are going to take the lunch break Ms Mentor and we are going to be back at 2:00.

Session 3

STATE CAPTURE INQUIRY

PARKTOWN, JOHANNESBURG

10

28 AUGUST 2018

DAY 5

20

PROCEEDINGS ON 27 AUGUST 2018

CHAIRPERSON: Mr Pretorius.

ADV PAUL PRETORIUS SC: Thank you. May I just intervene Mr Chair, following our discussion in chambers that, and to make a formal announcement, that Mr Themba Maseko will come to give evidence tomorrow morning at 10:00am.

CHAIRPERSON: Ja.

ADV PAUL PRETORIUS SC: So the President's counsel can be aware of that fact.

CHAIRPERSON: Yes, thank you very much. Thank you. Ms Sello you may continue.

10 ADV MAHLAPE SELLO SC: Thank you Chair.

CHAIRPERSON: Thank you. Are you ready Ms Mentor? You are ready, okay all right.

ADV MAHLAPE SELLO SC: Just to help you find your place, Ms Mentor, we are in your statement page 29, paragraph 103 and dealing with what you term, first disclosures. We have dealt with what you call the informal meeting before the meeting of the joint Standing Committee on Intelligence. Now can you the story up from paragraph 104?

MS VYTJIE MENTOR: In 104 is the fact that an opposition member or two raised the issue in the committee for the attention and request of the committee, requesting that the committee discusses... the committee discusses the matter. I must say that would...
20 if the committee would normally have a predetermined agenda, okay. So they were trying to insert it as a new item agenda.

The Chairperson entertained that briefly and said that he would rather take the

matter to Luthuli House and to the President. So the matter stood off, it was left in the hands of the Chairperson. He undertook to handle it.

ADV MAHLAPE SELLO SC: Now when these issues were raised had the meeting started formally?

MS VYTJIE MENTOR: Yes, you adopt the agenda at the beginning of the meeting.

ADV MAHLAPE SELLO SC: Okay. Now the members of the opposition, you say one or two that raised this. Was it after the adoption of the agenda or before, to your recollection?

10 **MS VYTJIE MENTOR:** I think it was an attempt to add them to the agenda before it's adopted.

ADV MAHLAPE SELLO SC: So the meeting was in formal session now?

MS VYTJIE MENTOR: Formal session.

ADV MAHLAPE SELLO SC: Now do you recall who these one or two members were?

MS VYTJIE MENTOR: I recall that they are members of the opposition, not members of the ANC (*'The African National Congress'*).

ADV MAHLAPE SELLO SC: Okay, but you can't say to which party they belong? You don't have to commit yourself if you don't remember, you don't.

MS VYTJIE MENTOR: Yes, and I think on that committee there were only two
20 members of the opposition representing two opposition parties, I don't want to commit myself to names.

ADV MAHLAPE SELLO SC: Can I enquire from you... are the minutes of this

committee recorded?

MS VYTJIE MENTOR: The minutes of the committee are usually recorded and they are secret. But I am sure the Commission will be able to deal with that.

ADV MAHLAPE SELLO SC: And can the Chairperson accept that they are transcribed as minutes for consideration at the next meeting, in the normal course?

MS VYTJIE MENTOR: Can you explain that to me please?

ADV MAHLAPE SELLO SC: Can the Chairperson accept, and I appreciate that they are confidential, that in every meeting minutes are taken which are then adopted at the subsequent meeting. Does the committee follow that process as well?

10 **MS VYTJIE MENTOR:** Yes. But the issue was not discussed; it was handed over to the Chairperson. I am sure that you will get those minutes if you ask for it.

ADV MAHLAPE SELLO SC: Now you indicated that the Chair expressed a view on how that matter should be dealt with. Who was the Chairperson of this committee?

MS VYTJIE MENTOR: Dr Siyabonga Thwala.

ADV MAHLAPE SELLO SC: And can the Chairperson accept that if the commission were able to locate those minutes, both the issue raised and the decision of the Chairperson will be reflected in that minute?

MS VYTJIE MENTOR: Yes Ma'am.

ADV MAHLAPE SELLO SC: Okay.

20 **CHAIRPERSON:** Is that what you expect to be the position or is there... are you giving that answer because you did subsequently see them and they do reflect that?

MS VYTJIE MENTOR: I did not see them Chair, I don't know if matters that are

considered for addition to the agenda are added, but I don't want to stop the commission...

CHAIRPERSON: Ja, no...

MS VYTJIE MENTOR: ...to try and access the minutes.

CHAIRPERSON: No, you are not stopping the commission you are trying to help as much as you can, but I am just raising that so that you are conscious of what the question put to you might mean and the answer that you give might mean. So you were asked whether the minutes will reflect that addition and the decision of the Chairperson, you said yes.

10 So I just thought I must just check with you whether... when you say yes, are you saying yes because you did subsequently see the minutes and they reflect those two issues, or whether you are simply saying yes, because you expect them... that is the minutes, to reflect it?

MS VYTJIE MENTOR: I did not see that they are captured in the... the issue discussed was captured in the minute. I would've seen it in the next meeting when we deal with matters arising. So I did not... so I am expecting that the discussion might be captured, it might not be captured.

CHAIRPERSON: Ja, just remember as I said earlier on, just always remember what you are sure about to say, yes this I know, this I am not sure about, this I
20 don't know. In this case you are not sure whether the minutes will reflect but you expect them to reflect.

MS VYTJIE MENTOR: Yes.

CHAIRPERSON: These issues, okay.

ADV MAHLAPE SELLO SC: Thank you for that clarification Chair. And can the Chair accept that at that point that was the end of this discussion on this matter, in the committee meeting on that day?

MS VYTJIE MENTOR: Yes Ma'am.

ADV MAHLAPE SELLO SC: Now in other subsequent committee meetings you attended of the same portfolio committee, was this matter ever referred to again?

MS VYTJIE MENTOR: Not that I recall.

ADV MAHLAPE SELLO SC: Okay. You indicated that the Chairperson said he would refer the matter to...?

10 **MS VYTJIE MENTOR:** The ANC.

ADV MAHLAPE SELLO SC: The ANC?

MS VYTJIE MENTOR: Luthuli House.

ADV MAHLAPE SELLO SC: To Luthuli House. Do you know for a fact whether or not that happened?

MS VYTJIE MENTOR: Chair I must say that we were made to believe that it happened because, we would have a study group of the ANC separate from the opposition. At one point that issue was... the Chairperson was asked how far the issue is that he had gone to report to Luthuli House and the response was that he... Luthuli House, still sits with the matter. But further than that, I don't recall it ever being discussed
20 again.

ADV MAHLAPE SELLO SC: And that question posed you say in the study group, was with particular reference to this issue?

MS VYTJIE MENTOR: Yes.

ADV MAHLAPE SELLO SC: Okay. Are you, are you aware whether Luthuli House as you explained, reverted to the Chairperson of the committee on this aspect?

MS VYTJIE MENTOR: No, I am not aware.

ADV MAHLAPE SELLO SC: Did you make any enquiries as to what happened to the issue?

MS VYTJIE MENTOR: I did not make enquiry.

ADV MAHLAPE SELLO SC: Why not? Were you not interested in the outcome of what you had placed as a matter of concern to members of the committee?

10 **MS VYTJIE MENTOR:** I did not make a follow up.

ADV MAHLAPE SELLO SC: I am trying to understand why that is so. Why didn't you follow it up?

MS VYTJIE MENTOR: It could have been because another similar matter had previously occurred, was discussed; actually two issues by the committee was handled in the same way and went to Luthuli House and once we were happy that Luthuli House assists with the matter, we would leave the issue.

ADV MAHLAPE SELLO SC: And those matters that you referred to... is it... did they arise prior to or after the incident you reported?

MS VYTJIE MENTOR: Prior to.

20 **ADV MAHLAPE SELLO SC:** Prior to. Now did Luthuli House... and I mention it in the broader as possible manner, have any engage... invite you for any engagements on this particular issue?

MS VYTJIE MENTOR: No.

ADV MAHLAPE SELLO SC: Were you ever required to submit a report or to explain what transpired and the nature of your complaint?

MS VYTJIE MENTOR: As flowing from the committee no, but on my own in the first meeting that I said that... was the first meeting with Jessie and Gwede. I had raised that issue with them... the second meeting with them was my difficulty to get the President, but that was not necessarily flowing from the committee discussions.

ADV MAHLAPE SELLO SC: Okay let me try and understand that. Are you saying you raised specifically the issue of the offer of a ministerial position by, as you state, Mr Ajay
10 Gupta with Ms Jessie Duarte and Mr Gwede Mantashe, is that what you are saying?

MS VYTJIE MENTOR: In my first meeting with them, yes.

ADV MAHLAPE SELLO SC: Did they respond thereto?

MS VYTJIE MENTOR: Mr Gwede Mantashe when I reached that point immediately left the meeting, he said he was going to another meeting and he left me with Jessie Duarte.

ADV MAHLAPE SELLO SC: And in so leaving did he leave, did he react to what you had said before he left or left without any reaction at all?

MS VYTJIE MENTOR: He left without reacting.

ADV MAHLAPE SELLO SC: After Mr Mantashe had left the room, leaving you with Ms
20 Duarte, did you and Ms Duarte discuss the matter any further?

MS VYTJIE MENTOR: Yes, but not in a very... Ms Jessie Duarte in my analysis did not want to discuss the matter extensively with me.

ADV MAHLAPE SELLO SC: Why do you so conclude? What transpired there that led you to that conclusion?

MS VYTJIE MENTOR: Like she was taking note, she said they are taking note of the issue that I am raising and they will deal with it.

ADV MAHLAPE SELLO SC: And on what basis as far as this issue is concerned, did you and Ms Duarte part?

MS VYTJIE MENTOR: Sorry?

ADV MAHLAPE SELLO SC: On what basis did you and Ms Duarte part as far as this issue is concerned?

10 **MS VYTJIE MENTOR:** That they would be seized with the matter because Ms Jessie Duarte and Mr Mantashe are the secretariat and they receive things on behalf and they process them further to the entire leadership. They schedule the meetings, the table the agendas, they bring issues to the attention of the collective leadership if there are issues.

ADV MAHLAPE SELLO SC: Did Ms Duarte undertake to revert to you on this matter at any stage?

MS VYTJIE MENTOR: No.

ADV MAHLAPE SELLO SC: Having left the matter with Ms Duarte, did you subsequently follow it up?

20 **MS VYTJIE MENTOR:** I did not.

ADV MAHLAPE SELLO SC: Is there a reason why you didn't?

MS VYTJIE MENTOR: Chair the culture of the ANC is such that you bring...

maybe you go and complain or you bring an issue to Luthuli House, you report it to the Office of the Secretary and you expect the Office of the Secretary, will in the fullness of time whatever time it takes, to deal with the issues, the institute to deal with the issues.

ADV MAHLAPE SELLO SC: And just for the record, what position did Mr Gwede Mantashe at the time hold and what position did Ms Jessie Duarte?

MS VYTJIE MENTOR: At that time Mr Mantashe was General Secretary of the ANC, Mr Sydiwati(?) was Deputy Secretary, was deputising Mr Mantashe.

ADV MAHLAPE SELLO SC: Okay. So we have dealt with your report to the standing committee, we have now dealt with your report to... you say to Mr Gwede Mantashe and
10 Ms Jessie Duarte on the offer. Do you have a recollection on how long after you had placed this matter before the committee you had a meeting with Ms Duarte and Mr Mantashe? Can you recall at all?

MS VYTJIE MENTOR: No, I don't recall.

ADV MAHLAPE SELLO SC: Again using an event we all are aware of, was it before or after the cabinet reshuffle in October 2010?

MS VYTJIE MENTOR: It was before.

ADV MAHLAPE SELLO SC: It was before, still, okay. Yes Chair.

CHAIRPERSON: Well if it was before wouldn't the two be quite close to each other then, because didn't you say the reshuffle happened at the end of October?
20 Say your answer so the record can capture it.

MS VYTJIE MENTOR: I don't understand your question Chair.

CHAIRPERSON: I am saying she is asking you... the question she question

she was asking you is, whether you are able to say how long after you had reported the matter to the Intelligence Committee, you reported to Mr Mantashe and Ms Duarte, she was saying. Are you able to say how long that was and I understood you to say it was long after? Did I understand correctly?

MS VYTJIE MENTOR: I said not after, not long after.

CHAIRPERSON: Oh, was that your understanding Ms Sello?

ADV MAHLAPE SELLO SC: I thought I understood that hence the subsequent question which is use a reference point that (intervenes - inaudible - cross talk)

CHAIRPERSON: Oh okay maybe I misunderstood. Okay, just... maybe just
10 tie those loose ends.

ADV MAHLAPE SELLO SC: Ms Mentor let's run over it again. We know that shortly after the offer was made to you at a Wednesday meeting of the committee, and you explained to the Chair that that could have been the Wednesday following the offer on the Monday, or could very well have been the second... (intervenes)

CHAIRPERSON: No, I think you might wish to start again. We talked about an offer being made on a Wednesday.

ADV MAHLAPE SELLO SC: No, the offer had been made on the Monday... (intervenes)

CHAIRPERSON: Ja, no thank you.

ADV MAHLAPE SELLO SC: ...and she disclosing it to the committee on a Wednesday,
20 subsequent. And you explained to the Chair that it was not long after the offer was made and you could not say whether it was the Wednesday immediately following or the subsequent... at the subsequent meeting of the committee on a Wednesday. Do you

recall that?

MS VYTJIE MENTOR: Yes Ma'am.

ADV MAHLAPE SELLO SC: And do you recall that I then posed a question to you, I said lets use the reshuffle date as our reference point and we all know it's the 31st October to establish whether... when the time you reported to the committee was it before, or after the reshuffle, and your answer was that it was definitely before the reshuffle.

MS VYTJIE MENTOR: I said it was not after.

ADV MAHLAPE SELLO SC: It was not after the reshuffle.

10 **MS VYTJIE MENTOR:** Yes.

ADV MAHLAPE SELLO SC: Then we are now dealing with you informing Mr Mantashe and Ms Duarte of this offer of a ministerial position and if I understood your evidence, you said it was not long after you had tabled it to the committee. Am I correct?

CHAIRPERSON: Please I know you may be tired it's been a long day, and yesterday you were also giving evidence, almost the whole day, so you may be tired, but please try and give your answers, articulate them so that the record can capture what your are answer is. Thank you.

20 **ADV MAHLAPE SELLO SC:** I think I remember that I wanted to say yes, and I know that I will also keep reminding you each time I point to the mic, it means time to articulate verbally your response. Thank you. I then asked you after you said yes, it was not long after you had tabled it before the committee that you spoke to Mr Mantashe and Ms Duarte.

So once again, I use that cabinet reshuffle date as a reference point to find out

whether your report to Mr Mantashe and Ms Duarte was before the reshuffle or after the reshuffle and your response, if I understood it, was that it was before the reshuffle.

CHAIRPERSON: She nods to say yes.

ADV MAHLAPE SELLO SC: Oh she did nod. (laughter).

MS VYTJIE MENTOR: Yes sorry.

ADV MAHLAPE SELLO SC: Because I also translated that nod, I apologise Chair, (inaudible) to the mic. So then in a nutshell your reporting to the committee and you reporting to the General Secretary and the Deputy General Secretary of the ANC, all took place before the cabinet reshuffle. Is that what the Chair should understand? Oh and
10 then I want ask whether you are sure of that and that's what you want to... the understanding you want to leave the Chair with.

MS VYTJIE MENTOR: Chair I don't recall in that meeting with Jessie and Mr Mantashe referring to the reshuffle as it had occurred. I remember I just... talking about the offer and the information that a reshuffle was imminent, If, if, if it was after, I would've have... in my discussion said that that now that he said reshuffling is imminent it has now happened. So I know that it was before because that did not arise in my meeting with the...

ADV MAHLAPE SELLO SC: I am clarified. I am Chair.

CHAIRPERSON: Okay I am sorry. I think Ms Mentor what I would like you
20 to just make clear, is the content of the informal disclosure that you made to the Intelligence Committee, now as well as what you reported to Mr Mantashe and Ms Duarte. Now we know that there are a number of things that you were concerned about that arose from your meeting with the Gupta brothers and the former President at

Saxonwold.

Now when you talk about an informal disclosure that you made to the Intelligence Committee, I want to know whether that was simply about the fact that Mr Ajay Gupta made you an offer for you to be the Minister of Public Enterprises, if you would be prepared to cancel the SAA / India route or whether it was more than that?

ADV MAHLAPE SELLO SC: It was the issue of the offering of the ministerial position and the route as well as the reshuffling. I did not go into details about what happened between myself and the President.

CHAIRPERSON: Oh okay. No that's important because I wanted to make
10 sure that if any of those people, anyone of them or more were to come here we must know whether we expect them to know some of the details you have told us about in relation to what happened when you went to Gauteng to meet the President or not. So it was basically the reshuffling and the offer and in terms of the reshuffling was your concern simply that you conveyed to the committee and to Mr Mantashe, Ms Duarte subsequently, was the concern simply that, you heard from a private citizen that there would be a cabinet reshuffle, number one;

Number two: that you were offered a ministerial position by somebody other than the President. In other words, were those the two issues that you were raising, in other words, you were saying I couldn't understand how somebody else other than the
20 President could say he could offer me a ministerial position, number one. Number two, he wanted me to... he told me about the cabinet reshuffle that hasn't happened. So I just want to understand how... what it is you conveyed to them that they were supposed to deal with.

MS VYTJIE MENTOR: The crux of the issue I was conveying was that they

offered me a ministerial post, when they do not have the authority to do so, and that they offered it with a certain condition, which was to cancel the route, and that they told me that there is pending reshuffle.

CHAIRPERSON: And it was the same two issues that you conveyed to Mr Manteshe and Ms Duarte.

MS VYTJIE MENTOR: Yes Chair.

CHAIRPERSON: Thank you very much.

ADV MAHLAPE SELLO SC: Thank you Chair. Thank you Ms Mentor. You proceed then on your page 30 to deal with this issue of disclosures under the heading: Media and
10 Social Media and you start at paragraph 106. Can you take the Chair through the disclosure on media and social medium? The disclosure I understand falling under the main heading of my disclosure of the offer made to me by Mr Ajay Gupta.

MS VYTJIE MENTOR: In I think it was May, if I am not wrong, April / May 2013 there was a report in the media of a private jet that landed at Waterkloof that was bringing wedding guests, supposed wedding guests for the Gupta family. In the media it was reported that those guests, together with whatever cargo or luggage they might have carried, did not go through... were not taken through customs,

ADV MAHLAPE SELLO SC: Okay.

MS VYTJIE MENTOR: And Waterkloof is a national key point and that was
20 concerning and because it was the Gupta, the same family name that I had history with in terms of what happened at Saxonwold, it was concerning for me that the problem persisting and in fact not only the... between 2010 when I had an encounter with them and between 2013 incrementally, the issue, the Gupta were in the media about many

things... often. So I started posting on my Facebook page a lot about them around that time.

ADV MAHLAPE SELLO SC: I accept that I am interested in particular when you started posting about the offer of the ministerial post made to you. Do you have a recollection as to when that first appeared in the media or social media at your instigation?

MS VYTJIE MENTOR: In my recollection, in my mind I started talking about it in 2013 after that plan landed at Waterkloof. But I've tried to search for it; I am not very savvy... I am savvy in putting things on the net, but I am not savvy in retracting them and tracking them. In my mind I touched on the issue of the offer. I touched on it again in
10 2016.

ADV MAHLAPE SELLO SC: Okay let's stay with 2013 for now and please explain to the Chairperson the manner in which you raised it. To your recollection what would you have said? What did you say at that time and I am in the period 2013 now. Did you specifically refer to the offer being made to you of a ministerial position by... I will call them the Gupta Family, without specific as to which member.

MS VYTJIE MENTOR: I think that I spoke generally about the powers they have, their association with the President and I, if my memory serves me well, I said they can land at Waterkloof, they can land a private jet at a national key point, because they derive their authority from the Head of State.

20 **ADV MAHLAPE SELLO SC:** Should... I need to understand what the Chairperson must understand, that you did not specifically refer to the offer made to you at Saxonwold or that you did.

MS VYTJIE MENTOR: I cannot recall if I, in 2013 I specifically referred to it, to the offer.

ADV MAHLAPE SELLO SC: Can you recall, at least when was the first time you specifically made that claim, either in the media or social media and made the claim that Mr Ajay Gupta offered me the position of a deputy... of Minister of Public Enterprises. Can you recall when definitively (inaudible) you stated it in the media or social media?

MS VYTJIE MENTOR: Once clearer in my mind is what, what is fairly recent, which is what transpired in 2016.

ADV MAHLAPE SELLO SC: Okay, let's go to 2016.

MS VYTJIE MENTOR: When I was on family vacation in Thailand and...

10 **ADV MAHLAPE SELLO SC:** Can you put a time to that, to be precise a month, a date if possible?

MS VYTJIE MENTOR: February 2016.

ADV MAHLAPE SELLO SC: Okay thank you.

MS VYTJIE MENTOR: I think it was towards the end of February 2016. February / March.

ADV MAHLAPE SELLO SC: Okay. February / March 2016. So we can accept that?

20 **MS VYTJIE MENTOR:** I recall that at that time, I think it was Moody's Agency that was in the country and there was a high probability that South Africa was going to be downgraded. So I was on vacation, I was seized with checking news from home through the net by various ways, that's when I came across... I first came across the government emblem that had a head of Gupta brother super imposed on it with a turban that depicts Indian culture as Indian men often do, wear a turban around their head. So I put a post on the media, or on my wall saying this is who runs the country. In fact I think I linked that to the probable downgrade that was pending.

I said in my post and I am paraphrasing '*we are in this situation we need the situation of a pending, a probably pending downgrade because of this... our country is run by this*' okay. Subsequent... and then there was a whole lot of discussion around it .. (intervenes)

CHAIRPERSON: I am sorry Ms Mentor, please don't forget what you wanted to say, will you just say what you meant when you said our country is run by this. Just state exactly what you were meaning.

MS VYTJIE MENTOR: Thank you Chair. Our emblem had a face of a Gupta brother and if you ask me who it was, I would not be able to tell you between the two
10 whose face that was. And I was saying we are about to be downgraded, we are in a economic mess, being downgraded because of... in the post I did not say so and so runs the country, but I put that picture and said because this is who runs the country.

CHAIRPERSON: Ja, what I mean is you obviously had in mind who you were talking about. Who is that?

MS VYTJIE MENTOR: Gupta.

CHAIRPERSON: And based on the posting, the person who saw the post and read what you wrote would understand that as well, is that correct or not?

MS VYTJIE MENTOR: A person would understand that I was at the point where I was saying, there was a lot of discussion because everyone understood that I meant that
20 our country is being run by a Gupta or the Gupta's that has resulted in an economic mess.

CHAIRPERSON: Yes, okay, thank you.

ADV MAHLAPE SELLO SC: Thank you Chair. Okay then you made that comment on

social media, it was a general comment about who runs the country. Now when did you first make a posting relating to the actual offer of the ministerial post?

MS VYTJIE MENTOR: I think the next day or within a few space of time because there is a time difference between Thailand and South Africa. There was an intervening period where I went to sleep and then when I woke up the next day, it might not have been the same day in terms of the time differences between... a certain Johann Abri who is a member of DA had also discussed the issue of the Gupta's. I, I, I don't know if he also had put that thing because those few days that... the head of the Gupta on an emblem was a topical issue on the... I don't recall if he had also put that thing there, but
10 on his strength, by the time I woke up, his (inaudible) was quite advanced in discussion.

I then said that I am not surprised but they had previously offered me a position and if you would indulge me Chair, I don't know where... I know that it's in the bundle that exact post but I don't know where it is.

ADV MAHLAPE SELLO SC: Chair if I may be of assistance.

CHAIRPERSON: Ja.

ADV MAHLAPE SELLO SC: You deal... the first time you referred to Mr Abri is in your paragraph 109 and you state that you responded to a Facebook post, and then you provide a picture that Mr Abri posted and your next annexure has an MP3. Your annexure MP3 is page 37(H).

20 **MS VYTJIE MENTOR:** 37...?

ADV MAHLAPE SELLO SC: H, bracket H. Yes, now that MP3, the first four posters aware to be by Mr Johann Abri but they have different dates, if you note. So which one in particular would you like the Chair to have regard to?

MS VYTJIE MENTOR: I don't think I understand your question.

ADV MAHLAPE SELLO SC: If you look at 37(H)...

MS VYTJIE MENTOR: Yes.

ADV MAHLAPE SELLO SC: You see Mr Johann Abri, there are four posts by Mr Johann Abri do you see that?

MS VYTJIE MENTOR: Yes.

ADV MAHLAPE SELLO SC: Now I am saying under the name Johann Abri each time there is a date and a time. The first is March 21, the second entry is February 2nd followed by March 12th, followed by March 14th. My question is, which of the four are you
10 drawing the Chairperson's attention to?

MS VYTJIE MENTOR: The one of March 14th.

ADV MAHLAPE SELLO SC: Okay. You may continue. You received this post... or at least you saw it, let me say.

MS VYTJIE MENTOR: I saw it.

ADV MAHLAPE SELLO SC: And then what happens next?

MS VYTJIE MENTOR: And I commented.

ADV MAHLAPE SELLO SC: Okay lets deal with your comment. Where do we find your comment to this post?

MS VYTJIE MENTOR: 1.10. Page 31, paragraph 1.10.

20 **ADV MAHLAPE SELLO SC:** Paragraph 1.10. You had indicated at 109 that you have MPM3 which is Mr Abri's post and MPM4, correct, if you look at your 109. Now please turn to MPM4.

MS VYTJIE MENTOR: Yes.

ADV MAHLAPE SELLO SC: And explain what MPM4 is. Is that your response?

MS VYTJIE MENTOR: Yes Ma'am, the third response from the top of the page.

ADV MAHLAPE SELLO SC: Can you read that into the record?

MS VYTJIE MENTOR: It's so fine.

ADV MAHLAPE SELLO SC: It's very fine. I think I have better eye sight, I can offer to do it for you?

MS VYTJIE MENTOR: Please do.

ADV MAHLAPE SELLO SC: It reads:

10 *'Thank you mentor I guess it indicates the person who posts'.*

The actual post is:

'But they hap...

I think it is supposed to be had.

'...previously asked me to become a Minister of Public Enterprises when Barbara Hogan got the chop, provided that I would drop the SAA flight route to India and give to them... I refused and so I was never made a minister. The President who was in another room when they offered me this in Saxonwold'.

End of quote.

20 **MS VYTJIE MENTOR:** Yes Ma'am.

ADV MAHLAPE SELLO SC: When, to your recollection did you post that?

MS VYTJIE MENTOR: It was on the 14th March.

ADV MAHLAPE SELLO SC: 14th March. You proceed in your statement at 111 and you refer to another annexure MPM5, if you look at your 111. What is MPM5?

MS VYTJIE MENTOR: It's my Facebook post.

ADV MAHLAPE SELLO SC: MPM5 at 37(J). Page 37(J).

MS VYTJIE MENTOR: That's not readable.

ADV MAHLAPE SELLO SC: Okay but you see what it is. You don't have to read it.

MS VYTJIE MENTOR: I see the face of President Zuma.

ADV MAHLAPE SELLO SC: Okay now what is that... Let's go back to your 111,
10 paragraph 111 and then you explain because that's where you explained what it is. Chair
it is not readable it is very faint.

CHAIRPERSON: But for purposes of confirming what it is, is there going to be a dispute about what it is.

ADV MAHLAPE SELLO SC: I do not expect the witness would have difficulty in identifying her own annexure.

CHAIRPERSON: But if you ask her whether it is X she might be able to say yes, it is X.

ADV MAHLAPE SELLO SC: Okay. I understand of record that it is a screenshot.

CHAIRPERSON: Oh, okay. Well either you deal with it that way...
20 (intervenes - inaudible - cross talk) Ja, okay.

ADV MAHLAPE SELLO SC: I understand Ms Mentor it's a screenshot. Do you agree, disagree? Do you have an issue with it being put across as a screenshot? Before she

answers Chair, I know your copy is illegible.

CHAIRPERSON: Ja.

ADV MAHLAPE SELLO SC: So it's hers and so is everybody's copy. I have managed to obtain from her attorneys the original coloured...

CHAIRPERSON: Okay.

ADV MAHLAPE SELLO SC: ...so perhaps I only have one, so perhaps if I give it to her to satisfy herself about it, testify about it, and then I will submit this to the Chair, as the Chair's copy.

CHAIRPERSON: Ja, give it to the witness.

10 **ADV MAHLAPE SELLO SC:** Thank you.

CHAIRPERSON: Thank you.

ADV MAHLAPE SELLO SC: Now Ms Mentor what you are about to receive, is a better copy of MPM5. Do you recognise it now?

MS VYTJIE MENTOR: Yes, I can see what's written there Ma'am.

ADV MAHLAPE SELLO SC: Okay. Can you explain to the Chair what that is and when it's dated, if you can make out?

MS VYTJIE MENTOR: It's titled news.

ADV MAHLAPE SELLO SC: Yes.

MS VYTJIE MENTOR: It's dated the 25th March 20... (intervenes)

20 **ADV MAHLAPE SELLO SC:** Please look carefully.

MS VYTJIE MENTOR: The caption is...

ADV MAHLAPE SELLO SC: Ms Mentor, can I take you back to the date and look carefully. Chair with your leave may I request your Registrar to perhaps pick up another copy for the Chair's file.

CHAIRPERSON: Thank you.

ADV MAHLAPE SELLO SC: Chair if I may request that the copy I have just handed, I think it is marked MPM4.

CHAIRPERSON: Yes.

ADV MAHLAPE SELLO SC: That is an error. As it appears in the record, it has now become MPM5.

10 **CHAIRPERSON:** Okay.

ADV MAHLAPE SELLO SC: So if the Chair could effect that change.

CHAIRPERSON: Okay.

ADV MAHLAPE SELLO SC: And if I could just check then secondly Chair, whether the Chair can read what is... appears on MPM5 at all, or whether he is having the same problems as Ms Mentor?

CHAIRPERSON: Well it's certainly better than the other one...

ADV MAHLAPE SELLO SC: Yes Chair.

CHAIRPERSON: You can read with some difficulty or at least I can read with some difficulty. Okay.

20 **ADV MAHLAPE SELLO SC:** Then perhaps, with... Ms Mentor, I think Ms Mentor is struggling. Through the Chair I will confirm... I will read here... I read the first word is news. It's followed by the sentence... Social media comment by a former member of

parliament; immediately below is the date, 15 March 2016. Do you see that?

MS VYTJIE MENTOR: Ja, I thought it was 25.

ADV MAHLAPE SELLO SC: It's... the Chair can confirm I think his copy is 15.

CHAIRPERSON: Umh (affirmative).

ADV MAHLAPE SELLO SC: And it states that the Presidency has received media enquiries about...(intervenes)

CHAIRPERSON: Well I must just say that now that she said she thought it was 25, when you take your first look, it does look like 25 to me as well but if you have another look, it does like 15.

10 **ADV MAHLAPE SELLO SC:** I see 15 Chair. (laughter)

CHAIRPERSON: But are we... all three of us were specs so (laughter)

ADV MAHLAPE SELLO SC: Maybe mine and your Chair.

CHAIRPERSON: Okay all right.

ADV MAHLAPE SELLO SC: And in brief it quotes the response by the President to comments attributed to Ms Mentor in the press.

CHAIRPERSON: Umh (affirmative).

20 **ADV MAHLAPE SELLO SC:** And next to... the last line on that snapshot is an indication that enquires be directed to Benjamin somebody, given the number and it is issued by the Presidency Pretoria. Now at paragraph 115, Ms Mentor states that on the 15th March 2016, the President responded to her media... social media statements. So we have to go through all that because the annexure provided is very difficult to make out because they are so faint.

CHAIRPERSON: Umh (affirmative).

ADV MAHLAPE SELLO SC: And at first I too, was of the impression that it was 25, but now having seen the original I see it's 15. Did you follow my... what I was explaining to the Chair?

CHAIRPERSON: That might have been too long maybe you need to (intervenes - inaudible - cross talk).

ADV MAHLAPE SELLO SC: Remember we dealt with your MPM4 which is the comment you made to Mr Abri's post and you said it was on the 14th March. In your paragraph 111 at page 32, you state that the Presidency issued a statement in response
10 to that comment on 15 March 2016, in which the President stated that he has no recollection of you, he is therefore unable to comment on any alleged incident in her career, and you attach what we say is MPM5. Do you understand? Now I say the MPM5 in the file is wholly legible and I have just given... tried to give colour copies and better copies. And I have confirmed with the Chair as to date that appears at MPM5. Do you follow?

MS VYTJIE MENTOR: Yes Ma'am.

ADV MAHLAPE SELLO SC: Okay.

CHAIRPERSON: I think we must check this, having looked at that date, are you able to say that you accept that it is 15 March or are you not able to say because of
20 the fact that it is difficult to read it?

MS VYTJIE MENTOR: 14 March in terms of M...?

CHAIRPERSON: MPM5 that the dates appearing there are 15 March, so what I am checking is whether you accept that that's the date that appears there or

whether you are not able accept it because you can't see.

MS VYTJIE MENTOR: I accept it because I... both Chair and the advocate were concurring it, confirming with one another that the date is the 15th.

CHAIRPERSON: But from your side you are not able to tell. You are not sure.

MS VYTJIE MENTOR: This is embarrassing Chair.

CHAIRPERSON: Ja why?

MS VYTJIE MENTOR: That I don't see. It looks like 25 but I accept that you both say that it's 15th.

10 **CHAIRPERSON:** Ja, well maybe nothing might be turning on whether it's the 15th or not, but what I wanted to check is whether, while I see on my copy as 15 and she sees it, whether you are also able to see it as 15 or not, that's all I wanted to double check. Did you want to say something just now?

MS VYTJIE MENTOR: Not relying on what I see here Chair, I know that it, it is most probably, most definitely the 15th.

CHAIRPERSON: Okay. Okay that's fine.

ADV MAHLAPE SELLO SC: Thank you Chair and then just to close off on that subject if I may, at paragraph 111, page 32...

CHAIRPERSON: Ja.

20 **ADV MAHLAPE SELLO SC:** ...she specifically states it's the 15th.

CHAIRPERSON: Okay. Okay.

ADV MAHLAPE SELLO SC: Thank you Chair. Okay so now we've dealt with your post

of the 14th and we have dealt the President's response thereto of the 15th in terms of MPM5. Can you then take the story forward, we are still on the disclosure issues in the social media and the media.

CHAIRPERSON: I am sorry Ms Sello before Ms Mentor does so, I just want to make sure I understand this: The response from the Presidency which we find in MPM5, was it a response to you making a statement that you were told by the Gupta's or Mr Ajay Gupta, that there was going to be a cabinet reshuffle before it happened and that he offered you a ministerial position, on condition that you would cancel the SAA / India route or in other words, was it a response to a disclosure or a statement about those two
10 issues or was it a response to much more than that?

MS VYTJIE MENTOR: Chair as I was out of the country, I landed on that day when I saw this. So there was media furore after I posted on... responded to Johann Abri's post. So what I caught, I only caught this as I landed. I did not do a search as to what it a direct response to my post or what it a direct response to... what the media has written about my post.

CHAIRPERSON: Oh okay, because what I wanted to establish is whether this can be taken to have been former President Zuma's response, to whatever you may have already said by then, in terms of what had happened when you went to meet him or whether it was simply that he may have learnt in the media about two things that you had
20 said, mainly that you were made an offer of a ministerial position by the Gupta's and that you had been told by the Gupta's about a pending cabinet reshuffle.

So I am trying to understand whether his response would've been confined to those two issues or whether it was the larger story about your being at the Gupta's on the day in question. You don't know.

MS VYTJIE MENTOR: I don't know but probably the former.

CHAIRPERSON: Okay thank you.

ADV MAHLAPE SELLO SC: Thank you Chair. Ms Mentor I don't think it will be contentious because Ms Jonas has gone on record, we know that Mr Jonas issued a press statement on the 16th March and he has testified before this Commission, in which he dealt with a supposed offer of a ministerial post by members of the Gupta family and that was on the 16th March. So I think I can tell you that outright, it is not to be disputed. I want to then... (intervenes)

CHAIRPERSON: I am sorry who do you say will not dispute that?

10 **ADV MAHLAPE SELLO SC:** No, no... (intervenes)

CHAIRPERSON: I don't know whether Mr Ajay Gupta will not dispute that.

ADV MAHLAPE SELLO SC: No, no, no Chair, not the content of that that Mr Jonas issued a press statement... (intervenes - inaudible - cross talk)

CHAIRPERSON: Okay all right.

ADV MAHLAPE SELLO SC: But I guess we will finish quickly and go home... because that is the 16th. In your statement... and I am mindful of the time at 117 you then deal... give a further annexure dealing with your further comments on this supposed offer made to you and that you say it to be found in your annexure MPM7. MPM7 is at 37(L), L for lorry.

20 **CHAIRPERSON:** I am sorry Ms Sello you going to 37(L) is that right?

ADV MAHLAPE SELLO SC: 37(L), yes that's where I am Chair.

CHAIRPERSON: Before you get there, Ms Mentor can I ask you something

relating to 37(K) which is MPM6? There, I think you posted something, I think where you sought to refute the statement from the Presidency, that former President Zuma said he had no recollection of you and one of the things you said here, is that you chaired the ANC National Parliamentary Caucus when President Zuma was Deputy President... *'he sat next to me and spoke to through me and with me in caucus each Thursday when parliament was in session.'*

'I sat with him in the ANC political committee each month too. He is the one who was sent by TOP 6 then to tell me that the ANC has, or the ANC has deployed me to be the Chair of caucus then.' The question I want to ask you is, for how long were you
10 Chairperson of the ANC National Parliamentary Caucus in terms of a year or the full term of a parliament or three years or something like that?

MS VYTJIE MENTOR: I think it's four years or slightly just over four years.

CHAIRPERSON: Now that's quite important... it is then important also to tell us more or less, how much of that period of four years would he have... that is former President Zuma, would he have sat next to you every Thursday to deal with issues. For example, I assume he would have... there would have been meetings that he did not attend and so on. But, are you able to say for something like maybe for a year, for two years or whatever period almost... maybe at least one a month he would be sitting next to me or to discuss matters over that period.

20 **MS VYTJIE MENTOR:** Chair do you mean in concise way or I should span the four year period?

CHAIRPERSON: I am just saying... let's say if you are in a board of a company that meets once every three months, if you are in a board for five years and you meet the same people every three months in a year, you would have met them for four

times, if you don't skip any meeting. Over five years you would've met then four times five. So I trying to look at the frequency with which he sat next to you, because the Presidency said he has no recollection of you. You are saying but the man used to sit next to me every Thursday. So I am trying to see whether it's every Thursday over how long, more or less?

MS VYTJIE MENTOR: My key(?) indicated there was... when parliament was in session and of course it will exclude when the President is out of the country. How the ANC Caucus work like... I don't know if still works like that, how it was working like at the time. The Head of State would attend caucus once a quarter, but the Deputy President
10 had to attend caucus and political... Let me start with caucus meetings before I go to political meetings.

Not unless he was sick or out of the country he attended, he has to attend and he attended caucus regularly when parliament was in session. Parliament would not be in session December period until caucus would begin from February. Parliament would go in session again briefly for the June holidays, usually for about two weeks or for two thirds of, of the June holidays. Then parliament would go on recess for August month.

So those are the only times when parliament is not in recess and all the other times caucus would be sitting every Thursday and if the Deputy President is in the country, he would attend the meeting because he is expected to attend every single
20 caucus meeting when he is available. The political committee meetings sat once a month. The Deputy President was head of the political committee. He was expected... he attended regularly also, not unless he was out of the country. So that's the frequency at which I sat with the Deputy President.

CHAIRPERSON: Is it likely to be correct to say – and you must just think carefully before you answer because you just need to make sure that you are answering correctly. Would it likely to be correct to say it was not less than 10 times that he sat next to you while you were in that capacity over, whatever the period was.

MS VYTJIE MENTOR: ...[no audible response]

CHAIRPERSON: Or you would not be able to say.

MS VYTJIE MENTOR: It was way over 10 times.

CHAIRPERSON: It was way over 10 times?

MS VYTJIE MENTOR: Yes Chair.

10 **CHAIRPERSON:** Maybe even close to 15, 20?

MS VYTJIE MENTOR: Over a period of 4 years?

CHAIRPERSON: Eh.

MS VYTJIE MENTOR: Over that.

CHAIRPERSON: Okay and would there have been an attendance register that was kept for those meetings?

MS VYTJIE MENTOR: Definitely Chair.

CHAIRPERSON: And would they reflect his attendance?

MS VYTJIE MENTOR: Yes Chair and my attendance too.

20 **CHAIRPERSON:** Yes and would they be – as far as you know. Would they be available from Parliament?

MS VYTJIE MENTOR: They would be available from the ANC Caucus.

CHAIRPERSON: O. Okay.

MS VYTJIE MENTOR: If kept.

CHAIRPERSON: O, they would not be – they would be a party issue not a parliamentary issue.

MS VYTJIE MENTOR: Yes, Chair a caucus and political committee is a party issue.

CHAIRPERSON: Yes. Yes and as far as you know did this committee – did it use to keep proper records of registers and minutes?

MS VYTJIE MENTOR: Yes Chair.

10 **CHAIRPERSON:** Yes. Okay. Thank you.

ADV MAHLAPE SELLO SC: Chair, if I may just assist the Chair. The Chair might want to take note of the following because when Ms Mentor gave testimony on these aspects yesterday. She was not referring to her statement. This is dealt with at paragraph 19 at page 5, of her statement and from paragraph 16 it is 2002 when she becomes a member of Parliament and at 17 indicates in 2004 she was then elected Chairperson of Petroleum Committee. At 18 she say she was made an ANC Whip for Discipline in 2004. At 19 say shortly thereafter I was promoted to become the National Chairperson of the ANC Caucus in Parliament. I held that position from 2004 to 2008, by virtue of that position I sat on the National Executive the NEC of the ANC. Then at 20 say approximate 2008 I was removed as National Chairperson of the ANC Caucus. I just wanted to draw the Chair's attention to 16 to 20 and it would address some of the time issues. Thank you Chair.

CHAIRPERSON: Maybe I can just add to this Ms Mentor. With you having been Chair of that committee. So, you would have actually seen minutes of various meetings of that committee?

MS VYTJIE MENTOR: Yes Chair. I would sign the minutes.

CHAIRPERSON: Yes and as you sit here. You know that they would - they did reflect him as having attended.[intervened]

MS VYTJIE MENTOR: Yes we ...

CHAIRPERSON: Whenever he attended.

MS VYTJIE MENTOR: The minutes have an addendum of the register which is
10 separate. We do not sign the attendance register, but I sign the minutes, but attached to the minutes is the separate document which is circulated, because the caucus is very huge and everybody signs next to their name when they are in attendance.

CHAIRPERSON: So, your response to the statement from the Presidency to the fact that the former president had no recollection of you was in effect to say – but how is it possible, because he sat next to me in meetings for so long, effectively.

MS VYTJIE MENTOR: Yes Chair.

CHAIRPERSON: Thank you .

ADV MAHLAPE SELLO SC: Thank you Chair. The Chair has taken you MPM6, Ms Mentor and from paragraph 113 you deal with MPM 7 and your MPM7 is the one that
20 appears at 37(l) "L" for lorry. L appears to be a collection of – in fact all of "l" are your posting, I think on Social Media?

MS VYTJIE MENTOR: ...[no audible response]

ADV MAHLAPE SELLO SC: The first one is dated March, 17th and the one following is November, 6th and when I look at the dates. Let me start. It is March, 17 2016, it would appear. The next one is November 6, 2016; followed by October 29th, 2016; April 21. Then back to October 4th. Now of all these - which ones are you relying on as MPM7?

MS VYTJIE MENTOR: I do not understand your question.

ADV MAHLAPE SELLO SC: There are a number of entries by you – which one of these are you relying upon as regards the issue of when you went public on the offer made to you by the Guptas.

MS VYTJIE MENTOR: ...[no audible response]

10 **ADV MAHLAPE SELLO SC:** They appear to be varied and covering a range of issues.

CHAIRPERSON: Is it ...[indisinct]

MS VYTJIE MENTOR: I do not know if I understand your questions.

ADV MAHLAPE SELLO SC: Okay. Yes Chair.

CHAIRPERSON: Well, firstly are you able to read there?

MS VYTJIE MENTOR: Yes Chair.

CHAIRPERSON: `You are able to read. I do not know whether you were seeking to establish which of the ...[intervenes]

ADV MAHLAPE SELLO SC: Of these entries is the relevant one for our purposes.

20 **CHAIRPERSON:** Well maybe do not say it is the relevant one. Say exactly was it – do you mean was it the first one she posted. Was it the one she posted in response to something.

ADV MAHLAPE SELLO SC: Chair, maybe I repose it, but I will not qualify it in that fashion with your permission.

CHAIRPERSON: Ja. Okay.

ADV MAHLAPE SELLO SC: She quotes a particular entry or posting on Face Book, in her statement.

CHAIRPERSON: Yes.

ADV MAHLAPE SELLO SC: And having so quoted that she refers to MPM7.

CHAIRPERSON: Ja.

ADV MAHLAPE SELLO SC: And I just wanted to indicate on MPM7 where that is.

10 **CHAIRPERSON:** Okay, I think you must - you must ...[intervened]

ADV MAHLAPE SELLO SC: Go to paragraph 113 of your statement.

MS VYTJIE MENTOR: 113?

ADV MAHLAPE SELLO SC: At page 32. You start with the words "On 17 March 2016 I further posted."

MS VYTJIE MENTOR: Yes.

ADV MAHLAPE SELLO SC: Do you see what you have written there and the quotation following?

CHAIRPERSON: And then in 114. You have got a copy of this post as MPM7. Can you see that?

20 **MS VYTJIE MENTOR** Yes Chair.

CHAIRPERSON: What she is asking is that you should point out at page 37(l) which of those – I do not know if they are called postings. Those entries, she calls them Is the one you refer to in paragraph 114? Which one of those.

MS VYTJIE MENTOR: 4?

CHAIRPERSON: Ja. That is what she wants.

MS VYTJIE MENTOR: Thank you Chair. It is the one of 17 March.

ADV MAHLAPE SELLO SC: Okay. The only one of 17 March, Chair. Is the first one at MPM7

CHAIRPERSON: Okay.

10 **ADV MAHLAPE SELLO SC:** Because the writing is small you can now refer back to your paragraph 112 where you have quoted it

CHAIRPERSON: DO you confirm that is the top one at 37 – page 37(l).

MS VYTJIE MENTOR: Yes Chair.

ADV MAHLAPE SELLO SC: Okay. Now let us deal with that post ...[indistinct] I do not know what the Chair called it.

CHAIRPERSON: Well, do not rely on me. I do not know these things.

ADV MAHLAPE SELLO SC: It is a post. It is post. Okay. The post. Let us rely on the version you have on page 113 of your statement. It is more legible. Paragraph 113 page 32. Okay. Now can you read into the record what you said on 17 March on your
20 face book page.

MS VYTJIE MENTOR:

“Pres. Zuma was in that Gupta house with me on that day. He came in after I rejected the offer. He accompanied me down the four, five, six marble covered white stairs at the entrance of the Gupta house to their black Twin Cab with heavily black tinted windows. Which taking me back to the airport..’

I am reading it as is

10 “I was on crutches. It was about five to seven days or so before Barbara Hogan was reshuffled as the Minister of Public Enterprises. The rest I will reveal at the right time.”

ADV MAHLAPE SELLO SC: Okay. While we are on that – may I inquire as to what you meant by the statement the “the rest I will reveal at the right time.”

MS VYTJIE MENTOR: The rest would be my interactions with Pres. Zuma when I alerted him to the offer and everything and how he treated me and how he responded to me.

ADV MAHLAPE SELLO SC: Matters that you have testified already.

MS VYTJIE MENTOR: Yes.

ADV MAHLAPE SELLO SC: Before the Chair. Okay. So the – was that your final social media posts on this topic?

20 **MS VYTJIE MENTOR:** May I just address you on that post through you Chair?

CHAIRPERSON: Yes.

ADV MAHLAPE SELLO SC: Yes.

MS VYTJIE MENTOR: Once again – like I highlighted, I think it was at paragraph 100 that the timing on the post was wrong of 7 to a few days.

ADV MAHLAPE SELLO SC: When you say it was about 5 to 7 days or so before Barbara Hogan was reshuffled.

MS VYTJIE MENTOR: Yes. I know it stand like this, but I am saying having gone through the issues and checking the timelines. That was wrong – estimation of five to seven days.

ADV MAHLAPE SELLO SC: Okay. whereby noted. I then inquired from you whether this was the last of your posts on this particular subject.

10 **MS VYTJIE MENTOR:** I doubt that would have been. I think I have – on the subject of Pres. Zuma and the Gupta and myself in Saxonwold?

ADV MAHLAPE SELLO SC: On the offer of position of minister.

MS VYTJIE MENTOR: I would not know if it was the last.

ADV MAHLAPE SELLO SC: Okay. As far as this Chair is concerned that is the last post you provide him. You do not refer to any other subsequent to that in your statement as it currently stand. Do you want to check your statement?

MS VYTJIE MENTOR: Yes. I would like to do that.

ADV MAHLAPE SELLO SC: Please do so. The post you have just you deal with at 113 and at 114 you annex it as MPM7 and you can just check the pages. The pages
20 following.

MS VYTJIE MENTOR: In my statement it looks like it is the last – no it is not the last.

ADV MAHLAPE SELLO SC: Okay.

MS VYTJIE MENTOR: There is a post on page 36.

ADV MAHLAPE SELLO SC: 36?

MS VYTJIE MENTOR: Paragraph 127.

ADV MAHLAPE SELLO SC: O, page 36. Yes, m'am.

MS VYTJIE MENTOR: Almost in the middle of - above 128.

ADV MAHLAPE SELLO SC: I see that.

MS VYTJIE MENTOR: I think that is a related post.

ADV MAHLAPE SELLO SC: I appreciate that. I wanted to talk about a post that
10 specific talking about the ministerial offer.

MS VYTJIE MENTOR: In the statement that was the last one.

ADV MAHLAPE SELLO SC: Yes. In the statement only. Not that – that is the last is
the last you ever made. What you have provided to the Chair. Thank you.

MS VYTJIE MENTOR: Yes, m'am.

ADV MAHLAPE SELLO SC: If I then may move on Ms Mentor to what you call
disclosure now to the Hawks. You deal with that from your page 33 paragraph 118 and
following.

MS VYTJIE MENTOR: ...[no audible response]

ADV MAHLAPE SELLO SC: You have located the place that ...

20 MS VYTJIE MENTOR: Yes, m'am.

ADV MAHLAPE SELLO SC: Can you then tell the Chairperson about your disclosures to the Hawks firstly what did you disclose and when did you disclose it.

MS VYTJIE MENTOR: Chair what is that sub-title that says Hawks. My disclosure was to SAPS and that is contained in 118.

ADV MAHLAPE SELLO SC: Okay.

MS VYTJIE MENTOR: After – because there was a lot furrow and I was also posting a lot on Face Book about this Gupta matter and the President and all those things. There was – South Africa became increasingly ...[indistinct] or the matter from media and everything. The ANC had suggested an inquiry which I rejected and I posted
10 to the effect when the ANC announced their inquiry that there should preferably be a state inquiry and I said I was not going to appear that ANC inquiry. I then decided that I should to and open charges against a number of things – against a number of people, based on the issues I had observed and researched and read about in the media and heard about over a period of time and those that I myself had experienced.

ADV MAHLAPE SELLO SC: Okay. So, when did you do that and where?

MS VYTJIE MENTOR: O, went to the Durbanville Police Station which is the closes police station to where I live. I requested to speak to the Senior in command of the police station. I said to him: I have serious charges that I would like to lay against highly placed people.

20 **ADV MAHLAPE SELLO SC:** Now, before you proceed. Can you give the Chair a sense of timing. When is this?

MS VYTJIE MENTOR: This is in May 2016.

ADV MAHLAPE SELLO SC: Thank you.

MS VYTJIE MENTOR: And I say I would not want to - because of the nature. The gravity of the issues I am going to raise in those charges and the high powered people that the charges would relate to. I would prefer not to stand in a police station and talk about this thing where anybody that walks into the police station can hear. I requested that I need to do a statement in the comfort of my home and that it is a lot of issues – serious issues against highly placed people and serious allegations. He told me that he accepts my request and that because of - he kind of teased out a little bit what the issues were. Once I gave him an idea he agreed that he would send people to my house and he said to me he would like to treat this with the greatest care so he is going to talk to people he could trust to come and take my statement in the comfort of my home. He ...[indistinct and then later on he phoned to say that people would come the following day, in the morning. Those that came were Captain Peterson and Captain Wyngaardt. He phoned me to say that I should relax. I can trust them and he told me that Captain Peterson comes from the office of the Major General Vieri and Captain - actually he had said to me that the best people that he can think of would be Major General Vieri, I hope I am getting his title right at the time and Jacobs. Those were the people who said they are trusted. He knows that they would not – because myself and him we were concerned that we should not report things to people who would kill the charges. So he told me that people would come. Peterson came from Vieri's office but he was with Captain Wyngaardt and he told me that Captain Wyngaardt is his best detective and he told me that that Captain Peterson is the best to take the statements. We sat the whole day.

ADV MAHLAPE SELLO SC: By "we" you mean?

MS VYTJIE MENTOR: Myself ...

ADV MAHLAPE SELLO SC: Yourself and ..

MS VYTJIE MENTOR: Captain Peterson, Captain Wyngaardt.

ADV MAHLAPE SELLO SC: Okay.

MS VYTJIE MENTOR: From past 8 in the morning to around past 9 or 10 in the evening.

ADV MAHLAPE SELLO SC: Okay.

MS VYTJIE MENTOR: I asked them which officers I wanted to confirm – they came from. Just right at the beginning. They confirmed to me that Peterson came from Major General Vieri's office. Wyngaardt came from the detective section of the police but his offices were in Durbanville.

10 **ADV MAHLAPE SELLO SC:** Okay.

MS VYTJIE MENTOR: Wyngaardt. So I - Peterson – We agreed he said to me would I be comfortable if I narrate whatever I have to say and he writes and Wyngaardt was to observe the process. I was comfortable, because I knew that there was going to be hel of a lot of writing. I did not want to take that responsibility. So, narrated what – something that became my first handwritten statement. We had breakfast. We had lunch. We had dinner continuing with the task. At the end of it – at around past 9. They gave me the statement to read, to satisfy myself that it was - it captured the process. In between there were – if there were issues we would resolve it. After reading the statement I was happy with the contents whether there was a change I would have signed, but I accepted
20 the whole statement and I signed and Peterson signed too and they told me that they have been told to take the statement straight to Major General Vieri. Not to the police station to his office. To himself, that is what the commander had instructed them to do – to go and hand it personally to him. I later learned that Major General Vieri also battled with who to work with and who to trust and then he worked with Major General Jacobs.

They went through – he says they went through that statement. They realised that it contained very very serious allegations against highly powered people.

ADV MAHLAPE SELLO SC: Now, you say you learned that Captain Vieri did not know who to trust. Where did you learn that from?

MS VYTJIE MENTOR: From him – subsequent to that I had discussions with him ...

ADV MAHLAPE SELLO SC: Okay.

MS VYTJIE MENTOR: When my statement was not coming back to me then I went to Peterson. I want my statement. Ja go Vieri. I want my statement and then he
10 explains to me the processes that the statement went through,

ADV MAHLAPE SELLO SC: so, your response is that you learned from Captain Vieri that he did not know who to trust.

MS VYTJIE MENTOR: Yes. He was not Captain. He was Major General. I think.

ADV MAHLAPE SELLO SC: Please continue. You say Major. I apologise. It is Major General Vieri . Yes.

MS VYTJIE MENTOR: So he says - after they discussed they even discussed as to can have – who can set eyes on the statement and they put it in a safe. That is how seriously they took it.

ADV MAHLAPE SELLO SC: Okay. So, now after you signed and you said it is Captain
20 Peterson also signed the statement. They took it with them. What happens next/

MS VYTJIE MENTOR: I received a call – I think after a month or so when nothing was happening I began to make queries and I also wanted my statement back.

ADV MAHLAPE SELLO SC: Who were you making inquiries with?

MS VYTJIE MENTOR: I started with the people that were with me in the house when I made the statement.

ADV MAHLAPE SELLO SC: Okay.

MS VYTJIE MENTOR: Then they told me to discuss this with Major General Vieri. Before they did that they also told me that at one stage the statement was – went into possession of the head of detectives for the Western Cape.

ADV MAHLAPE SELLO SC: Do you know the identity of the head of the detective for the Western Cape you are referring to?

10 **MS VYTJIE MENTOR:** O. let me just retract a little bit.

ADV MAHLAPE SELLO SC: Okay

MS VYTJIE MENTOR: Through you chair.

CHAIRPERSON: Mmh.

MS VYTJIE MENTOR: I had telephone discussions with them wanting my statement and then I called them to my house again, the two of them and then they told me that I had known by that time that it was with Mr Vieri, but I was not – I said but you guys took the statement. Can you help me get my statement. Then I called them to my house and then they came and then told me that it had also then gone to the possession of their head of detectives who is the African lady, Khoza lady – was a Khoza lady at that
20 time. So, I asked them: Do you have her number? They had her number and I said give me the number I would like to call her in your presence and I called her and I said to her: I understand that you have possession of my statement and I have been looking for it. She was first defensive. She was like saying: Who are you? And I said I am so and so. I

gave her the history and then she said to me I will call you just now. She called and then she admitted that she had had possession of the statement.

ADV MAHLAPE SELLO SC: Now, did you have the identity of this person? A name or title?

MS VYTJIE MENTOR: I know the title but I got the number from the two gentlemen and I phoned ...[intervened]

ADV MAHLAPE SELLO SC: So they did not disclose her name to you at the time.

MS VYTJIE MENTOR: They did - I just do not remember it.

ADV MAHLAPE SELLO SC: Okay. Yes, please proceed.

10 **MS VYTJIE MENTOR:** After much – I would call - two calls were nasty. I was angry. She was defensive. Eventually I forced her to admit that the statement is no longer with - she said the statement is no longer with her and Mr Vieri had also said that the statement is no longer with him and Mr Jacobs. So this one admitted that she had possession of the statement and then she told me that on the instruction of Mr Ntlemeza, who was Police Commissioner. Mr Ntlemeza had instructed – this is what she told me. Instructed Mr Pathlane – I have this problem with names. Who I think was second in command, Pathlane. P-h-a-h-I I think

CHAIRPERSON: Is that the same one that – to whom you referred yesterday as having been acting Commissioner – National Commissioner of Police? Is
20 that the one you are talking about?

MS VYTJIE MENTOR: Yes.

CHAIRPERSON: Because yesterday you did refer to Pathlane and I understood you to be referring to that one.

MS VYTJIE MENTOR: Yes.

CHAIRPERSON: Are you talking about the same person?

MS VYTJIE MENTOR: Yes, but at that time I think he was not yet – I think he was second in command or something. The person that was in command at that time was Mr Ntlemeza.

ADV MAHLAPE SELLO SC: Okay.

MS VYTJIE MENTOR: In my recollection. But so, the head of detectives confers that my statement had been airlifted, a private jet had been dispatched and when that happened it was a Saturday and Mr Ntlemeza was somewhere in Limpopo and he had
10 told her that somebody would come by private jet to fetch my statement and to fly it to Pretoria.

ADV MAHLAPE SELLO SC: Okay. So, that is what she told you?

MS VYTJIE MENTOR: Yes,.

ADV MAHLAPE SELLO SC: Okay and what ...[intervened]

MS VYTJIE MENTOR: She corroborated what – kind of what I knew already.

ADV MAHLAPE SELLO SC: And how did you come to come to ...[intervened]

MS VYTJIE MENTOR: What I knew was that I did not know about the Jet and the flight. I heard they airlifted – I heard that the statement had exchanged hands, removed from the hands of Major General Vieri and Jacobs.

20 **ADV MAHLAPE SELLO SC:** And now...

MS VYTJIE MENTOR: To her.

ADV MAHLAPE SELLO SC: How did you learned that?

MS VYTJIE MENTOR: I learned both from Captain Peterson and from Major General Vieri himself.

ADV MAHLAPE SELLO SC: Did they indicate who had taken possession of your statement – taking it away from them.

MS VYTJIE MENTOR: Sorry?

ADV MAHLAPE SELLO SC: Did the tell you who had taken the statement away from them.

MS VYTJIE MENTOR: They – Mr Vieri told me that, if I remember well, that he was instructed to hand over the statement to the head of detectives.

10 **ADV MAHLAPE SELLO SC:** Okay. Right now. You have taken us through having a conversation with this lady who you say is the head of detectives in the Western Cape and she advised you that on certain instruction the statement was ferried to Pretoria.

MS VYTJIE MENTOR: Ja, the statement was no longer in their possession. It was no longer in the Western Cape. It was under the Hawks in Pretoria.

ADV MAHLAPE SELLO SC: Okay, then what happened after that. After you learned this?

MS VYTJIE MENTOR: I continued to demand my statement.

ADV MAHLAPE SELLO SC: From who were you demanding the statement by now.

MS VYTJIE MENTOR: I am writing – if my memory serves me well. I am phoning
20 ... O, before ... in the intervening period after I called the lady, the Western Cape head of detectives and all those things. A certain Mr Mtolo phones and arranges to meet me. He

said he has been send by the Hawks to come and meet with me. He meets me also in my house.

ADV MAHLAPE SELLO SC: And do you have a... can you indicate a date when – about when this happened.

MS VYTJIE MENTOR: It is now in June.

ADV MAHLAPE SELLO SC: Right. The year?

MS VYTJIE MENTOR: All this is happening in 2016.

ADV MAHLAPE SELLO SC: Okay.

MS VYTJIE MENTOR: When I went to the police station it was May 2016.

10 **ADV MAHLAPE SELLO SC:** Please proceed.

MS VYTJIE MENTOR: Mr Mtolo – in June, I think he came with another gentleman that he said, to me, was a cyber specialist. No, Mr Mtolo first came alone. Then his subsequent visit he was with another gentleman that he said was a cyber specialist.

ADV MAHLAPE SELLO SC: Okay. Now let us deal with his first visit. What transpired at that visit?

MS VYTJIE MENTOR: When he phones to say that I have been send to come and see you. I am from the – he told me that he was an Advocate from the Hawks, Mr Mtolo. I said to him: You better bring my statement with, because I want my first
20 statement. He promises he would come with my statement and then he comes with that document that I said it is a corrupted statement.

ADV MAHLAPE SELLO SC: Okay. If you may just pause just to help the Chair find his place find his place in the papers. After – Chair after Ms Mentor provided a statement she signed a consent letter which was directed to the Hawks consenting to the release of all and any statements she may have made to law enforcement agencies and these were provided. They are now part of Bundle D1 and they appear from pages 150 to 167. These are three documents. So that Ms Mentor if I may refer you then to D1 starting at 150. You understood what I mentioned to the Chairperson that these are the documents that we received from the Hawks, following your consent letter for the Commission to have access thereto and to use them in his Commission. Now you were saying that Adv
10 Mtolo arrived with a corrupted statement which is in the file. Can you locate it?

MS VYTJIE MENTOR: I am still just checking something here through you Chair.

ADV MAHLAPE SELLO SC: Okay.

CHAIRPERSON: While she is looking. Did you say that according to the Hawks pages 150 to 157 in EXHIBIT D1 represents all the documents or statements that they said they had form her.

ADV MAHLAPE SELLO SC: At the time.

CHAIRPERSON: At the time.

ADV MAHLAPE SELLO SC: Yes.

CHAIRPERSON: And it is one statement ...[intervened]

20 **ADV MAHLAPE SELLO SC:** No, I said page 150 to 167.

CHAIRPERSON: O, 167. No wonder...

ADV MAHLAPE SELLO SC: The first statement runs 150 – 158.

CHAIRPERSON: O. So, it is pages 150 to 167?

ADV MAHLAPE SELLO SC: 167, yes.

CHAIRPERSON: Okay. Thank you.

ADV MAHLAPE SELLO SC: So the - and the first is 150 to 158. While Ms Mentor checks that. Whatever she is checking.

CHAIRPERSON: Ja. Okay.

ADV MAHLAPE SELLO SC: The second is 159 to 164.

CHAIRPERSON: Yes.

ADV MAHLAPE SELLO SC: And the third then runs from 165 to 167.

10 **CHAIRPERSON:** Okay.

ADV MAHLAPE SELLO SC: Have you locate, Ms Mentor, what you were trying to check.

MS VYTJIE MENTOR: What I want to – What I was trying to check is that in my memory there is a time when Mr Mtolo came alone. There is a time when he came with a cyber specialist.

ADV MAHLAPE SELLO SC: Okay,. No that is fine. We will deal with both of them.

MS VYTJIE MENTOR: I had asked him to bring my statement but what he brought with was that - what is kept what is – from 150.

ADV MAHLAPE SELLO SC: 150?

20 **MS VYTJIE MENTOR:** Yes.

ADV MAHLAPE SELLO SC: Okay let us turn to 150. It is both typed and has got significant handwriting. Now can you explain this document to the chair when it was typed and when the handwriting was effected on to it.

CHAIRPERSON: Before you answer that., Ms Mentor. When you requested Mr Mtolo to bring your statement. Do you remember whether you made it clear that you were talking about your handwritten statement. You were not talking about a typed version of the statement.

MS VYTJIE MENTOR: Yes, Chair

CHAIRPERSON: Okay. Thank you.

10 **ADV MAHLAPE SELLO SC:** Thank you Chair. Can you then explain what appears at page 157 to 158. Very quickly to the Chair.

MS VYTJIE MENTOR: So, I remember that it was in June and Mr Mtolo was told when that he was going on annual leave. When he brought this thing and I said to him: Where is my handwritten statement that you promised to bring? He said this is your typed version of your handwritten statement. I went through it and I told him that this – as I explained in the morning. This is version is corrupted. Is not a complete reflection. It has got a lot of errors In terms of content and other things and I began to demonstrate to him a few that I could just pick up very fast. Then I was identifying them for him and I said it makes it difficult for me to accept this statement, because I am not having my handwritten
20 statement that I asked you to bring with to compare whether this is an accurate statement. I actually said to Mr Mtolo, amongst other things there are many errors here and then his first response was: It is because the typist was Afrikaans speaking and I said to him: even if somebody is Afrikaans speaking. You type what you see. You do not

interpret in your head translate from English to Afrikaans. I refused to accept his explanation.

ADV MAHLAPE SELLO SC: Now, if I can just establish. The document that Adv Mtolo presented to you. Was it a fully typed document or did he manuscript notations or anything? Was it only typed words.

MS VYTJIE MENTOR: It was only typed words.

ADV MAHLAPE SELLO SC: Okay.

MS VYTJIE MENTOR: is the one that stretches from 150 to 158.

ADV MAHLAPE SELLO SC: Then can you indicate to the Chairperson whose
10 handwriting it is that appears, it seem on every single page between 150 and 158. Who effected those additions and sometimes changes and cancellations.

MS VYTJIE MENTOR: It is my own handwriting as I was demonstrating to – not exhaustively so – to Mr Mtolo how problematic the document was.

ADV MAHLAPE SELLO SC: Okay and what happened when you - at the conclusion of that exercise?

MS VYTJIE MENTOR: In that meeting amongst other things he said to me and I enquired from him why there was no progress and he said that because I have also complained against Pres. Zuma there and I have tied their hands to investigate but then he said he was going on annual leave and the following day. When he comes back from
20 annual leave he would bring my handwritten - He would go and have this thing retyped and bring with him my handwritten statement, original, that I have been demanding.

ADV MAHLAPE SELLO SC: So you state that Adv Mtolo indicated to you the delay was caused by the fact that Zuma in your statement.

MS VYTJIE MENTOR: Yes.

ADV MAHLAPE SELLO SC: And to your recollection had you made reference to Pres. Zuma in your original statement?

MS VYTJIE MENTOR: I had.

ADV MAHLAPE SELLO SC: Now when Adv Mtolo brought this to your attention. What did you do about it. If anything.

MS VYTJIE MENTOR: We had a lengthy discussion because I was not – I wanted the matter to proceed. He was insistent that the matter is not going to proceed if I do not remove Pres. Zuma from my statement. The other thing that he raised – that he brought to my attention and that had slipped my mind and that was helpfully was that I had erroneously – in my handwritten statement said that the IDC, which is one of the companies I laid charges against. Was housed under Trade and Industry and I was erroneously, as a result also because there was a loan matter that was – that I was raising as a high irregularity and that was a corrupt activity with the Gupta- family, but I – I had cited minister Rob Davis of DTI as the minister responsible for the IDC. So, he pointed that also out together with the issue of – with the president. So I said I will correct that. So, I was inserting Ebrahim Patel instead of Rob Davis with his assistant, but he promised – at the end of the day I said: If that is what it would take for these matters to be investigated as you say you will bring my handwritten statement. I would remove referrals to the president if that is what it takes to have the matters investigated. In my head I had planned already, after we – I was planning that ...

ADV MAHLAPE SELLO SC: Continue m'am.

MS VYTJIE MENTOR: Okay. I was planning that – I think I was trying to trick him. I wanted to remove Pres. Zuma and then so that they start with the investigations and whatever there. I was planning to re-instate the charge on Pres. Zuma later.

ADV MAHLAPE SELLO SC: Now in that statement – the statement at 150 to 158. Did you on the basis that you explain remove reference to Pres. Zuma?

CHAIRPERSON: Miss....

ADV MAHLAPE SELLO SC: Yes Chair.

CHAIRPERSON: Ms Sello at the time that Ms Mentor confirmed that she signed a handwritten statement that she was happy with.

10 **ADV MAHLAPE SELLO SC:** Yes Chair.

CHAIRPERSON: Is that not the time when you should have handed up the statement?

ADV MAHLAPE SELLO SC: I Chair ...

CHAIRPERSON: Or you have some reason to not ...[intervene]

ADV MAHLAPE SELLO SC: I have a reason why I would suggest her to hand it at a later stage.

CHAIRPERSON: Okay, I think I will then ask her a question now. She is still looking at answering the question you have given her or not?

20 **ADV MAHLAPE SELLO SC:** Yes and I can short circuit her search by referring you to a specific paragraph i that would ...[intervened]

CHAIRPERSON: Okay. Do that.

ADV MAHLAPE SELLO SC: With the court – with your permission. Ms Mentor on my reading I find reference to the president at page 157 of that document, paragraph 61, typed 61 and read in bracket (a) by hand. Do you find it?

MS VYTJIE MENTOR: Yes, m'am.

ADV MAHLAPE SELLO SC: Now, I see the reference at line 2. Can you read the first sentence.

MS VYTJIE MENTOR:

“I am of the conclusion that the Gupta family, the son of
the president and some ministers “

10 that is also deleted.

“I have named in this statement as well as the president,
to a certain extent all have corrupt relationships – they all
have a corrupt relationship that gives unfair advantage to
the Gupta family and their associates at the expense of
the state, using state resources and agencies all the way
for their own benefit.”

ADV MAHLAPE SELLO SC: Now, I see at paragraph 61, the second sentence there is
strike through on the words quote unquote

as well as the president to ascertain – to a certain extent”

20 close quote and immediately above that there appears to be a signature. So you see
that?

MS VYTJIE MENTOR: Yes, m'am.

ADV MAHLAPE SELLO SC: Now, do you confirm that those words have been struck out in that document?

MS VYTJIE MENTOR: After I finally agreed with them that if that is what takes.

ADV MAHLAPE SELLO SC: Okay.

MS VYTJIE MENTOR: For these matters to be investigated I will do that.

ADV MAHLAPE SELLO SC: Now, there is a signature above that. Do you recognise that signature. Who effected that signature?

MS VYTJIE MENTOR: It is myself m'am.

ADV MAHLAPE SELLO SC: So, you struck out those words and you signed. You
10 counter signed the strike out.

MS VYTJIE MENTOR: Yes, m'am.

CHAIRPERSON: Ms Mentor, what were the complaints or what was the complaint that you laid with the police against the former Pres. Zuma? You see I do not have your original handwritten statement, you know before go much further I just want to have an idea what the complaints were. Were they related to the trip that ended up at the Gupta families home or were they about the China visit or were they about all of the or were they about something else?

MS VYTJIE MENTOR: I mentioned Pres. Zuma in my first my first handwritten statement when I gave an account of the Saxonwold offer and the reshuffling that was
20 pending. I also in the statement had mentioned Pres. Zuma together with Minister Gigaba on the issue of the arms manufacturing – the persons in Saudi Arabia where Pres. Zuma opened an arms manufacturing factory with DENEL and present with Pres. Zuma was the Guptas and was Minister Gigaba. In the statement I said it was peculiar that at the

time when they were in Saudi Arabia Minister Gigaba was Minister of Home Affairs and his portfolio had nothing to do with arms and arms manifesting. That portfolio falls under Defence. DENEL – under DENEL under Defence together. So, it was those things together and I illustrated also the advantages – contracts that the Guptas were advantaged in. Certain instances they were given loans an amount of 200; ±300 Million that became weathered down and shares in DENEL and they clubbed with DENEL together to form new companies together where the Guptas not put anything on the table but their resources comes from the state.

CHAIRPERSON: Basing – looking at this statement that you say Mr Mtolo
10 came to ou with the typed one, on which you made handwritten inscriptions. Looking at some of the paragraphs there. Would it be correct to say that your complaint against the former president was that of a corrupt relationship between himself and the Gupta family. I am trying to understand whether that is that would ...

MS VYTJIE MENTOR: Including his son.

CHAIRPERSON: Including his son, but would it be correct to describe generally that that was what you were trying to convey?

MS VYTJIE MENTOR: Yes, in sofar as the president is concerned.

CHAIRPERSON: Yes, but there were other people that you were including.

MS VYTJIE MENTOR: Yes, Chair.

20 **CHAIRPERSON:** Okay. Thank you I just wanted to have an idea as we proceed. Thank you .

ADV MAHLAPE SELLO SC: Thank you Chair. Ms Mentor we have dealt now with your deletion at paragraph 61 at page 157 and you stated that having effected that deletion you signed above - immediately above that. Do you - you remember. Okay

MS VYTJIE MENTOR: Yes, m'am.

ADV MAHLAPE SELLO SC: Now the question is at various points in the statement you do make reference to the president by way of example you make reference to him at paragraph 24, page 150 and 152. Ag paragraph 24 to 26 that that concerns the meeting you are trying to schedule with the president so you referred to him there. You refer to him again at page 153 paragraph 34. Where now you are recounting how you now
10 unpacked at paragraph 30 and then read with 34. That is your arrival in Johannesburg for this meeting and waiting for the president in Sahara at paragraph 34. I find the next reference to be at paragraph 41 and now this concerns your discussion with the president at Saxonwold when ou reported to him what Mr Gupta had said to you and at 42 you deal with how the president reacted to your report. Then at 44 again You deal with the president escorting you to the vehicle. Do you see all those references.

MS VYTJIE MENTOR: Yes, m'am

ADV MAHLAPE SELLO SC: My question is: Did Adv Mtolo have an objection to certain references to the president or to references to president in general. What did you understand his difficulty to be.

20 **MS VYTJIE MENTOR:** He had a problems with – problems with where I said he has a corrupt relationship with the Guptas. Where I say there is a corrupt relationship between the president, his son and the Gupta Brothers.

ADV MAHLAPE SELLO SC: So, he - Adv Mtolo did not have difficulties with all the references you have in the statement he ...[intervened]

MS VYTJIE MENTOR: He pointed me specifically to that what I deleted eventually.

ADV MAHLAPE SELLO SC: Okay. Now. Precisely that sentence that sentence that he required be deleted. Was it contained in your original statement. Have you made that allegation in your original statement?

MS VYTJIE MENTOR: Yes m'am.

ADV MAHLAPE SELLO SC: Chair, I may – before I do the handing in. Have you since the day you effected other notes to the statement. Have you had opportunity to compare this version and your original statement?

10 **MS VYTJIE MENTOR:** I only saw my original statement – it reached me yesterday at around between 10pm and 11pm.

ADV MAHLAPE SELLO SC: You indicated that you had requested Adv Mtolo to provide you with your original statement. He never provided you with such a statement.

MS VYTJIE MENTOR: He never provided it.

ADV MAHLAPE SELLO SC: And you say you received this yesterday and can you state how you came to be in receipt of it?

MS VYTJIE MENTOR: I think I have already gone through that Advocate.

ADV MAHLAPE SELLO SC: Okay.

CHAIRPERSON: Ja, I think she said you – the Commission t...[intervened]

20 **ADV MAHLAPE SELLO SC:** It was the Commission. Okay.

CHAIRPERSON: Got hold of it. She on her own had tried and failed over a long period of time.

ADV MAHLAPE SELLO SC: And failed.

CHAIRPERSON: Ja. Yes Ms Mentor, you want to say something.

MS VYTJIE MENTOR: Through you Chair, may I also point out to the fact that in my engagement with the Public Protector I also expressed my frustration of wanting my handwritten statement and in that transcript I tell the Public Protector that Mtolo came with this corrupted version which I made corrections to and I put it to her and I say: He had since said he would return to me with my statement I wanted and I plead with the Public Protector I said, because you have powers can you assist me to get my handwritten statement from the Hawks and I never got it.

10 **ADV MAHLAPE SELLO SC:** Thank you, Chair at this juncture I beg leave to hand in copies of this statement and on my numbering this would be D5.

CHAIRPERSON: Yes, just for – to complete a point which I thought you were trying to complete. From what you say in relation to when you received your handwritten statement last night, quite late. Must I take it that you have not had a chance to go through properly, Ms Mentor.

MS VYTJIE MENTOR: Because I was quite tired I slept and I put the alarm at 4 O'clock. I woke up at 4 O'clock for an hour I went through it, but I went through it not in comparison to the corrupted version.

CHAIRPERSON: Yes.

20 **MS VYTJIE MENTOR:** Because I made it so long ago I wanted to go through it – I only went through it early hours of this morning.

CHAIRPERSON: O, you did go through it, but you did not get a chance to compare it with the statement appearing at page 150 to 158.

MS VYTJIE MENTOR: Yes, Chair.

CHAIRPERSON: Okay. Alright. Thank you. I do not know if you want to take that further or not?

ADV MAHLAPE SELLO SC: Thank you Chair. No, I - as I indicated yesterday when I indicated to the Chair that we had received some document,. These – this is the document I was referring to.

CHAIRPERSON: Ja, no that is fine.

ADV MAHLAPE SELLO SC: Ms Mentor has had a brief discussion with her attorneys, today... and but I accept she has she has – It was not sufficient time to compare word for word the written statement and what she calls the corrupted statement.

CHAIRPERSON: Yes

ADV MAHLAPE SELLO SC: And but I accept she has she has – It was not sufficient time to compare word for word the written statement and what she calls the corrupted statement.

CHAIRPERSON: Yes, Yes.

ADV MAHLAPE SELLO SC: I would however beg leave to hand it in and for my purpose today for now just to deal with a very small aspect of it.

CHAIRPERSON: Ja, you can take it.

ADV MAHLAPE SELLO SC: Thank you. with your leave Chair.

20 **CHAIRPERSON:** I see that we are at four minutes past four on my watch and I do not know how long it might take to get to a point where you have a - you wanted it to come to me?

ADV MAHLAPE SELLO SC: Yes, Chair. Yes, Chair. I confirm

CHAIRPERSON: You – I do not know how long it would take before you reach the point where you are done with her. I accept that these are very important matters and they must be dealt with properly while we do one to not to spend – waste any time. We do want the matters to be dealt with properly.

ADV MAHLAPE SELLO SC: Thourely.

CHAIRPERSON: So, as for me – If all concerned including Ms Mentor. Who has been on the witness stand for the whole day – for two days now and it cannot be easy. She must be quire tired. Provided everyone concerned is happy for us to continue
10 for another 30 minutes for 40 minutes or an hour. I am happy to do that, but of all of us. If Ms Mentor says, as a witness, I am exhausted I would like us to stop now. We will stop. So maybe I should start with her.

ADV MAHLAPE SELLO SC: I think so Chair.

CHAIRPERSON: Ms Mentor, how are you feeling?

MS VYTJIE MENTOR: I think she must conclude on that brief matter. I am really tired Chair. Then I would like to address you on an issue.

CHAIRPERSON: Yes. Okay. That i fine.

MS VYTJIE MENTOR: Then I would plead with you to be given a break.

CHAIRPERSON: No. No. We will definitely give you a break.

20 **MS VYTJIE MENTOR:** (talking in vernacular) Chair.

[laughing]

CHAIRPERSON: No, we will give you a break. We will give you a break. Ms Sello? We will mark her handwritten statement or do you want her to confirm that this is the handwritten statement or ...[intervened]

ADV MAHLAPE SELLO SC: Indeed Chair.

CHAIRPERSON: Or she has already or she has not.

ADV MAHLAPE SELLO SC: No, no she has not. li have just handed it up.

CHAIRPERSON: O. Okay.

ADV MAHLAPE SELLO SC: Now, Ms Mentor you have just been handed a document. It is a handwritten document with about 20 odd or so pages. Can you ...[intervened]

10 **CHAIRPERSON:** Do you want to tell her that on the right hand corner it is marked page 269 up to what?

ADV MAHLAPE SELLO SC: 286.

CHAIRPERSON: 286.

ADV MAHLAPE SELLO SC: Do you see that document?

MS VYTJIE MENTOR: ...[no audible response]

ADV MAHLAPE SELLO SC: You have that document before you? Yes. the top of the document read

“I Mabel Petronella Mentor, declares I am the author, in English”

20 Now if you look through it. Do you recognise this statement.

MS VYTJIE MENTOR: Yes m'am

ADV MAHLAPE SELLO SC: And can you state for the record what this is.

MS VYTJIE MENTOR: ...[no audible response]

ADV MAHLAPE SELLO SC: Can you state for the record what this is.

MS VYTJIE MENTOR: This document before me titled D5 is my handwritten statement that I have sought for more than two years. That is now before me.

ADV MAHLAPE SELLO SC: Now if you turn to quickly page 286..

MS VYTJIE MENTOR: Page?

ADV MAHLAPE SELLO SC: 286, that is the last page of that document. There is a signature there. Is that your signature appearing therein and the date?

10 **MS VYTJIE MENTOR:** It is my signature m'am

ADV MAHLAPE SELLO SC: Thank you and if you could just quickly confirm. I - my looking at it at the bottom of every page there appears to be a signature. Is that yours as well? At the very bottom. If you look at page 1.

CHAIRPERSON: It seems to be P Mentor.

MS VYTJIE MENTOR: Yes, Chair. It is P Mentor throughout except that on page 63 it is initialled. PM.

CHAIRPERSON: Yes.

MS VYTJIE MENTOR: Yes.

ADV MAHLAPE SELLO SC: You say on page?

20 **CHAIRPERSON:** 63.

ADV MAHLAPE SELLO SC: O. paragraph 63.

CHAIRPERSON: 63 as the bottom.

ADV MAHLAPE SELLO SC: Page 284, page 284 paragraph 63 and it would appear that 282, 283, 284 are initialled and the rest have got P Mentor.

CHAIRPERSON: Is that correct Ms Mentor?

MS VYTJIE MENTOR: Correct Chairperson.

CHAIRPERSON: Thank you.

ADV MAHLAPE SELLO SC: Thank you Ms Mentor. Now ...[intervened]

CHAIRPERSON: Maybe let us just confirm. This is the statement that was taken by whom?

10 **MS VYTJIE MENTOR:** This is the statement that was taken by Captain Peterson. In the presence of Captain Wyngaardt. In my house.

CHAIRPERSON: That is the one you were happy with after it was done?

MS VYTJIE MENTOR: Yes Chair.

CHAIRPERSON: Thank you.

ADV MAHLAPE SELLO SC: Thank you, Chair and just for completeness on that point at 286 there is a stamp, last page. You are referred to that, of the commissioner of oaths. And it is noted that it was signed at Cape Town on 2016-05-09 at 22:00 and the name that is written is DD Peterson and given the address of 25 Alfred Street, Greenpoint and the rank of Captain and his number. Do you confirm that?

20 **MS VYTJIE MENTOR:** Yes, m'am

ADV MAHLAPE SELLO SC: Now you had wanted me to finish up one point and then you are asking for break. I am trying to locate in your original statement where it

is you mentioned that your complaint is that the president has a – to a certain extent a corrupt relationship that gives unfair advantage to the Gupta family and their associates. My colleagues assisted me. My marked version seems to have walked away from me. I am . advised it is at 272

MS VYTJIE MENTOR: 284. q

ADV MAHLAPE SELLO SC: Now I think it is 284.

MS VYTJIE MENTOR: Paragraph 61.

ADV MAHLAPE SELLO SC: Paragraph 6, 284. Can you read that paragraph into the record.

10 **MS VYTJIE MENTOR:**

“I am of the conclusion that the Gupta family , the son of the president and some ministers whom I have named in this statement as well, as well as the president who were sitting ...[indistinct]. All have a corrupt relationship that gives unfair advantage to the Gupta family and their associates at the expense of the state using state resources and entities – agencies. All the way for their own benefit.”

ADV MAHLAPE SELLO SC: Chair I think. Was that the point you wanted clarified
20 before we stand down today.

CHAIRPERSON: Well she might not know. You are the one who said there is one point that you wanted to deal with.

ADV MAHLAPE SELLO SC: O, she had wanted me to ...[indistinct] that is the point I wanted to clarify. Then for the record to say that reference to or the claim that the president has a corrupt relationship is made in her original statement. It appears at paragraph 61, which is the paragraph you have just read.

CHAIRPERSON: Ja.

ADV MAHLAPE SELLO SC: And it is that reference that is deleted in the typed paragraph 61.

MS VYTJIE MENTOR: Yes, m'am

CHAIRPERSON: Okay.

10 **ADV MAHLAPE SELLO SC:** That is what I needed the statement for at this moment. Now, if I may then inquire from the client He wanted me to address a little point ...[intervened]

CHAIRPERSON: From the witness.

ADV MAHLAPE SELLO SC: From the witness. It has been a long two days and I have been on my feet everybody had the benefit of chair Chair. I have not. You said that the one point you would like addressed before we close for the day.

CHAIRPERSON: O. Ja she wanted to address me on something but before she does so. Is there a typed version, a correctly typed version of the statement at this stage or arrangements will be made for a typed version to be made available. I suspect
20 because it arrived yesterday there might not be a typed version yet.

ADV MAHLAPE SELLO SC: Chair I confirm that it came in its original form with no typed version, but will make arrangements to re-type it just for purposes of legibility.

CHAIRPERSON: Yes. Yes and obviously she would have to see the typed version to make sure that this time the typed version is correct.

ADV MAHLAPE SELLO SC: That being the case I will not responsible for the typing.

CHAIRPERSON: Yes thank you.

ADV MAHLAPE SELLO SC: Thank you Chair

CHAIRPERSON: Ms Mentor you wanted to address me on something. Yes.

MS VYTJIE MENTOR: Chair I do this with great difficulty. I thought about this through the day. I raise this matter with my legal representatives.

CHAIRPERSON: Yes.

10 **MS VYTJIE MENTOR:** I do not want to ...[indistinct]

CHAIRPERSON: Sorry?

MS VYTJIE MENTOR: I do not want to be alarmist.

CHAIRPERSON: Yes.

MS VYTJIE MENTOR: But two nights ago I must say that I am living in a hotel provided by the Commission. I am happy. There were administrative glitches which we have discussed and corrected and Adv Paul and my legal had addressed this issue with Adv Paul Pretorius who took them seriously and who made an enquiry to me two days ago if my – if I was happy where I was. Two nights ago when I went to sleep I discovered that the latch of the hotel door, because there is a chain that you secure and there is – in
20 addition there is a lock.

CHAIRPERSON: A lock. Ja.

MS VYTJIE MENTOR: That you turn to secure yourself. Were not working. I had stayed in that room for eversince I have been coming fort business of ...

CHAIRPERSON: The Commission.

MS VYTJIE MENTOR: Of the Commission including when I consult with my lawyers All the time it is booked by the Commission. The Commission have gone out of the way to make me comfortable in term of my condition, that I discussed with them. When my latch was not – my two latches were not working I immediately alerted the hotel because I could not sleep in a room that could be opened anyone anytime. I did not tell my family about this. They fixed ...

10 **CHAIRPERSON:** Yes.

MS VYTJIE MENTOR: The problem, immediately and I could sleep securely. This morning when I went out early. I had forgotten my glasses and then I realised at reception, that I forgot my glasses. I went back to my room. To go and fetch them. Now, the lift of the hotel – the hotel situation is such that you cannot access the flood if you do not insert your card. So my card was working, because it operated the lift for me to go back to the floor where I am staying. So when I tried to open my – my room door the card was not indicate - ...[indistinct] should indicate green or red that it is open or it is not open there was nothing happening. I kept on doing it. Then I decided to test the door, to check. The door freely opened. Then I tried to close again, to lock. It gave me the
20 impression that it was closing like it gave me an impression when I was leaving. When I left forgot my glasses. But then without a card then I first opened it – it opened I did that three times. So if I had not forgotten my glasses I would have come to the commission spend the whole day here. Left a room that I assumed was locked. When that room was not locked and even when I left. I left under the undertaking their undertaking. I reported it

to reception. That they would fix it. I do not know if they fixed it. I do not know when they fixed it. I do not know what I am going home to . I just needed to – I do this not disrespecting my legal team. I informed them about this at lunchtime but I am worried to go back to a hotel room that I do not know has it been fiddled with or not.

CHAIRPERSON: Now, Ms Mentor. Thank you very much for bringing this to my attention. it is something quite serious. Your evidence implicates various people and they might have nothing to do with anything or all we know they might want to come here and refute your evidence and deal with it properly but you are concerned about your safety and you are right to be concerned about your safety. I would like the head of the legal
10 team Mr Pretorius in conjunction with the secretary of the Commission Dr de Wee. Maybe, you know in consultation with Ms Mentor to try and see what can be done to ensure that where she will spend the night she will be comfortable. She will feel safe and if it means that she must go to a different hotel or whatever place that should be done. I think that that is the least that the Commission should do, but I think that should be explored and I would like to be informed either by Mr Pretorius or Dr de Wee in the course of the evening whether proper arrangements were made for her and if in consultation with her it is necessary to explore other measures relating to safety that can or should be explored as well, subject to what she may feel comfortable with, also because there may be all kinds of issues also. Mr Pretorius do you think you can look
20 into the issue?

ADV PAUL PRETORIUS SC: Yes, Chair, I will consult with Ms Mentor. Her legal representatives, the secretariat and we will make appropriate arrangements for secure accommodation and to the extent necessary some form of protection.

CHAIRPERSON: Yea, thank you very much. Thank you .Thank you Ms Mentor, for raising the issue and the Commission will do all it can to make sure that you are comfortable and that as far as possible you are safe.

MS VYTJIE MENTOR: Thank you Chair.

CHAIRPERSON: Thank you very much. Mr Pretorius and Ms Sello. We need to talk about tomorrow.

ADV MAHLAPE SELLO SC: Yes, Chair.

CHAIRPERSON: Who will tak to me about that?

ADV MAHLAPE SELLO SC: Unless there are other aspects that Ms Mentor would like
10 me to cover in further detail tomorrow. I should actually be done with her testimony in about 4 minutes

CHAIRPERSON: Okay

ADV MAHLAPE SELLO SC: Tomorrow. So depending on the questions from the Chair and perhaps there are some issues she may raise. I suggest Chair with your: leave. We can say I will be dome with her by teatime. So any arrangements can comfortably be made 11 or quarter pas 11. Thank you.

CHAIRPERSON: Mr Pretorius with regard to the next witness. Do you know whether if we start at 10 with Ms Mentor. If we resume at 10 with Ms Mentor and finish at about the time that Ms Sello is suggesting. Whether that will give us enough time to finish
20 Mr Maseko's evidence or should we ...[intervened]

ADV PAUL PRETORIUS SC: It should.

CHAIRPERSON: Start at half pas nine again?

ADV PAUL PRETORIUS SC: No, it should Mr Chair.

CHAIRPERSON: It should. Thank you very much again. In the absence of anything else. Ms Mentor you are excused for today. We will see you tomorrow morning at 10 and we adjourn.

COURT CLERK: All rise.

HEARING POSTPONED UNTILO 29 AUGUST 2018

HEARING ADJOURNS

\[End of recording]

10

20

10

20

10

20

10

20

