

**COMMISSION OF INQUIRY INTO STATE CAPTURE**

**HELD AT**

**PARKTOWN, JOHANNESBURG**

10

**11 FEBRUARY 2019**

**DAY 47**

20

**PROCEEDINGS HELD ON 11 FEBRUARY 2019**

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

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

**CHAIRPERSON:** Yes.

**ADV PAUL PRETORIUS SC:** Chair, today 11 February has been reserved together with tomorrow for the continuation of the evidence and its conclusion on the part of Ms Mentor together with cross-examination.

**CHAIRPERSON:** Yes.

**ADV PAUL PRETORIUS SC:** Ms Sello will lead the witness.

10 **CHAIRPERSON:** Thank you, Ms Sello?

**ADV MAHLAPO SELLO:** Thank you, Chair, and good morning, Chair.

**CHAIRPERSON:** Good morning.

**ADV MAHLAPO SELLO:** Morning, Ms Mentor. Chair, I think Ms Mentor is still under oath, is it necessary to make her take the oath again this morning?

**CHAIRPERSON:** No, it will not be necessary, Ms Mentor you do understand that you have taken oath to give evidence that is true to the best of your knowledge and belief? You remember that?

**MS VYTJIE MENTOR:** I remember and I do, Chair, thank you.

**CHAIRPERSON:** You do consider that oath still binding, is that correct?

20 **MS VYTJIE MENTOR:** Correct, Chair, thank you.

**CHAIRPERSON:** Thank you.

**ADV MAHLAPO SELLO:** Thank you, Chair. Ms Mentor you will recall that when we parted there was some work for the Commission and the investigators to do and we undertook to revert and to bring whatever results we achieve to the, Chair, do you recall that?

**MS VYTJIE MENTOR:** I do.

**ADV MAHLAPO SELLO:** For the record I do confirm that we have made certain investigation in regard to certain aspects of your testimony and I would propose that we deal with these matters in the following manner. We will first deal with what I call the China trip, the trip you took on the DTI Trade Mission visit in August 2010. The investigations we have made in respect thereto and the results and I will give you an opportunity to comment thereto, do you understand?

**MS VYTJIE MENTOR:** I do.

**ADV MAHLAPO SELLO:** I then propose to thereafter deal with your subsequent travel  
10 by subsequent – I mean subsequent to the China trip travel to Johannesburg at a time where you state you met with Ajay Gupta who offered you the post of Minister of Public Enterprises.

**CHAIRPERSON:** I am sorry, your microphone is not on Ms Mentor.

**ADV MAHLAPO SELLO:** Yes, madam. Thank you, Chair. I think it is best that you keep it on.

**MS VYTJIE MENTOR:** All the time?

**ADV MAHLAPO SELLO:** It does not interfere – yes, madam.

**MS VYTJIE MENTOR:** Thank you, Chair.

**ADV MAHLAPO SELLO:** It is a bad habit from Parliament.

20 **MS VYTJIE MENTOR:** Well I guess we have got better microphones in Parliament.

**ADV MAHLAPO SELLO:** As you are aware Mr Ajay Gupta filed an affidavit and had applied to cross-examine you regarding certain allegations you had made against him or Mr Rajesh Gupta or Mr Atul Gupta and as you are aware there are – for reasons that are not relevant for your and my purposes the application to cross-examine was denied by the, Chair, but the affidavit submitted dealing with the allegations you make is on

record and we will be dealing with some of those.

**MS VYTJIE MENTOR:** Thank you.

**ADV MAHLAPO SELLO:** I thereafter propose that we deal with the question of the inspection *in loco* which the Commission undertook together with yourself and others on 3 December 2018.

**MS VYTJIE MENTOR:** That is okay.

**ADV MAHLAPO SELLO:** This will then be followed by the issues relating to three persons, Ms Mashile-Nkosi, Ms Mgabadelo and Mr Bloem who if you recall you had testified would corroborate your versions as regards in forming the portfolio committee

10 in Parliament of the offer made to you by Mr Gupta.

**MS VYTJIE MENTOR:** Yes.

**ADV MAHLAPO SELLO:** I will – we will then deal with...[indistinct] and in particular your communication with Mr McBride and we will conclude then with the question of those persons that have applied to cross-examine you and have been granted the right to cross-examination.

**MS VYTJIE MENTOR:** That is in order.

**ADV MAHLAPO SELLO:** Thank you. Just to recap on 27 August 2018 and that is the first day of your testimony starting at page 20 you deal with the China trip and you make the following allegations...[intervenes]

20 **CHAIRPERSON:** I am sorry Ms Sello.

**ADV MAHLAPO SELLO:** Yes, Chair?

**CHAIRPERSON:** From the many bundles that I have got here, where will I find – in which bundle will I find that? Or is it not here?

**ADV MAHLAPO SELLO:** My apologies, Chair, I am just trying to check here.

**CHAIRPERSON:** Yes, okay.

**ADV MAHLAPO SELLO:** Chair, there is a bundle prepared...[intervenes]

**CHAIRPERSON:** I have got D1.

**ADV MAHLAPO SELLO:** No, D1 is her statement and her Annexures and some other documents.

**CHAIRPERSON:** And then there is D2.

**ADV MAHLAPO SELLO:** D2 would be what we call the Parliamentary documents that was dealt with in August.

**CHAIRPERSON:** Yes?

**ADV MAHLAPO SELLO:** D3 are the applications.

10 **CHAIRPERSON:** Yes?

**ADV MAHLAPO SELLO:** D4 and D5 are the small bundles dealing with her statement that she had made to the police regarding this offer.

**CHAIRPERSON:** It does not look like I have got those here.

**ADV MAHLAPO SELLO:** I apologise for that, Chair, I will – we will organise that, there should be three bundles of transcripts.

**CHAIRPERSON:** Okay, there is – there are two documents here marked EXHIBIT D and EXHIBIT D5 which have got a red cover page, are those what...[intervenes]

**ADV MAHLAPO SELLO:** No, Chair.

**CHAIRPERSON:** Those are not the ones?

20 **ADV MAHLAPO SELLO:** No, this is a transcript in this Commission.

**CHAIRPERSON:** Yes.

**ADV MAHLAPO SELLO:** I just went through the transcript to extract certain allegations Ms Mentor had made.

**CHAIRPERSON:** Yes.

**ADV MAHLAPO SELLO:** I will give references then, Chair, to where she makes these

allegations in the transcript.

**CHAIRPERSON:** Yes. Are we going to be able to deal with them without me having copies? If we will be maybe we can proceed and in the tea break they can be provided, but there could be problems if I need to understand answers and I cannot.

**ADV MAHLAPO SELLO:** Indeed, Chair, I can make a copy available. I understand that copies are coming through now.

**CHAIRPERSON:** Okay.

**ADV MAHLAPO SELLO:** But in the meantime there is a copy that I can make available.

10 **CHAIRPERSON:** Okay, that is fine.

**ADV MAHLAPO SELLO:** And hopefully that will take – I am looking at the date of 27 August which is the first day on which Ms Mentor testified.

**CHAIRPERSON:** Yes, okay, they can be handed up, *ja*.

**ADV MAHLAPO SELLO:** Yes. If then I may do the same for Ms Mentor, just in fairness to the witness so that she can follow the question.

**CHAIRPERSON:** Yes.

**ADV MAHLAPO SELLO:** Thank you, Chair. I start at page 20, line 11, Chair, on the transcript of 27 August.

**CHAIRPERSON:** Yes, thank you.

20 **ADV MAHLAPO SELLO:** And at line 11, that is where the conversation starts about Ms Mentor being on board the Emirates flight to Dubai on her way en-route to China and she states and you may read the transcript to confirm, that on the said flight Mr Duduzane Zuma came to her cabin...[intervenes]

**CHAIRPERSON:** Yes.

**ADV MAHLAPO SELLO:** With two Indian looking men, one of whom she subsequently

came to learn was Rajesh Gupta. Further on at page 33 she deals with now her arrival in China in particular from line 19 and she testified that in China in Beijing the three Gupta brothers being Mr Ajay, Mr Atul and Mr Rajesh Gupta were all present in Beijing.

**CHAIRPERSON:** Yes.

**ADV MAHLAPO SELLO:** In dealing with that, Chair, we would like to submit a further bundle of documents.

**CHAIRPERSON:** Well I see Ms Sello at line 19 of page 33 in relation to your name that the transcribers have added something and maybe it is things to come.

**ADV MAHLAPO SELLO:** Chair, they seem to make that mistake throughout the  
10 transcript, I do not know why.

**CHAIRPERSON:** No, it is fine, I was just, *ja*. Okay, thank you.

**ADV MAHLAPO SELLO:** It arises from who I followed in the queue, Chair.

**CHAIRPERSON:** Thank you, I think Ms Mentor wants to say something.

**ADV MAHLAPO SELLO:** Yes, Ms Mentor?

**CHAIRPERSON:** Yes, Ms Mentor?

**MS VYTJIE MENTOR:** Thank you, Chair, and I beg your pardon and thank you for indulging me. I just would like to know Ms Sello has not mentioned supplementary statement.

**CHAIRPERSON:** Affidavit?

20 **MS VYTJIE MENTOR:** Affidavit.

**CHAIRPERSON:** Yes?

**MS VYTJIE MENTOR:** I do not know what is its status, because in answering some of her questions...[intervenes]

**CHAIRPERSON:** Yes?

**MS VYTJIE MENTOR:** I might need to rely on that supplementary statement that she

has not mentioned.

**CHAIRPERSON:** Yes, okay, she – she may have intended to mention it in due course.

**MS VYTJIE MENTOR:** Yes.

**CHAIRPERSON:** Or it might have been an oversight, but I do have the supplementary statement in front of me. I have not had a chance to read it, but I have got an understanding it was filed yesterday.

**ADV MAHLAPO SELLO:** Last night, Chair.

**CHAIRPERSON:** Last night. So, *ja*, okay, alright.

**ADV MAHLAPO SELLO:** Maybe I should deal with it now. As I indicated, Chair, there  
10 are two extra files we are submitting this morning and it is a further supplementary bundle. We have gone as far as D5 in Ms Mentor's range and we would propose that they be labelled D6(1) and D6(2).

**CHAIRPERSON:** Have EXHIBIT D4 and EXHIBIT D5 that I have in front of me been officially admitted as EXHIBIT D4, D5? Is it something that has been dealt with previously or is it something that we must deal with now?

**ADV MAHLAPO SELLO:** Both of them have been, Chair. If the, Chair, would have regard to D5 it should start from 269, it has been admitted into evidence...[intervenes]

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

**ADV MAHLAPO SELLO:** In August.

20 **CHAIRPERSON:** If it has been done, I just wanted to be sure.

**ADV MAHLAPO SELLO:** Yes, and both D4 and D5 has been admitted.

**CHAIRPERSON:** Okay.

**ADV MAHLAPO SELLO:** So following on the numbering we are now at D6.

**CHAIRPERSON:** *Ja*, now...[intervenes]

**ADV MAHLAPO SELLO:** It should be two bundles.



**CHAIRPERSON:** Well, I...[intervenes]

**ADV MAHLAPO SELLO:** And they should read supplementary bundle Ms Vytjie Mentor.

**CHAIRPERSON:** I have got a bundle in a lever arch file written supplementary bundle Ms Vytjie Mentor. Another bundle that I have does not relate to her, that one, and this one is EXHIBIT D3.

**ADV MAHLAPO SELLO:** D3 are applications, Chair, no, that is not what we are dealing with.

**CHAIRPERSON:** *Ja.*

10 **ADV MAHLAPO SELLO:** Chair, if I may just check, the one that you have does it go to 315?

**CHAIRPERSON:** The last page on the lever arch file that I have is 321.

**ADV MAHLAPO SELLO:** 321?

**CHAIRPERSON:** Hmmm.

**ADV MAHLAPO SELLO:** And that would be part of the cell phone records?

**CHAIRPERSON:** Well, I do not know what it is, but it is 321 on the last page.

**ADV MAHLAPO SELLO:** Yes, it is 321, Chair, and it is part of the cell phone records.

**CHAIRPERSON:** Yes.

**ADV MAHLAPO SELLO:** The second file that you are supposed to have before you,  
20 Chair, and I am trying to locate my attorney to understand why you do not have the second file, it should start from 321.

**CHAIRPERSON:** Hmmm?

**ADV MAHLAPO SELLO:** If I may just have a – quickly confer with Mr Mabunda, Chair?

**CHAIRPERSON:** *Ja.* Are we going to need D3 at any stage?

**ADV MAHLAPO SELLO:** We will later, Chair...[intervenes]

**CHAIRPERSON:** Yes, during cross-examination.

**ADV MAHLAPO SELLO:** As I indicated I deal with matters of cross-examination last.

**CHAIRPERSON:** *Ja*, that is fine.

**ADV MAHLAPO SELLO:** So that is probably a file that we will get to in the afternoon sometimes.

**CHAIRPERSON:** That is fine, *ja*.

**ADV MAHLAPO SELLO:** Chair, my apologies, Mr Mabunda hands up – no, in fact what he has handed up is your transcript, Chair, and not your second bundle. If I may  
10 then just explain regarding Ms Mentor's application – supplementary affidavit, that forms part of D6 and it would be in the second file of D6.

**CHAIRPERSON:** So D6 would consist of two lever arch files?

**ADV MAHLAPO SELLO:** Two lever arch files.

**CHAIRPERSON:** So...[intervenes]

**ADV MAHLAPO SELLO:** Supplementary bundles.

**ADV MAHLAPO SELLO:** So this will be D6A and D6B for convenience, *ja*.

**ADV MAHLAPO SELLO:** Indeed we could, Chair.

**CHAIRPERSON:** Okay, alright.

**ADV MAHLAPO SELLO:** Yes.

20 **CHAIRPERSON:** Well the one that I already have I guess should be D6A then?

**ADV MAHLAPO SELLO:** D6A, because that is the first of the two.

**CHAIRPERSON:** And if we can continue with what we have let us do that and then during the tea break fix what needs to be fixed.

**ADV MAHLAPO SELLO:** Yes, Chair, I will try and track down what happened to your second bundle, Chair.

**CHAIRPERSON:** Yes.

**ADV MAHLAPO SELLO:** To your second file of D6.

**CHAIRPERSON:** Okay, the lever arch file marked supplementary bundle Ms Vytjie Mentor which ends at page 321 will be marked EXHIBIT D6A. Okay.

**ADV MAHLAPO SELLO:** Thank you, Chair.

**MS VYTJIE MENTOR:** I do not have D6.

**ADV MAHLAPO SELLO:** Yes, I realise, Ms Mentor does not have the bundles and I wanted to place on record that the affidavit that you referred to that was filed with us last night is part of bundle D6B and it shall be made available to you. I know you raise  
10 some issues in that affidavit. I will park those issues until you have a copy at hand and then we will revert to the issues so that you can refer specifically to the paragraphs in the document that you would like to draw the, Chair's, attention to.

**CHAIRPERSON:** Thank you, yes, Ms Mentor?

**MS VYTJIE MENTOR:** So when you give me bundle 6B you will also give me bundle 6A?

**ADV MAHLAPO SELLO:** Yes, I will give you both.

**MS VYTJIE MENTOR:** Which I do not have? Yes, okay.

**ADV MAHLAPO SELLO:** Just so that you are clear, bundle – there is bundle D6 that is in two arch lever files. We are numbering it D6. The files that you have next to you go  
20 to D5?

**MS VYTJIE MENTOR:** Yes.

**ADV MAHLAPO SELLO:** So it will become D6, it is in two arch lever files so it will be D6(1) and D6(2) or D6A and D6B, I apologise, Chair.

**CHAIRPERSON:** And we will call them EXHIBIT D6A, EXHIBIT D6B. I know that lawyers like saying bundle, but it can be confusing to the reader of the transcript

whether there is bundle D6 and EXHIBIT D6, but when there is a reference to bundle it will be to exhibit, we will try and stick to exhibit.

**MS VYTJIE MENTOR:** Alright, Chair.

**CHAIRPERSON:** Alright, okay, yes?

**ADV MAHLAPO SELLO:** Alright, Chair, with your permission may I, I would like to stand this issue down, if I may. I realise that Ms Mentor does not even have D6(1) before her and I...[intervenes]

**CHAIRPERSON:** Well, D6A.

**ADV MAHLAPO SELLO:** D6A, I keep saying 1, Chair, I apologise, D6A.

10 **CHAIRPERSON:** Okay.

**ADV MAHLAPO SELLO:** And that is one file that she must have with her now to deal with this issue of the China trip. Chair, with your permission I may request five minutes to establish what happened with the bundles and I do apologise.

**CHAIRPERSON:** Well I will give you ten minutes to make sure it is sorted out.

**ADV MAHLAPO SELLO:** Then we will sort all of them out, Chair.

**CHAIRPERSON:** And we will resume at 10:40.

**ADV MAHLAPO SELLO:** I apologise, Chair.

**CHAIRPERSON:** We adjourn.

**MS VYTJIE MENTOR:** I am indebted to you, thank you.

20 **INQUIRY ADJOURNS**

**INQUIRY RESUMES**

**ADV MAHLAPO SELLO:** Thank you, Chair.

**CHAIRPERSON:** Is everything fixed now?

**ADV MAHLAPO SELLO:** It is fixed, Chair. We have handed Ms Mentor a file, D6. Unfortunately it is overfull currently and it will be split in two, but it is updated, so it is

D6A, D6B. I am handing...[intervenes]

**CHAIRPERSON:** Well, is there not a separate file that we will mark D6A and a separate file that we will mark D6B?

**ADV MAHLAPO SELLO:** The, Chair's, copy is filed like that.

**CHAIRPERSON:** Yes.

**ADV MAHLAPO SELLO:** It is separated into A and B.

**CHAIRPERSON:** Yes.

**ADV MAHLAPO SELLO:** And I propose that we deal with D6 in that manner, there will always be an A and a B.

10 **CHAIRPERSON:** Yes, yes.

**ADV MAHLAPO SELLO:** As I indicated previously I think D6A went to page 321.

**CHAIRPERSON:** Yes.

**ADV MAHLAPO SELLO:** And it stays that way.

**CHAIRPERSON:** Yes.

**ADV MAHLAPO SELLO:** And D6B starts from 322 and I am handing a copy for the DCJ now.

**MS VYTJIE MENTOR:** 322?

**CHAIRPERSON:** Okay, and what is this one about?

**ADV MAHLAPO SELLO:** That should be the transcript.

20 **CHAIRPERSON:** This is the transcript.

**ADV MAHLAPO SELLO:** That I indicated that I am handing up to you.

**CHAIRPERSON:** Okay, so D6B you are still to hand up?

**ADV MAHLAPO SELLO:** It is here, if I may request your Registrar...[intervenes]

**CHAIRPERSON:** Ja.

**ADV MAHLAPO SELLO:** To assist.

**CHAIRPERSON:** Registrar take that.

**ADV MAHLAPO SELLO:** The top file starts at 322 and that would be D6B, Chair.

**CHAIRPERSON:** The lever arch file marked – that starts at page 322 will be marked EXHIBIT D6B for Beatrice.

**ADV MAHLAPO SELLO:** Before you leave that file, Chair, if I may point out, at the end of D6B is a loose pack, it is a loose document.

**CHAIRPERSON:** Yes?

**ADV MAHLAPO SELLO:** That is Ms Mentor's affidavit that came in last night.

**CHAIRPERSON:** Yes.

- 10 **ADV MAHLAPO SELLO:** It is intended to be a continuation of D6B. It is currently unfortunately not paginated and we propose to do that over the lunch hour, Chair.

**CHAIRPERSON:** Okay.

**ADV MAHLAPO SELLO:** Thank you. Ms Mentor for your purposes your D6A and B is in one file and then you have received your affidavit, is that correct?

**MS VYTJIE MENTOR:** Yes, this thick file.

**ADV MAHLAPO SELLO:** Yes?

**MS VYTJIE MENTOR:** It is D6...[intervenes]

**ADV MAHLAPO SELLO:** A and B.

**MS VYTJIE MENTOR:** A and B?

- 20 **ADV MAHLAPO SELLO:** In your instance, because it is in one file.

**MS VYTJIE MENTOR:** Where is the demarcation between A and B?

**ADV MAHLAPO SELLO:** 321, page 321.

**MS VYTJIE MENTOR:** 3...[intervenes]

**CHAIRPERSON:** Will somebody just put something that will be...[intervenes]

**ADV MAHLAPO SELLO:** A flag.

**CHAIRPERSON:** A divider so that she will see.

**ADV MAHLAPO SELLO:** And then you do have your affidavit and Annexures?

**MS VYTJIE MENTOR:** Yes, madam.

**ADV MAHLAPO SELLO:** Thank you.

**CHAIRPERSON:** And then maybe during the tea break hers could be put into two separate files as well.

**ADV MAHLAPO SELLO:** We will affect the...[intervenes]

**CHAIRPERSON:** So that it is going to be easy. Okay, alright.

**ADV MAHLAPO SELLO:** Thank you, Chair, and I do apologise for that delay. Chair,  
10 before I proceed then to pose the questions I intended to Ms Mentor on this, there is an aspect I would like to address the, Chair, on, with your permission, Chair.

**CHAIRPERSON:** Yes?

**ADV MAHLAPO SELLO:** This is a matter I was going to deal with later in the course of evidence and it regards the inspection *in loco* undertaken by the Commission on 3 December 2018.

**CHAIRPERSON:** Yes?

**ADV MAHLAPO SELLO:** Present the hearing today is adv Mike Hellens SC, the Senior Counsel for the Gupta family.

**CHAIRPERSON:** Yes?

20 **ADV MAHLAPO SELLO:** Just by way of brief background, Chair, at the inspection three parties for lack of a better phrase were represented. There were members of the Commission led by myself at that inspection, there was Ms Mentor and her legal team and there was the attorney and advocates for the Gupta family.

**CHAIRPERSON:** Yes?

**ADV MAHLAPO SELLO:** Each of these teams recorded – took a video recording of

the inspection.

**CHAIRPERSON:** Yes?

**ADV MAHLAPO SELLO:** We will be tendering into evidence the video recording taken by the Commission.

**CHAIRPERSON:** Yes?

**ADV MAHLAPO SELLO:** Mr Mike Hellens has intermitted that they would request that the video that the Gupta family took on the day also be submitted into evidence.

**CHAIRPERSON:** Hmmm?

**ADV MAHLAPO SELLO:** And it is this issue, Chair, that we put forward to you, if I may  
10 express our view? Our view was that the three recordings should for all intents and purposes be the same. They were recording the same things and the official recording be the Commission's recording. Both parties have their own personal recordings to do with as they deem fit.

**CHAIRPERSON:** Yes?

**ADV MAHLAPO SELLO:** However, Mr Hellens insisting that it would be preferable for his client that their version or their video if I may call it that also be submitted separately to the Commission, Chair.

**CHAIRPERSON:** Yes?

**ADV MAHLAPO SELLO:** I do not know if the, Chair, would permit Mr Hellens to  
20 address him on this aspect.

**CHAIRPERSON:** Well why do we not – are we not able to start and continue with Ms Mentor until we have to deal with that maybe at a later stage.

**ADV MAHLAPO SELLO:** He had made a request during the short adjournment when we were sorting out the files which was to indicate that the reason for his presence today is to deal specifically with the issue of the video recording and he requested that



if possible that be brought forward and be disposed of so that he could be released, Chair, from the hearing.

**CHAIRPERSON:** Well, I will hear what he may have to say and he might have to deal with certain issues, but I would have thought that we should deal with the evidence and if and when the time comes to show the video then we deal with that. Maybe let me allow him time to indicate what he would like me to do.

**ADV MAHLAPO SELLO:** Thank you, Chair.

**ADV MIKE HELLENS SC:** Thank you, Mr Chairman.

**CHAIRPERSON:** Yes, Mr Hellens?

10 **ADV MIKE HELLENS SC:** Firstly let me recognise the fact that we have been denied right to cross-examine, I am not attempting to do anything of the sort.

**CHAIRPERSON:** Yes.

**ADV MIKE HELLENS SC:** At the time of the inspection *in loco* the Gupta family engaged a professional videographer. He video graphed or took a video of the entire inspection from moment first to moment last. There is no editing, there is nothing added, nothing removed and no one would suggest that there is. The Commission's or anyone else's video were taken on iPhones, which I do not suggest are inadequate, but we have a professional video record of the entire thing.

20 We believe that it is absolutely essential for a proper adjudication of the credibility of this witness to view her appearance performance at that inspection *in loco* in full. We also believe that it is in the interest of the pursuit of the truth that that video be either played before the full Commission, I think it is two and three quarter hours or alternatively be made available to the public.

And it is to press simply for that that I am here today, for no other reason. If you should rule that all video records of the inspection *in loco* are admissible before the

Commission and therefore available to the public I would say thank you, M'Lord, and leave.

There is no reason why an official – why the video recording made by a videographer of the entire inspection *in loco* should not be placed before the Commission and therefore available to the public and without attempting to push your tolerance beyond its limits. The credibility of Ms Mentor is brought sharply into our focus in our submission by what happened in that Commission and I would simply ask you to rule that anyone's video recording be admitted as an exhibit before this Commission. I must say we have written to the Commission and said are you going to  
 10 allow what is a completely genuine video recording of the inspection *in loco* to be admitted and we have warned under possible pain of criminal prosecution not to interfere with the Commission's process or not to reveal records of the Commission before they are ruled admissible before this court or become part of the record. So with some trepidation and a desire not to do anything wrong that we approach you. This the video recording of what genuinely happened and the pursuers of truth which this Commission is should allow it in. That is all we ask.

**CHAIRPERSON:** One, there is the question whether or not you may appear on behalf of your clients before this Commission. I just mention that for now. Two, it ought to be possible when there are two or three or whatever the number is of video versions,  
 20 different versions of videos that were taken, video recordings that were taken. It ought to be possible to determine what is really material and, and so that I do not sit here and watch maybe four hours of a video recording where maybe all that I really need to, to, to, to, to see is shown, can be shown in one hour, because of the importance of time, but I accept that what was found or seen during that inspection maybe very important and that is why it was necessary to have the inspection, but also it is, it ought to be

possible for somebody who was there throughout to be able to say we went there with a view to see whether a, b, c, d were there. A, b, c, d being maybe certain features of the property that Ms Mentor may have said where she had seen and it ought to be possible for that person to say we found a and b, but we did not find c, d and e or we did not find any of those things and it ought to be possible to, for everybody who was there to agree that yes we did not find them. Why they may not have been found might be something else, but it ought to be possible to say we did not find them or we did find them and if one, if one has somebody who can say that and that is undisputed it might reduce the need to, for me to see everything or maybe any of the recordings, but if it is, if it is there

10 it means it is available should I decide at any stage that I want to see then I can see it. So, so I am, I, I, I am just making those, those, those remarks. I do not know if you have anything to say.

**ADV MIKE HELLENS SC:** I, I would like to answer the three questions in reverse order. First, thirdly any evidence by anybody as to what was found there not found there not seen there could never do justice to the reality of seeing Ms Mentor *in situ* confronted with the reality, her facial expressions, her being at a loss for words and I will not go further. So that, sure there can be evidence from someone who can give a brief description, but it would never replace the actual viewing of the video. Secondly, of course it is possible to create a montage, a genuine montage, reducing the video.

20 For example walking from one place to the other in order to comment. That can be cut out, but nevertheless the whole video should be part of an exhibit before the Commission and it maybe that ultimately that the Commission.

**CHAIRPERSON:** That is shown is [intervenes].

**ADV MIKE HELLENS SC:** Decides on a, on a, I am calling it a montage. Maybe there is a different word.

**CHAIRPERSON:** Yes.

**ADV MIKE HELLENS SC:** So there can be no objection to that as long as the public know.

**CHAIRPERSON:** Yes.

**ADV MIKE HELLENS SC:** That all three are exhibits.

**CHAIRPERSON:** Yes, yes.

**ADV MIKE HELLENS SC:** And they can view them.

**CHAIRPERSON:** Yes.

**ADV MIKE HELLENS SC:** Bored or not bored as they choose.

10 **CHAIRPERSON:** Yes.

**ADV MIKE HELLENS SC:** Lastly I perhaps misunderstood I thought we were refused permission to cross-examine. I am here simply to represent an interested party making a suggestion as to how fairness with the Commission should work, but if you rule that I should never have spoken to you in the first place. Then so be it.

**CHAIRPERSON:** Well for, for what it is worth it may not be necessary to make a ruling in the light of the exchange that we have had, but for what it is worth I may just mention that I was raising that issue because of what one of the regulations says. So I just bring it to your attention. As I said it might not be necessary to make a ruling. It is Regulation 6. It says:

20                    “Any person appearing before the Commission may be assisted  
by an advocate or an attorney.”

That is what it says and the question would arise whether it can be said that your clients are appearing before the Commission and that maybe connected in some way with the ruling that was previously made in terms of that aspect and as I see it my *prima facie* view is that appearing before the Commission might not be restricted to somebody

who is physically appearing at the moment, but somebody who intends appearing in due course would fall under that. So, so I, I just thought I would give you an indication of where my thinking was, but it might not be necessary to make any ruling for purpose of today. From what you, you, you, you have said it seems to me that you and you must just tell me if I understood you. I did not understand you correctly. You just want to make sure that all is it three versions, recordings?

**ADV MIKE HELLENS SC:** There were three people taking videos there.

**CHAIRPERSON:** Yes.

**ADV MIKE HELLENS SC:** We do not know to what extent.

10 **CHAIRPERSON:** Ja.

**ADV MIKE HELLENS SC:** The other two.

**CHAIRPERSON:** Yes.

**ADV MIKE HELLENS SC:** Who took full videos, but we took a full video.

**CHAIRPERSON:** Yes. That they should be admitted.

**ADV MIKE HELLENS SC:** Yes.

**CHAIRPERSON:** Number one and once they and then your second, your request a wish would be that they be shown at least your client's one be shown at the hearing, but if it is not shown at least if it is admitted then you would, you would leave with that.

**ADV MIKE HELLENS SC:** And it would be available to the public.

20 **CHAIRPERSON:** It would be available to the public.

**ADV MIKE HELLENS SC:** Yes that is all we ask.

**CHAIRPERSON:** Yes that is all you, all you ask?

**ADV MIKE HELLENS SC:** Yes.

**CHAIRPERSON:** I think one, I, I will hear what somebody from the legal team has to say but it, it might not be something that needs to be decided now as such but the, with

or without, with or without you having a right or not having a right to represent your clients here it may be that the legal team if they are aware of the existence of the different recordings that they may be able or may have to say there are three recordings. We do not have any objection to all of them being admitted. It, it maybe that your client or your you yourself, it maybe that you do not have a right to represent your client and appear here, but it maybe that once you have or your client has made certain evidence available to the legal team the legal team must look at that and they would be entitled, you might say obliged. They would be entitled to say it is in the public interest that all this be admitted or they might take a different view. So I am  
10 simply saying it maybe that with or without you making any requests it maybe that in the end that video maybe admitted. So I make no ruling at this stage, but I think I have heard you and the legal team has heard you and if it becomes necessary to make a ruling at some stage we, we, we, we would need to do that and obviously you would need maybe to make submissions on whether you may represent your client.

**ADV MIKE HELLENS SC:** I understand perfectly, clearly.

**CHAIRPERSON:** Yes.

**ADV MIKE HELLENS SC:** Thank you for listening to me.

**CHAIRPERSON:** Yes.

**ADV MIKE HELLENS SC:** I am going to now excuse myself, because I have no other  
20 function here today.

**CHAIRPERSON:** Thank you. You are excused.

**ADV MIKE HELLENS SC:** Thank you Mr Chair.

**CHAIRPERSON:** Thank you.

**MS VYTJIE MENTOR:** Sorry Chair.

**CHAIRPERSON:** Yes Ms Mentor.

**MS VYTJIE MENTOR:** Chair I would like bring it to your attention that my credibility has been attacked during the process when the lawyer for the Gupta family was making representation to you.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** It has been attacked in relation to the *in loco* inspection visit.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** Which we have not yet dealt with.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** In today's proceedings.

10 **CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** And I take exception to that.

**CHAIRPERSON:** Ja.

**MS VYTJIE MENTOR:** And I have not had an opportunity neither myself nor my legal team.

**CHAIRPERSON:** Ja.

**MS VYTJIE MENTOR:** To defend my credibility.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** As it has been attacked. That is the first thing.

**CHAIRPERSON:** Yes.

20 **MS VYTJIE MENTOR:** The second thing Chair, I would like.

**CHAIRPERSON:** Maybe let me deal with that.

**MS VYTJIE MENTOR:** Okay.

**CHAIRPERSON:** We are going to get to the point where we deal with the inspection in loco and Ms Sello is aware of what has been said and if at that stage there is something you want to say and she does not ask you, you, you, you can ask for an

opportunity to deal with that and your legal team I have no doubt is in touch with the Commission's legal team. If they have certain concerns they will raise them with them and then we can take it from there. Is that alright?

**MS VYTJIE MENTOR:** That is alright Chair.

**CHAIRPERSON:** Ja. I thought you said you also had another issue.

**MS VYTJIE MENTOR:** It is just a plea Chair.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** That probably because of my nature and my character and my personality I take this Commission extremely seriously and when I come to appear  
10 before the Commission it is with great trepidation, because the weight that I personally carry I think that it is the weight that this Commission carries to rid our country of the, a dark cloud that lingered over us for about 10 years. So when I come here Chair I spent sleepless nights. It, it takes.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** A great toll on me.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** Today I came here hoping that this will be the last two days.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** Of my appearance.

20 **CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** To assist this Committee.

**CHAIRPERSON:** Yes, yes.

**MS VYTJIE MENTOR:** This Commission.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** And I, I want to give it my all.



**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** I want to be given enough time.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** So that I do not have to return here.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** Because it has been a difficult task.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** A task that I had to commit.

**CHAIRPERSON:** Yes.

10 **MS VYTJIE MENTOR:** That somebody had to do.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** And it is not an easy task.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** So I plead Chair.

**CHAIRPERSON:** Hm.

**MS VYTJIE MENTOR:** That we should be conscience of time.

**CHAIRPERSON:** Ja.

**MS VYTJIE MENTOR:** That I do not know if anybody feels what I feel.

**CHAIRPERSON:** Yes.

20 **MS VYTJIE MENTOR:** As a whistle blower.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** On state capture.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** I have carried a lot of weight.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** On my shoulders.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** And I would like tomorrow to go home.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** To go and reflect.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** And to go and cross my fingers and pray.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** That this Commission completes its mission.

10 **CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** So I would like us to be sensitive with time.

**CHAIRPERSON:** No, thank you very much.

**MS VYTJIE MENTOR:** Thank you Chair.

**CHAIRPERSON:** Thank you very much Ms Mentor. I just want you to know that some of, some of us might not really experience what you are experiencing, but it is something that I certainly take into account that you may be going through a certain experience with regard to having to come to the Commission to give evidence. I think everybody is going to try to do their best that we try and finish with your evidence tomorrow. So we will, we will try our best, thank you. Ms Sello.

20 **ADV MAHLAPE SELLO:** Thank you Chair. Perhaps before Mr Hellens leaves he might want to, to hear the following: I would like to assure Mr Hellens that although the equipment used by the Commission might not have been on par with that used by the Gupta family I can confidentially assure him that the images that are on that desk are a true reflection of what went on and the, and they look like the video taken by the Gupta family. They are not a misrepresentation of anything. The only differences that lie

between the videos are what the video, the cameraman decided to focus on at a particular moment but all the talking and the voices of those who had something to say are fully recorded on both of them.

**CHAIRPERSON:** Okay.

**ADV MAHLAPE SELLO:** Thank you Chair.

**CHAIRPERSON:** Okay, thank you.

**ADV MAHLAPE SELLO:** As the Chair indicated when we deal with the issue of the inspection *in loco* then, if, if I may then address the Chair on how we suggest that it be dealt with. I think the Chair had, had, had said that it is not necessary to take that

10 decision right now.

**CHAIRPERSON:** Yes, yes, yes, ja.

**ADV MAHLAPE SELLO:** Thank you Chair.

**CHAIRPERSON:** Ja, thank you.

**ADV MAHLAPE SELLO:** Getting back then to the China trip.

**CHAIRPERSON:** I see we are close to the tea break. We are at eight or nine minutes past 11. Maybe we should take the tea break later and get going.

**ADV MAHLAPE SELLO:** Yes Chair.

**CHAIRPERSON:** And maybe have the tea break at, at 12:00. Ms Mentor would that be fine with you?

20 **MS VYTJIE MENTOR:** That would be fine Chair.

**CHAIRPERSON:** Thank you. Okay, let us do that. We will take the tea break at 12.

**ADV MAHLAPE SELLO:** Thank you Chair.

**CHAIRPERSON:** Thank you.

**ADV MAHLAPE SELLO:** You, you recall Ms Mentor before we had the difficulties with the bundles and for which I apologise. We wanted to discuss the China trip. I had

referred you to parts of the transcripts where you had stated that you met the three Gupta brothers in Beijing on this DTI mission, trade mission and now I, I would like to refer you to the documents that we have on file and to seek your comment. The first document would be the, what we can term the DTI list. Chair if we could have regard to D1. You have D1 by you.

**CHAIRPERSON:** Yes, I have got D1.

**ADV MAHLAPE SELLO:** Have you located D1 Ms Mentor?

**MS VYTJIE MENTOR:** Yes ma'am.

**ADV MAHLAPE SELLO:** And in particular in D1 I would like to draw your attention to  
10 pages 168 through to 216. You will, you will recall we dealt with these documents on the previous occasion and you.

**CHAIRPERSON:** I am sorry you said page 168 through to?

**ADV MAHLAPE SELLO:** To 216, Chair.

**CHAIRPERSON:** Oh, okay.

**ADV MAHLAPE SELLO:** Thank you. We dealt with these documents on the previous occasion and these are documents received from the Department of Trade and Industry on the state visit to the People's Republic of China from the 24<sup>th</sup> to 26 August 2010. Do you see that?

**MS VYTJIE MENTOR:** Yes I am at 168, ma'am.

20 **ADV MAHLAPE SELLO:** Thank you. I would like in particular to refer you to page 209 and from 209 to 216 as the list of people who attended the trade mission and we dealt with this again on the previous occasion and we confirm that Mr Atul Gupta's name does not appear in this list. Only Mr Rajesh Gupta and Mr Ajay Gupta's names are appear in the list. Do you, you recall that?

**MS VYTJIE MENTOR:** Yes ma'am.

**ADV MAHLAPE SELLO:** So (coughing) according to the DTI record therefore Mr Atul Gupta was not part of that delegation according to this document?

**MS VYTJIE MENTOR:** Yes ma'am.

**ADV MAHLAPE SELLO:** The next document then I would like to refer you to is what we term the Home Affairs records. After you testified we requested and obtained records from the Department of Home Affairs travel records of certain persons including yourself, Mr Ajay Gupta, Mr Atul Gupta, Mr Rajesh Gupta, Mr Duduzane Gupta (sic) and lastly Mr Fana Hlongwane. These appear in the supplementary bundle which is D6A and at D6A they start at page 280.

10 **MS VYTJIE MENTOR:** 280?

**CHAIRPERSON:** What is the page at two, at D6A?

**ADV MAHLAPE SELLO:** The record starts at 280, D6A and.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** And I would like to refer Ms Mentor in particular to page 283. Just, just to help orientate you perhaps Ms Mentor from 282 these are the records for Mr Ajay Gupta including the period August 2010. At 283 it is the records for Mr Atul Gupta. 284 is for Mr Rajesh Gupta. 285 for Mr Duduzane Zuma. 286 in respect of yourself.

**MS VYTJIE MENTOR:** I beg your pardon ma'am through the Chair.

20 **ADV MAHLAPE SELLO:** Yes ma'am.

**MS VYTJIE MENTOR:** Because there is such small print here.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** Can you please take me through again so I will write the name.

**ADV MAHLAPE SELLO:** Okay.

**MS VYTJIE MENTOR:** On top of every column as you state it to me.

**CHAIRPERSON:** Oh, from page 283, ja.

**ADV MAHLAPE SELLO:** Page 282 is.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** Yes.

**ADV MAHLAPE SELLO:** You can scribble at the top there Ajay Gupta.

**MS VYTJIE MENTOR:** Yes ma'am.

**ADV MAHLAPE SELLO:** At 283 Atul Gupta.

**MS VYTJIE MENTOR:** Yes ma'am.

**ADV MAHLAPE SELLO:** 284 Rajesh Gupta.

10 **MS VYTJIE MENTOR:** Yes ma'am.

**ADV MAHLAPE SELLO:** 285 Duduzane Zuma. 286 Mabel Petronella Mentor, yourself. You can skip 287 is a response, but from 288 those are the records of Mr Fana Hlongwane.

**MS VYTJIE MENTOR:** Yes ma'am.

**ADV MAHLAPE SELLO:** Okay. Now I am particularly interested in the records of Mr Atul Gupta which would be your 283.

**MS VYTJIE MENTOR:** Yes ma'am.

**ADV MAHLAPE SELLO:** Chair I, I shall assume that probably the Chair has the same difficulty as Ms Mentor, because the writing is so small. If you permit me Chair.

20 **CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** I can explain what appears there if you struggle to see. These are Mr Atul Gupta's travel records provided by the Department of Home Affairs from 3 May 2010 that is the first entry. The last entry being from 3 July 2012.

**MS VYTJIE MENTOR:** Just those dates again please ma'am.

**ADV MAHLAPE SELLO:** 03/05/2010 that is the first entry.

**MS VYTJIE MENTOR:** Yes.

**ADV MAHLAPE SELLO:** The last entry is 03/07/2012.

**MS VYTJIE MENTOR:** Thank you.

**ADV MAHLAPE SELLO:** Now according to this Ms, Mr Atul Gupta travelled out of the country on 3 May returning on the 5<sup>th</sup>, 2010. Those are the first two entries. That is a departure and arrival. According to Home Affairs the next time he travelled out of the country which is the third entry was 3 October returning to Johannesburg, to South Africa rather, on 7 October. So according to Department of Home Affairs Mr Atul Gupta was in the country over the period the 22<sup>nd</sup> to 26 August 2010 which is when the DTI trip took place.

10

**MS VYTJIE MENTOR:** 20.

**CHAIRPERSON:** That is the trip to China?

**ADV MAHLAPE SELLO:** To China.

**MS VYTJIE MENTOR:** The 22<sup>nd</sup> to?

**ADV MAHLAPE SELLO:** The trip is the 22<sup>nd</sup>, the 22<sup>nd</sup> to 26 August 2010. Mr Atul Gupta left the country sometime in May on a trip and back. The next, in 2010, the next time he travelled is in October 2010. So according to Home Affairs Mr Gupta was officially in the country in August 2010. You understand? Now I would like your comment because you testified that you had met the three Gupta brothers in Beijing over the period the 23<sup>rd</sup> to the 26<sup>th</sup> at that trade affair that trade fair and according to Home Affairs that cannot be because Mr Atul Gupta had not travelled. Would you like to comment to that?

20

**MS VYTJIE MENTOR:** Thanks ma'am through you Chair. I will comment, but for clarity sake just because the, the print is very fine.

**ADV MAHLAPE SELLO:** Yes.

**MS VYTJIE MENTOR:** I would like to ask you a question through please Chair. These are details of Mr Atul Gupta as based on one and single and only one passport?

**ADV MAHLAPE SELLO:** No. I.

**CHAIRPERSON:** Maybe, maybe you should start off by explaining how Home Affairs gets information about people going in and out of the country.

**ADV MAHLAPE SELLO:** Yes Chair I wanted to get that.

**CHAIRPERSON:** Hm.

**ADV MAHLAPE SELLO:** To get there but I, I am anticipating what Ms Mentor wants to, to raise because she raises it in her affidavit.

10 **CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** And perhaps I should explain the approach we adopted with the Department of Home Affairs. What you have on record from pages 282 are brief records of each of the individuals I have mentioned and, and those email no, the screens that include August 2010. When we made a request to the Department of Home Affairs for these travel records they actually gave us very extensive travel records. Some of which I think like in Mr Hlongwane's case.

**CHAIRPERSON:** I, I, I want you to deal with the prior question. How does Home Affairs come in? Then I think whatever you want to say will fit in or should fit in properly.

20 **ADV MAHLAPE SELLO:** Okay Chair I will do that. Home Affairs comes.

**CHAIRPERSON:** If you give us the records of an airline everybody will understand why an airline will have records. So we just need that angle.

**ADV MAHLAPE SELLO:** As far as Home Affairs is concerned each time everybody legally leaves – crosses the borders of South Africa whether arriving or entering that movement is recorded on the Home Affairs system.



**CHAIRPERSON:** Is that part of what happens at the airport?

**ADV MAHLAPE SELLO:** All points of entry Chair.

**CHAIRPERSON:** Ja I think it is that angle that is missing you know. In other words how do they come to have these records? They come to have these records because at each point – port of entry is that what they call it? At each one of those there are people there and you cannot leave the country without going through them and producing relevant documents that is how they get that and they store the information and that is why they are able to make to available or something like?

**ADV MAHLAPE SELLO:** I apologise Chair I think I had misunderstood Ms Mentor's  
10 question. I had understood her question to relate to records relating to use of one passport.

**CHAIRPERSON:** Well you may have a question by Ms Mentor but you have a question by me as well.

**ADV MAHLAPE SELLO:** Okay if it is a question by you Chair

**CHAIRPERSON:** So I was saying that it might make the evidence easy to understand for anybody listening if you start by explaining how Home Affairs comes in with regard to travel records for anybody?

**ADV MAHLAPE SELLO:** Indeed Chair.

**CHAIRPERSON:** And it may be that that something that will be explained later by a  
20 witness or maybe it is not necessary but at least if you explain that part that is going to make it easy for everybody to follow.

**ADV MAHLAPE SELLO:** I am happy to Chair thank you. I understanding Ms Mentor was – the Department of Home Affairs is responsible for inter alia recording movements of all persons into and out of South Africa through all registered points of entry and exit. When persons travel in and out of South Africa they each produce or they are expected

to produce a passport which permits them travel into or out of South Africa. On presentation of that passport at any border entry of South Africa the details of that passport are captured onto the Home Affairs system and they reflect the name of the passenger, their ID if applicable, the passport number, the date and time on which they either entered South Africa or exited South Africa. When we addressed our request to the Department of Home Affairs it was on that understanding. We were in particular interested in the period August, September 2010 in respect of the six persons including yourself I had indicated. So what we have appearing from pages 282 to 286 are the records of all these people in the period in and around August 2010. There – what you  
 10 have at 282 and following to 286 are not the complete records. What we have presented are those records that include the period August 2010. You understand.

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

**ADV MAHLAPE SELLO:** Thank you Chair. Now to address your question about number of passports. In response to our enquiry the Department of Home Affairs actually went beyond the enquiry because they provided records ranging from in some instances 2010 to 2017 and in others to 2018. When we created the bundle we excluded all records that are not relevant to the period August 2010. We have Chair prepared what we call a confidential bundle which includes the full records and that was to be submitted when we deal with Mr Mentor's query as to whether or not we tracked  
 20 Mr Atul Gupta's movements through one passport. She is suggesting in her affidavit that he is known to have held more than one in certain instances four or maybe five. So you do understand that we do appreciate that there could be different passport numbers that Mr Atul Gupta used but for purposes of that August travel only the Department of Home Affairs can tell us 1. Whether he did leave or enter the country on any particular day or month and in so doing what passport number he used – what

passport he used. You understand what I am saying to you?

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

**ADV MAHLAPE SELLO:** Okay. Now according to Department of Home – Chair.

**CHAIRPERSON:** I take it that whatever passport he may have used to travel if it bore the same names then Home Affairs would have – would have been able to supply you with those records if you said we are looking for records for so and so in the name of so and so for this period?

**ADV MAHLAPE SELLO:** In fact Chair.

**CHAIRPERSON:** Without restricting to using a particular passport. It could be  
10 whatever passport he may have used as long as it was him, did he travel during that period?

**ADV MAHLAPE SELLO:** In fact when the enquiry was made to Home Affairs we did not know the detail of the passport numbers.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** So we asked about specific people.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** So the responses that we received indicate that this particular person travelled on this particular dates on this passport number.

**CHAIRPERSON:** Yes.

20 **ADV MAHLAPE SELLO:** And in certain instances it appears that the passport number is different.

**CHAIRPERSON:** Yes, yes.

**ADV MAHLAPE SELLO:** So the detail of the passport number we get from the Department of Home Affairs.

**CHAIRPERSON:** Ja.

**ADV MAHLAPE SELLO:** We do not have it.

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

**ADV MAHLAPE SELLO:** Thank you Chair. So Ms Mentor then getting back to 283 on Mr Atul – as regards Mr Atul Gupta in 2010 he travelled in May, he travelled in October, he travelled in December so he could not have been – according to Home Affairs in China during 22 August to 26 August if he left the country legally. Do you understand that?

**MS VYTJIE MENTOR:** You mean do I understand your question?

**ADV MAHLAPE SELLO:** Yes Ma'am.

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

**ADV MAHLAPE SELLO:** Okay now I would like you based on your allegation that you met Mr Atul Gupta in Beijing in light of the evidence we have obtained from Home Affairs what is your comment?

**MS VYTJIE MENTOR:** Through you Chair I have already stated in my evidence – firstly I would like to still submit that Mr Atul Gupta has got many passports.

**ADV MAHLAPE SELLO:** Yes.

**MS VYTJIE MENTOR:** That is the first thing. The second thing I would like to submit is that I have already stated in my evidence that I was informed by the person that was introduced to me in the Emirates flight that by Mr Duduzane Gupta.

20 **ADV MAHLAPE SELLO:** Zuma.

**MS VYTJIE MENTOR:** Yes sorry.

**CHAIRPERSON:** Mr Dudzane Zuma.

**MS VYTJIE MENTOR:** Sorry my apologies Chair. That his brother is part of – in the advance team already in China. He did not say when he left the second thing. Also Chair we do know that if you take the example of what happened when the Gupta plane

landed at Waterkloof for the Gupta wedding in May 2013 that both people and goods were allowed into the country without clearing custom. So we do know from that experience that people do in relation to the Gupta particularly that they have an ability to move in and out of the country without clearing custom and...

**CHAIRPERSON**: Oh okay finish I thought you were done here.

**MS VYTJIE MENTOR**: Okay. Okay. And when – I do not know Chair if people that form a security detail of a head of state if they go through the same custom processes as ordinary people when they enter or leave the country. So when – as I have been told that a brother was part of the advance team and that advance team is a team that  
10 would clear the way for a head of state I would not know when do such people leave ahead of the team. I would not know if they would clear customs in normal ways as it is usually done with ordinary people and also we do know that our sometimes our Home Affairs systems and ports of entry and what happens at ports of entry sometimes are not as you would expect to be. That would be my response.

**CHAIRPERSON**: Well I just want to say this for purposes of this part of your evidence namely today and tomorrow. You will be asked questions by a member of the legal team. I will ask you questions too and anyone that I have granted permission to cross-examine you will cross-examine you through their lawyer as well. Now I just want to say certainly from my side and from a member of the legal team the idea is to see what  
20 the position is in terms of what you know for sure. What you are not sure about and what might not be something that falls within your personal knowledge but might be something that you heard okay. You must just remember as we ask you questions including myself and everybody to always make sure that you distinguish between what you know personally and for sure and if you know something and you have personal knowledge you can stick to it. If you are not sure do not say you are sure, say I am not

sure. If it is something that you say because of what you have read somewhere of what you have heard somewhere make it clear that you are just saying it because that is what you have heard but it is not what you personally know. I just thought I must just explain that to her because it is something that I would explain to all the witnesses who before they get cross-examined. I just want to make sure that you can understand that you will be asked questions and some of them may be difficult questions I am not sure but as you answer just remember what I have said. What you know you can stick to with that if you are sure about it. If you are not sure do not make it look like you are sure, you say I am not sure but this is as I understand the position. If it is something  
10 that somebody else told you or that you read somewhere you mention it so that the context is understood correctly. Okay?

**MS VYTJIE MENTOR:** Thank you Chair.

**CHAIRPERSON:** Thank you.

**ADV MAHLAPE SELLO:** Thank you Chair.

**CHAIRPERSON:** You may proceed.

**ADV MAHLAPE SELLO:** Yes then for the record Ms Mentor having listened to your response are you suggesting that the Home Affairs records as given to the commission maybe incomplete or are you not going that far?

**MS VYTJIE MENTOR:** I am not through you Chair – I am not going that way I am just  
20 mentioning what I have read about, what I have seen. I am not saying that pertains this record that you have put before me.

**CHAIRPERSON:** And I think maybe let us put it this way. The relevance of these records is that in the light of those records you have to consider to what extent you may stick to the version that a particular person was out of the country during that time. You may be able to say you stick with that. You may be able to say well in the light of this I

may have been mistaken or somebody who told me might have given me information that was not correct or you may say, look I am not sure. Okay? So I think that the question therefore is, in the light of these records would you stick with your earlier position that – who is at the beginning 283 is it?

**ADV MAHLAPE SELLO**: 283, page.

**CHAIRPERSON**: Atul Gupta?

**ADV MAHLAPE SELLO**: Atul Gupta at 283 Chair.

**CHAIRPERSON**: Ja would you – would you say that you say he was in China at that time or would you reconsider that or what is your position?

- 10 **MS VYTJIE MENTOR**: Thank you Chair. I will – I do not know – I do not know if I want to say I will reconsider but I would want to request as I requested before I have advised and requested that the footage or footages of day 1 of the state visit should be obtained because I was hoping that if that footage is obtained I – my submission that I saw him there would be proven or disproven.

**CHAIRPERSON**: Let us assume that for – because of the lapse of time the footage cannot be obtained and I do not know what the position is but let us assume that there is no footage where would you stand on the issue?

- MS VYTJIE MENTOR**: When I look into the records of Home Affairs according to the records of Home Affairs that are put before me today he was not in China. That is  
20 according to records of Home Affairs.

**CHAIRPERSON**: And the question would be whether you are prepared in the light of those records of Home Affairs you are prepared to accept that if there is no footage showing such a person you are prepared to accept that maybe he was not there or definitely he was not there or what is your position? In other words what effect does the record have on what you had said?

**MS VYTJIE MENTOR:** Chair may I ask through you to return to this question during the course of the day?

**MS VYTJIE MENTOR:** Yes that is fine. That is fine, that is fine, ja. Thank you. You may proceed.

**MS VYTJIE MENTOR:** Thank you Chair.

**CHAIRPERSON:** Ja.

**ADV MAHLAPE SELLO:** I have noted your answer Ms Mentor and the fact that you would like to return to it later pertaining particular in response to the questions posed by the Chair. I would like then to refer to another document on the same issue and this  
10 appears at page 276 of bundle D6A. I said 278 Chair.

**CHAIRPERSON:** I thought you said 276.

**MS VYTJIE MENTOR:** You said 76.

**ADV MAHLAPE SELLO:** I am listening to myself and think – I apologise 278.

**CHAIRPERSON:** Okay.

**ADV MAHLAPE SELLO:** The document at 278 on the top right hand corner is dated the 15 November 2018, you see it? And it is a document from Emirates Airlines based in Dubai in the United Arab Emirates. By way of a background Chair having obtained the Home Affairs records

**CHAIRPERSON:** Yes.

20 **ADV MAHLAPE SELLO:** We – the commission then issued a request for information to the Emirates Airlines in respect of the six people listed in there to wit Mr Ajay Gupta, Mr Rajesh Gupta, Mr Atul Gupta, Mr Duduzane Zuma, Ms Mabel Mentor and Mr Fana Mlongwane and in this particular instance the Chair will notice that next to each person is a passport number.

**CHAIRPERSON:** Yes.



**ADV MAHLAPE SELLO:** The information as regarding the passport number is extracted from the Home Affairs records.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** So what happens is we get the Home Affairs records first and then we make our enquiry or request to Emirates.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** In the – Emirates responded an overleaf and if I may just say the request – the enquiry again was in respect of travel by anyone of the six in the period July 2010 to December 2010.

10 **CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** And the response appears at 279. You see that Ms Mentor. 279 lists five people numbered 1 to 5 and it gives us their travel history between the period May in respect of the first one Ajay Gupta it is between May and October 2010. The second one is Mr Rajesh Gupta 31 May 2010 to 27 August 2010. The third Mr Atul Gupta and it shows between 3 October 2010 and 7 October 2010. Mr Duduzane Zuma 31 May to 27 August 2010 and lastly number 5 Ms Mentor 22 August 2010, 27 August 2010. Now bearing in mind that the enquiry related to travel between July and December on Emirates Airlines and trying to confirm or understand who are the two people you met or were introduced to by Mr Zuma on that flight from Johannesburg to

20 Dubai this is the response we get from Emirates. If we look then at number 3 Mr Gupta Atul according to Emirates Mr Atul Gupta flew their airline on the 3 October 2010, 4 October 2010, 6 October 2010 and 7 October 2010. They did not carry him in August. You understand. Now as with the Home Affairs records do you have any comment to that because according to – you stated that there were two Indians and you could not say whether the second was Mr Atul but are you willing to accept that as Emirates state

Mr Atul Gupta did not fly any Emirates Airline in August 2010? You willing to accept that or are you going to take issue with it?

**MS VYTJIE MENTOR:** Madam Chair, Chairperson in terms of the records of Emirates as they stand here Mr Atul Gupta did not fly Emirates but neither did I say in my statement that he was introduced to me in any flight.

**ADV MAHLAPE SELLO:** Yes Ma'am I understand that I am putting this to you to get an understanding of whether you are willing to accept based on the Emirate records that whoever the second person of Indian descent that Mr Duduzane Zuma was with or introduced you it cannot be Mr Atul Gupta. Can we exclude him a possible second  
10 person?

**MS VYTJIE MENTOR:** I am willing to exclude him and I have never said that he was the one.

**ADV MAHLAPE SELLO:** Okay then we are satisfied. Thank you. Staying with that page 278 and 279. Chair we note that the first one Mr Ajay Gupta travelled on Emirates in the month of May, August and October.

**CHAIRPERSON:** Well I assume that Ms Mentor has had a chance to see all of these documents before because if she had and I see she shakes her head, if she had it would not be necessary to say when he travelled it would be enough to say the records appearing at page so and so provided by Emirates do not reflect that he travelled  
20 during that time and that time or between those days. And if she had already seen them she would not need to go through and she would say that I know that the records do not show that and I accept or I do not accept. But...

**ADV MAHLAPE SELLO:** If I may Chair.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** Since Ms Mentor appeared before you in August and we

started with our investigations as the investigation reports were being submitted they were being forwarded to our attorney for all transmission to Ms Mentor. So they were provided to her in dribs and drabs as and when they became available.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** And this record was made available as you can see Chair it is dated 12 November soon after it was received.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** I would have to check the emails from Mr Mabunda.

**CHAIRPERSON:** Yes, yes.

- 10 **ADV MAHLAPE SELLO:** So in answer to your question she ought to have seen them and had the opportunity to discuss them with her lawyer.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** I do not know if she in fact did.

**CHAIRPERSON:** Yes whether it happened you do not know.

**ADV MAHLAPE SELLO:** Yes. What I can then state is on Friday.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** All these reports that were coming in in dribs and drabs were then all collated and put together and paginated and they make a bundle D6A and D6B.

- CHAIRPERSON:** Yes, okay, alright. Ms Mentor I think you indicated that you did not  
20 have a chance to read these records before?

**MS VYTJIE MENTOR:** Chair the file was given to us on Friday.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** And I have had a glance of the file. I have discussed – I know the gist.

**CHAIRPERSON:** Okay, alright, not the details.

**MS VYTJIE MENTOR:** Yes.

**CHAIRPERSON:** Okay, okay. So maybe – maybe in order to make sure that we move fast and particularly in the light of Ms Mentor's own request about time.

**ADV MAHLAPE SELLO:** Yes Chair.

**CHAIRPERSON:** Maybe you should simply say that the record at page so and so you have had a look at it this is what it does not reflect or this is what it reflects and she will say if she is able to accept that or she does not accept that or if she needs to go and have a look. But if she has looked she might not need to look now then we can go much faster.

10 **ADV MAHLAPE SELLO:** Indeed Chair. Then if we look at page 279 and we are looking in respect of Mr Ajay Gupta, Mr Rajesh Gupta and Mr Duduzane Gupta and yourself. We know now Mr Atul Gupta was not part of that travel.

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

**ADV MAHLAPE SELLO:** And according to this page on that flight on the 22 August 2010 from Johannesburg to Dubai travelling in that plane was Mr Ajay Gupta, Mr Rajesh Gupta, Mr Duduzane Zuma and yourself, you see that?

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

**ADV MAHLAPE SELLO:** And you do see on the same page that on 27 August 2010 on the flight from Dubai to Johannesburg the following passengers were on that flight  
20 EK0765 Mr Rajesh Gupta, Mr Zuma Duduzane and yourself?

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

**ADV MAHLAPE SELLO:** So you flew back to Johannesburg from Dubai – strictly from Dubai with both Mr Duduzane Zuma and Mr Rajesh Gupta?

**MS VYTJIE MENTOR:** Yes Ma'am something I discovered on Friday.

**ADV MAHLAPE SELLO:** Okay now I would like to refer to your previous evidence

where you suggested to the Chair that coming back from China you brought your retender forward and you flew via Hong Kong. Do you still stand by that statement?

**MS VYTJIE MENTOR:** Chair – through you Chair insofar as Hong Kong is concerned I had flown to China and I might have made a mistake about returning via Hong Kong. I might have confused that with another trip.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** That I will concede.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** And what was your other question Ma'am?

10 **ADV MAHLAPE SELLO:** No, no.

**CHAIRPERSON:** I think that was the only one so far.

**ADV MAHLAPE SELLO:** That was the only one so far. Yes indeed Chair.

**CHAIRPERSON:** Ja, okay.

**ADV MAHLAPE SELLO:** And when we look at your records at page 286 we noticed that in the year 2010 your return from Dubai was actually your last travel in and out of South Africa. Your next travel is on the 17 May 2011 so you possibly could have confused it with that trip, the 2011 trip.

**MS VYTJIE MENTOR:** Yes Ma'am I could have confused it with the 2011 trip or I could have confused it with the trip that I said I undertook as the chair of the Portfolio  
20 Committee ahead of the committee. Because in total there were three trips to China that I undertook.

**ADV MAHLAPE SELLO:** Oh so it could have been a trip before the China trip?

**MS VYTJIE MENTOR:** Ja before or after.

**ADV MAHLAPE SELLO:** Thank you. And if I then lastly may just point out at 279 in your transcript you suggested that you spent a night in China and then you flew back

according to this Emirates details you arrived in China on the 23 August in Beijing and you flew out of China and specifically from Shanghai to Dubai on the 27 August. So you spent more than one night and you actually were in both Beijing and Shanghai according to these records. Does that assist your recollection?

**MS VYTJIE MENTOR:** Through you, Chair, if you go carefully through my transcript and my submission I said that I arrived on the day of the first proceedings and that that first night was supposed to be the night of the State banquet that I chose not to attend, because of what happened and other reasons just before the banquet that was the first night.

10 **CHAIRPERSON:** Yes?

**MS VYTJIE MENTOR:** And I also said that after that interaction on the landline from somebody from reception I immediately unhooked my phone, switched off my cell phone, but reconnected my cell phone, phoned the leader of the Chinese delegation I was waiting to meet alongside the State visit and suggested to them that we rather meet at my hotel.

So the following day we met at my hotel, according to my evidence before you, and further I also said that that second day after our meeting out of which I got a document that I would be made part of the umbrella decisions of the State visit I said that the Chinese delegation hosted an impromptu dinner, farewell dinner for me.

20 So from my evidence when you add those I spent two nights in China. The first night being the banquet night, the second night being the night of the meeting after the – the meeting with the delegation of the Chinese SOEs which ended with an impromptu farewell dinner, and I have just conceded that I might have flown not through Hong Kong, which means that I might have flown through Shanghai, Chair.

**CHAIRPERSON:** Yes, thank you.

**ADV MAHLAPO SELLO:** Thank you, Chair. Ms Mentor just to assist you and for record purposes and I think it is only fair I put this to you. I would like to refer back to D1 and the DTI records and in particular at page 179 the DTI provides us with an itinerary for that trade visit.

**MS VYTJIE MENTOR:** D1?

**ADV MAHLAPO SELLO:** D1 the one that contains your statement.

**CHAIRPERSON:** It says Miller bundle, I do not know...[intervenes]

**MS VYTJIE MENTOR:** This one?

**CHAIRPERSON:** It looks the same as this one.

10 **ADV MAHLAPO SELLO:** It is an arch lever file.

**MS VYTJIE MENTOR:** Yes, madam.

**CHAIRPERSON:** *Ja*.

**MS VYTJIE MENTOR:** Yes.

**ADV MAHLAPO SELLO:** 179 at the top right hand corner.

**MS VYTJIE MENTOR:** 179. I am there madam.

20 **ADV MAHLAPO SELLO:** Yes, now this itinerary suggests that on 23 August which if one considers page 279 of D6A is the date on which you arrived in Beijing there was only a private dinner, a briefing for the President and a private dinner. The State banquet you referred to was supposedly held on 24 August the next day and at 180 you will see from 18:30, it is a dinner hosted by President Hu Jintao at the Great Hall of the People.

Now my question to you is could you have perhaps gotten your dates wrong? You did not arrive on the day of the State banquet, but you had arrived the day previous?

**MS VYTJIE MENTOR:** No madam. You yourself are saying there were two dinners for

the President?

**ADV MAHLAPO SELLO:** No, I am saying there is one State dinner. The banquet is on 24 August according to the DTI and you had actually arrived on 23 August the previous day and that we glean from the Emirates records, so you arrived in China, spend the night and the banquet was the following day.

**MS VYTJIE MENTOR:** No madam.

**CHAIRPERSON:** Maybe if I understand the question correctly, let me say this, as I understand it you previously said the banquet was on the first night that you were there, that is my understanding and you must feel free to confirm that that is what you had  
10 said before or not. And what counsel is saying to you is this, that according to the – is it the program? Yes the draft program provided by DTI the banquet was on the 24<sup>th</sup> it was on a Tuesday, of August, and if you arrived on the same day on which the banquet was held then it would mean that you arrived on the 24<sup>th</sup> according to this.

So you might be able to say whatever this program says you are clear in your mind as to when you arrived and when the banquet was and you are able to say when the banquet was. So the idea is just to say according to this draft program and it says draft program, we do not know if there might have been a final program later that might have been amended, what do you say?

**MS VYTJIE MENTOR:** Through you, Chair, what I know is that I arrived on the first day  
20 of the proceedings and on that day as I already said I went into a registration hall, because I was late and proceedings were already underway outside. I registered for the State visit. I also was directed and assisted – directed to another table where I was registered for a State banquet and that State banquet was supposed to be that night.

And I also – that first night I did not attend that State banquet. The following day I had a meeting with the Chinese delegation and I had a dinner with them. So I do



not know, I cannot talk about the dates of the draft programs of DTI, I can certainly tell you that I arrived the first day. I registered for the proceedings and for the State banquet and I opted not to attend the State banquet after what I had encountered and I had a meeting at the hotel the following day and a dinner at the hotel the following day.

**ADV MAHLAPO SELLO:** Okay. Whether or not this is a draft program or whether there was an updated program, perhaps that is likely, that is different from what is submitted, that is a matter that will be clarified by I am sure DTI officials should the necessity arise.

**MS VYTJIE MENTOR:** Thank you.

- 10 **ADV MAHLAPO SELLO:** If I can then move onto the next issue. Ms Mentor, Chair, as the, Chair, will recall Ms Mentor has testified that during the flight from Johannesburg to Dubai Mr Duduzane introduced her to a person he referred to as his Chairman. The error that Ms Mentor had made in her book as to the identity of the person was corrected at the last occasion she appeared before you.

Ms Mentor has since – and at that point she suggested that the correct person's name is Fana Hlongwane. Ms Mentor has since retracted her allegations against Mr Fana Hlongwane and we will deal with that later.

**CHAIRPERSON:** Yes.

- 20 **ADV MAHLAPO SELLO:** She, however, has insisted that though she may not recall the name of the person she is able to indicate where that person sat relative to her own suite in that cabin and she requested that we obtain the flight manifest for first class of that Dubai flight. Now in a bid not to influence her mind, before I say that, the flight manifest was received yesterday.

**CHAIRPERSON:** Yes.

**ADV MAHLAPO SELLO:** And it has not been shared with Ms Mentor.

**CHAIRPERSON:** Yes.

**ADV MAHLAPO SELLO:** In a bid not to influence her final decision or what she submits to you, Chair, I have attempted to recreate the seating arrangement of that first class cabin as provided by Emirates. I have indicated where Mr Ajay Gupta sat, where Ms Mentor sat, Mr Duduzane sat and Mr Rajesh Gupta sat. I have left the rest blank and during the tea break I would like Ms Mentor perhaps to apply her mind to this little structure and see if she can identify the seat she says she was taken to where she was introduced.

**CHAIRPERSON:** Yes.

10 **ADV MAHLAPO SELLO:** What I will then submit, Chair, is the actual manifest.

**CHAIRPERSON:** Yes.

**ADV MAHLAPO SELLO:** After she has made that identification and then we can take it from there, Chair.

**CHAIRPERSON:** Yes, okay.

**ADV MAHLAPO SELLO:** If I may before we stand, if I may officially hand in...[intervenes]

**CHAIRPERSON:** Yes, okay.

**ADV MAHLAPO SELLO:** It does not even need a number, Chair, this will be just – we will just use it...[intervenes]

20 **CHAIRPERSON:** Yes, just for convenience.

**ADV MAHLAPO SELLO:** We will just use it as a tool.

**CHAIRPERSON:** Okay.

**ADV MAHLAPO SELLO:** Just give one to the, Chair, and one to Ms Mentor.

**CHAIRPERSON:** Thank you.

**ADV MAHLAPO SELLO:** Thank you, Chair. Ms Mentor...[intervenes]

**MS VYTJIE MENTOR:** Sorry, madam?

**ADV MAHLAPO SELLO:** Yes?

**MS VYTJIE MENTOR:** Through you, Chair?

**CHAIRPERSON:** Yes?

**MS VYTJIE MENTOR:** Before we pass to the next point I would like to take this opportunity once again to apologise to Mr Fana Hlongwane and I want to sincerely also express my gratitude for his kindness for having accepted my apology.

**CHAIRPERSON:** Yes. No, thank you, very much.

**ADV MAHLAPO SELLO:** And just to assure you Ms Mentor we were still going to deal  
10 with that in depth and I was going to give you a full opportunity to address the, Chair.

**CHAIRPERSON:** Yes, no, no, that is fine.

**ADV MAHLAPO SELLO:** Thank you.

**CHAIRPERSON:** We are going to take the tea adjournment now, it is 12:00 we will resume at 12:15. We adjourn.

**ADV MAHLAPO SELLO:** Thank you.

#### **INQUIRY ADJOURNS**

#### **INQUIRY RESUMES**

**CHAIRPERSON:** Yes Ms Sello.

**ADV MAHLAPO SELLO:** Thank you Chair. Chair when we broke for tea I had given  
20 Ms Mentor a table that depicts the flight manifest received from Emirates indicating only where she, Mr Rajesh Gupta, Mr Ajay Gupta as well as Mr Duduzane sat to give her an opportunity to indicate where the “Chairman” sat on that flight.

**CHAIRPERSON:** Well first tell us what this document represents and it may be that I think we must; maybe that we should formally make it part of the record, because if she points we might want to retain the document reflecting where she pointed so and so

was sitting, but maybe we can decide that in due course. Maybe just go ahead.

**ADV MAHLAPE SELLO:** Chair if, if I may I was not submitting it into evidence, because it is my creation and it was merely intended to assist or to facilitate the flow of information between the Chair and Ms Mentor. However during the tea break there, there, there were developments that perhaps.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** Will obviate the need to answer the question.

**CHAIRPERSON:** Oh, okay.

**ADV MAHLAPE SELLO:** Ms Mentor has pointed out to me that the purpose for  
10 requiring the flight manifest from Emirates was so she could prepare her retraction against Mr Fana Hlongwane.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** That that retraction has already been issued and she is of the view that it is not necessary to con, to consult the flight manifest at all.

**CHAIRPERSON:** Huh-uh.

**ADV MAHLAPE SELLO:** It is currently in the records and with your guidance Chair we can take the next step as regards that flight manifest but she, she no longer requires it. She no longer relies on it and she is not interested in conducting any pointing out as to where the “Chairman” sat.

20 **CHAIRPERSON:** Well the witness may have a certain view about that, but you are the member of the legal team of the Commission. You must, you must know what you need from this witness and whether there is any use for this anymore.

**ADV MAHLAPE SELLO:** Chair there would not, the need for that tool was to assist Ms Mentor to do the pointing out.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** If Ms Mentor is not doing the pointing out.

**CHAIRPERSON:** Ja.

**ADV MAHLAPE SELLO:** I am going to submit as part of the confidential bundle the actual flight manifest.

**CHAIRPERSON:** Okay.

**ADV MAHLAPE SELLO:** Which indicates where?

**CHAIRPERSON:** So this falls away.

**ADV MAHLAPE SELLO:** That tool falls away.

**CHAIRPERSON:** Okay, alright.

10 **ADV MAHLAPE SELLO:** Okay.

**CHAIRPERSON:** That is fine.

**ADV MAHLAPE SELLO:** Thank you.

**CHAIRPERSON:** Let us go ahead.

**ADV MAHLAPE SELLO:** Then at this juncture Chair I referred earlier to what I called a confidential bundle. The confidential bundle contains all Home Affairs records received as well as the flight manifest received from Emirates Airlines. It is confidential Chair, because it, it is about five to seven years travel detail of a number of people the detail of which is not relevant for purposes of this Commission and we submit it for purposes of completeness one as to what we receive from Home Affairs and secondly to address  
20 an issue raised by Ms Mentor in her supplementary affidavit.

**CHAIRPERSON:** Well you see we have to try and limit as far as possible documents that go into the record.

**ADV MAHLAPE SELLO:** Yes Chair.

**CHAIRPERSON:** To documents that really are necessary. For example the travel records from, relating to, provided by the Emirates Airline.

**ADV MAHLAPE SELLO:** Yes Chair.

**CHAIRPERSON:** If the witness has, were to concede for example that so and so and so on so were not on that airline it might be sufficient to say she has seen those and based on having seen those this is her position and if it means the issue becomes non-contentious I might not really need to have them, but if despite the records the issue remains contentious then we might need to admit, admit it. So, so I am saying in regard to whatever records you are talking about that are confidential you just need to reflect properly on what really we need to admit and that which we really need to admit that that we can do, but we must not have too many documents some of which might  
10 not really be of much assistance. They just serve to increase our record unnecessarily.

**ADV MAHLAPE SELLO:** Indeed Chair. The Chair will recall that when we dealt with Bundle 6, D6A and in particular the records received from Home Affairs we restricted ourselves in respect of each passenger to those records that overlap the period August 2010 and we excluded everything else. The affidavit filed by Ms Mentor last night is and the allegations set out therein is what necessitated a consideration of disclosing the full Home Affairs record.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** And Ms Mentor pointed out that Mr Atul Gupta is known to have had more than four passports and it does not appear like we made an  
20 investigation as regards his travels using those other three passports and this confidential bundle is submitted in a bid to demonstrate to Ms Mentor that the Commission is aware of all the four passports and that they are reflected in the Home Affairs records.

**CHAIRPERSON:** Oh, okay. No that.

**ADV MAHLAPE SELLO:** Yes Chair.

**CHAIRPERSON:** That is fine, okay.

**ADV MAHLAPE SELLO:** Thank you.

**CHAIRPERSON:** Thank you.

**ADV MAHLAPE SELLO:** Secondly I must point out this is one bundle Ms Mentor has not had an opportunity to see and consider and as I said its creation arose last night based on her allegations in the supplementary affidavit. So she might not be able to deal with it at this juncture. What I would propose Chair is to.

**CHAIRPERSON:** But its relevance only relates to the notion of somebody having had more than one passport?

10 **ADV MAHLAPE SELLO:** Its relevance relates to the fact that we did not confine our investigation.

**CHAIRPERSON:** Ja.

**ADV MAHLAPE SELLO:** Regarding Mr Gupta.

**CHAIRPERSON:** Ja.

**ADV MAHLAPE SELLO:** Atul Gupta.

**CHAIRPERSON:** Ja.

**ADV MAHLAPE SELLO:** To the use of only one passport.

**CHAIRPERSON:** Ja.

**ADV MAHLAPE SELLO:** Yes Chair.

20 **CHAIRPERSON:** Hm, hm.

**ADV MAHLAPE SELLO:** With your permission.

**CHAIRPERSON:** May, maybe we should, we should talk about handing up when we get to that point. I do not know whether it is the next point, because we have had or Mister, Ms Mentor has made some concessions in regard to someone or some people in the light of the, the, the, the records from either Emirates or from Home Affairs. I, I

cannot remember whether it could be called a full concession or a qualified concession, but maybe one can ask more questions and then it might dispose of the need for some of the records.

**ADV MAHLAPE SELLO:** May, maybe Chair with your permission we may address it thus and that was the next point I was going to get to.

**CHAIRPERSON:** Hm.

**ADV MAHLAPE SELLO:** D6B.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** The loose set of documents we provided is Ms Mentor's  
10 application, supplementary affidavit filed last night.

**CHAIRPERSON:** Hm.

**ADV MAHLAPE SELLO:** And I would like to refer to Ms Mentor and the Chair to that.

**CHAIRPERSON:** Hm.

**ADV MAHLAPE SELLO:** She deals with this aspect at paragraph 10 of that and I would, perhaps I would like to pose to her a question regarding whether she still maintains the view that the Commission failed to investigate Mr Gupta's, Atul Gupta's travel in full or whether she is willing to accept that we have records of all Mr Gupta's travels on any passport that he has ever carried.

**CHAIRPERSON:** Ja, I think I, I want us to get going.

20 **ADV MAHLAPE SELLO:** Yes.

**CHAIRPERSON:** She has raised her hand. I think she has something to say. Let me hear what she has to say and then let us get going. You ask questions and let us see how we move and, and if and when you have to hand up any document you will deal with that and then we take it from there.

**ADV MAHLAPE SELLO:** Thank you Chair.



**CHAIRPERSON:** Ms Mentor you wanted to say something.

**MS VYTJIE MENTOR:** Thanks for indulging, indulging me Chair. It is not on the point that Ms Sello is on. I, I, I; it is on a point that we dealt with earlier before the tea break.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** So I, I do not want to.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** I just want to alert you that there is a point I need to step back into.

**CHAIRPERSON:** Yes, yes.

10 **MS VYTJIE MENTOR:** Before we move ahead that we had dealt with before this time.

**CHAIRPERSON:** Yes. Okay. I think let us, let us do that. Deal with that point before she resumes questioning you, okay.

**MS VYTJIE MENTOR:** Thanks Chair. Ma'am.

**ADV MAHLAPE SELLO:** Yes Ms Mentor.

**MS VYTJIE MENTOR:** Advocate Sello on the issue of the draft program of DTI.

**ADV MAHLAPE SELLO:** Yes ma'am.

**MS VYTJIE MENTOR:** That you asked me about before we adjourned and for the record Chair that would be D1 page 179.

**CHAIRPERSON:** Yes.

20 **MS VYTJIE MENTOR:** May I kindly submit to you through the Chair that the.

**CHAIRPERSON:** Ms Mentor feel free not to use lawyers' languages. Just speak you know. This submit and so on.

[Laughing]

**MS VYTJIE MENTOR:** I think in the other life in.

**CHAIRPERSON:** Forget about it.

**MS VYTJIE MENTOR:** I was a lawyer before.

**CHAIRPERSON:** [Laughing].

**MS VYTJIE MENTOR:** Or I, I hope to be one.

**CHAIRPERSON:** Ja, just feel free to.

**MS VYTJIE MENTOR:** Hm.

**CHAIRPERSON:** To use words that you would naturally use to make the points that you want to make.

**MS VYTJIE MENTOR:** Thank you Chair. The, the, the draft program of DTI the first part of 23 August that you showed me Advocate Sello.

10 **ADV MAHLAPE SELLO:** Yes ma'am.

**MS VYTJIE MENTOR:** It is actually the President's, as you noticed the times for those they are all zero, zero, zero, zero, zero.

**ADV MAHLAPE SELLO:** Yes.

**MS VYTJIE MENTOR:** It is actually not the program of the, the proceedings of, of the State visit. That actually what I would say almost a diary for the President. What the President was, was doing. I would submit that on the day I was flying and I would also submit that there is a time difference between South Africa and China. That on the 23<sup>rd</sup> I flew to Dubai. Spent a four hour overlay in Dubai. Flew for seven and a half hours to Beijing. Arrived in Beijing on the day of the actual program which on the DTI Program  
20 is actually Tuesday the 24<sup>th</sup>.

**ADV MAHLAPE SELLO:** I am sure the Chair understands?

**CHAIRPERSON:** What is the effect of what you are saying into the evidence you have given earlier? Are you saying what you had said accords with the draft program if the time difference is being taken into account? That is what you are saying?

**MS VYTJIE MENTOR:** Yes Chair. If the time difference is taken into account and if the

time I spent flying when I departed, the time I spent flying is also taken into account.

**CHAIRPERSON:** Okay.

**ADV MAHLAPE SELLO:** Thank you Chair. I have noted and I think the Chair is clarified on.

**CHAIRPERSON:** Hm.

**ADV MAHLAPE SELLO:** On your submissions in that regard.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** If I may proceed.

**CHAIRPERSON:** You may proceed, ja.

- 10 **ADV MAHLAPE SELLO:** Now Ms Mentor to get to the issues that you raised in your supplementary affidavit and that is the document that is loose in D6, it is your affidavit that was filed last night and I would like to refer you in particular.

**CHAIRPERSON:** What page is that?

**ADV MAHLAPE SELLO:** It is, it is the loose document that is currently unnumbered Chair. I indicated that it is a continuation of D6. So it would be the last page.

**CHAIRPERSON:** Oh, okay. Alright. That is the one, written supplementary statement of Ms Mabel Petronella Mentor.

**ADV MAHLAPE SELLO:** Yes Chair.

**CHAIRPERSON:** Yes, okay.

- 20 **ADV MAHLAPE SELLO:** You have located yours [indistinct].

**MS VYTJIE MENTOR:** Yes ma'am.

**CHAIRPERSON:** Well, you said that is supposed to be added at the end of.

**ADV MAHLAPE SELLO:** D6B.

**CHAIRPERSON:** D6B?

**ADV MAHLAPE SELLO:** Yes Chair.

**CHAIRPERSON:** And what will be the first, what number will be the first page? Are you able to tell me so I can mark here?

**ADV MAHLAPE SELLO:** Yes Chair. If you could bear with me. 547, should be page, the first page of that affidavit Chair.

**CHAIRPERSON:** The first page will be what?

**ADV MAHLAPE SELLO:** 547.

**CHAIRPERSON:** Ja, this should have been done during the two breaks that we, we have had.

**ADV MAHLAPE SELLO:** They have gone down Chair. There are no, unfortunately  
10 printing facilities here. They have to go back to the office, but it will be done.

**CHAIRPERSON:** Ja.

**ADV MAHLAPE SELLO:** During lunch.

**CHAIRPERSON:** Okay, alright.

**ADV MAHLAPE SELLO:** I apologise Chair; because it is not paginated. If, if the Chair would permit me to refer to the page numbering, the typed number?

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** In the document.

**CHAIRPERSON:** Okay.

**ADV MAHLAPE SELLO:** Ms Mentor if you refer to page 4 of that document from  
20 paragraph 10. You say at paragraphs 10 and 11 you advise that to the best of your knowledge Mr Atul Gupta had more than one passport or has had more than one passport and could very well have travelled on another passport number in that period. You confirm that, right?

**MS VYTJIE MENTOR:** Yes as it stands in the statement right now.

**ADV MAHLAPE SELLO:** In the statement, yes.

**MS VYTJIE MENTOR:** Yes.

**ADV MAHLAPE SELLO:** Now based on the discussion we have just had do you [intervenes].

**CHAIRPERSON:** Well do you want to first just confirm that as you normally do that.

**ADV MAHLAPE SELLO:** That is your signature.

**CHAIRPERSON:** This is her supplementary statement, look at the signature and applies correct are there any amendments that she might need to make.

**ADV MAHLAPE SELLO:** I, I, I will do so Chair and [intervenes].

**CHAIRPERSON:** Then we know it is out of the way.

10 **ADV MAHLAPE SELLO:** We know it is the out of the way.

**CHAIRPERSON:** Ja.

**ADV MAHLAPE SELLO:** Ms Mentor did you follow the Chair's, what the Chair pointed out?

**MS VYTJIE MENTOR:** [No audible reply].

**ADV MAHLAPE SELLO:** Ms Mentor, ma'am.

**MS VYTJIE MENTOR:** You, you were pointing me to number 10.

**ADV MAHLAPE SELLO:** No, no. Just for a second.

**CHAIRPERSON:** Okay. Let me help you. The document you are looking at is supposed to be one written, supplementary statement of Ms Mabel Petronella Mentor.

20 Is that the document you are looking at?

**MS VYTJIE MENTOR:** Yes Chair.

**CHAIRPERSON:** It is not paginated at the moment.

**MS VYTJIE MENTOR:** Yes Chair.

**CHAIRPERSON:** And it has got, it seems to go up to page 21 and then it has just got annexures. Is that right? Have you got page 21?

**MS VYTJIE MENTOR:** Yes Chair followed by annexures.

**CHAIRPERSON:** Yes. Page on, on my document page 21 has got your name at the bottom but it does not, it is not signed?

**MS VYTJIE MENTOR:** Yes Chair.

**CHAIRPERSON:** Is yours also the same?

**MS VYTJIE MENTOR:** Yes Chair.

**CHAIRPERSON:** Okay and is this your statement, supplementary statement that you have made?

**MS VYTJIE MENTOR:** Yes Chair.

10 **CHAIRPERSON:** You have had a chance to read it and is it correct?

**MS VYTJIE MENTOR:** Yes Chair.

**CHAIRPERSON:** Are there any amendments that you need to make as far as you are aware?

**MS VYTJIE MENTOR:** Not at this stage.

**CHAIRPERSON:** Not at this stage, ja.

**MS VYTJIE MENTOR:** Yes.

**CHAIRPERSON:** So as far as you, you, you are concerned it is correct?

**MS VYTJIE MENTOR:** Yes Chair and it is my document.

**CHAIRPERSON:** And it is your, your,

20 **MS VYTJIE MENTOR:** Yes.

**CHAIRPERSON:** Okay alright, thank you.

**ADV MAHLAPE SELLO:** Thank you Chair.

**CHAIRPERSON:** Okay.

**ADV MAHLAPE SELLO:** You, you had started reading paragraph 10 of that statement Ms Mentor and thanks for confirming that that it is your affidavit and the correctness

thereof. My question was whether based on the conversation we have had thus far you, you hold a view that there are other passports that Mr Atul Gupta may have used that you are of the view that the Commission has failed to investigate.

**MS VYTJIE MENTOR:** Chair given what Advocate Sello has submitted to the Commission this morning which is that the Home Affairs did search the way they did I am willing to accept it when she puts it to you and to the Commission that Home Affairs would have taken into consideration all the passports.

**CHAIRPERSON:** Okay, thank you.

**ADV MAHLAPE SELLO:** Thank you Chair. That would have been the purpose of  
10 submitting the confidential bundle.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** And in light of the concession granted by Ms Mentor.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** I, I confirm Chair it would not be necessary.

**CHAIRPERSON:** Necessary.

**ADV MAHLAPE SELLO:** To just render the record unduly [indistinct] Chair.

**CHAIRPERSON:** Okay, thank you.

**ADV MAHLAPE SELLO:** Under the circumstances there shall be no 6D, 6DC  
confidential [intervenes].

20 **CHAIRPERSON:** Well if it has not been admitted. It is not there yet. Is it not?

**ADV MAHLAPE SELLO:** Yes. I have suggested so.

**CHAIRPERSON:** Ja.

**ADV MAHLAPE SELLO:** Whoever reads.

**CHAIRPERSON:** Ja.

**ADV MAHLAPE SELLO:** It does not exist at this stage.

**CHAIRPERSON:** Ja, you are not pursuing its admission?

**ADV MAHLAPE SELLO:** Absolutely Chair.

**CHAIRPERSON:** Ja, thank you.

**ADV MAHLAPE SELLO:** Thank you Chair.

**CHAIRPERSON:** Okay. You.

**ADV MAHLAPE SELLO:** The, the, the.

**CHAIRPERSON:** Received assistance.

**ADV MAHLAPE SELLO:** There is a suggestion of how to approach it differently.

**CHAIRPERSON:** Yes.

10 **ADV MAHLAPE SELLO:** That perhaps you, you not accept her concession at this juncture.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** And that we revert to this issue at a later stage. I am happy to do so Chair.

**CHAIRPERSON:** It is fine. You can raise it at a later stage.

**ADV MAHLAPE SELLO:** Will do so Chair.

**CHAIRPERSON:** Ja, if it is necessary. Okay.

**ADV MAHLAPE SELLO:** That then, sorry. Yes ma'am.

**MS VYTJIE MENTOR:** Am I allowed to ask why that request is being made?

20 **ADV MAHLAPE SELLO:** If, if I.

**CHAIRPERSON:** I, well maybe I should have said what I did not say and it might help Ms Mentor. Ms Mentor has raised the issue of time.

**ADV MAHLAPE SELLO:** Yes.

**CHAIRPERSON:** So I think she, she, she may be thinking whatever is going to happen if you are going to raise that issue at some stage. It should be during these two day,



because she would like to finish.

**ADV MAHLAPE SELLO:** Yes.

**MS VYTJIE MENTOR:** Yes.

**CHAIRPERSON:** I think that is; that is what she has in mind. I did not, I did not say that, but I had it in mind and I thought, because we had dealt with it she would be aware that it must be raised if it is going to be raised during these two days. Thank you.

**ADV MAHLAPE SELLO:** And if I may state for the record.

**CHAIRPERSON:** Hm.

- 10 **ADV MAHLAPE SELLO:** The suggestion is, is based on the, on the notion that you should not be prejudiced by making a concession in circumstances where you have not applied your mind to the documents. So the Chair has noted the concession, but you will have an opportunity over lunch to look at the documents and then we can just confirm it after lunch.

**CHAIRPERSON:** Okay, thank you.

- ADV MAHLAPE SELLO:** We move then Chair to the travel to Johannesburg and I leave that broadly, because the date of travel is, is, is not easy to determine. Currently Ms Mentor does not have direct recollection of when she came to Johannesburg and we have collected some documents to try and see if we can assist her in that regard
- 20 and the travel to Johannesburg concerns her trip to Saxonwold where Mr Ajay Gupta supposedly made an offer.

**CHAIRPERSON:** Oh, okay.

**ADV MAHLAPE SELLO:** Yes Chair.

**CHAIRPERSON:** Now I think we, we have been talking about China.

**ADV MAHLAPE SELLO:** And I said I am.

**CHAIRPERSON:** And we are coming back from China. So when you say travel to Johannesburg I thought that she is coming back to South Africa. This is now something else?

**ADV MAHLAPE SELLO:** It is my second topic.

**CHAIRPERSON:** Her visit to Saxonwold?

**ADV MAHLAPE SELLO:** To Saxonwold.

**CHAIRPERSON:** According to her evidence?

**ADV MAHLAPE SELLO:** Yes Chair.

**CHAIRPERSON:** Ja, okay alright.

10 **ADV MAHLAPE SELLO:** And with your permission Chair again I have one of the tools which is a, the calendar as it stood at the time. I have extracted July 2010 to December 2010 and I have populated it with Ms Mentor's flights Cape Town to, or visits to Johannesburg over that period and I suggest we start at that point.

**CHAIRPERSON:** That is fine.

**ADV MAHLAPE SELLO:** Thank you. If may then hand it in again. It is not an exhibit. It is just a working tool if I may Chair.

**CHAIRPERSON:** Okay.

**ADV MAHLAPE SELLO:** Thank you. I will hand in one for the Chair and one for Ms Mentor. Just to assist how we go about this document Chair every page is a  
20 different month. I have tried to highlight in red the start of that particular month. In some instances like the second page August 2010 I have cancelled out the last dates because they flow into September, but they appear on the next page. So the Chair can take every page as a month.

**CHAIRPERSON:** Okay.

**ADV MAHLAPE SELLO:** Now Ms Mentor you, you will recall that at the last session

SAA had provided us with your travel movements between July and December 2010 and for reference purposes these are to be found at D1 page 226.

**CHAIRPERSON:** D1?

**ADV MAHLAPE SELLO:** 226, Chair. 226, have you located it?

**MS VYTJIE MENTOR:** [No audible reply].

**ADV MAHLAPE SELLO:** My D1, 226 is question for written reply in Parliament. If I may.

**CHAIRPERSON:** That is the same as mine.

**ADV MAHLAPE SELLO:** In D, there is mine Chair. D2 and it is not, it is not the, it is  
10 not the file with her statement, the first supplementary bundle.

**CHAIRPERSON:** You are saying it is D2?

**ADV MAHLAPE SELLO:** D2, Chair.

**CHAIRPERSON:** EXHIBIT D2.

**ADV MAHLAPE SELLO:** And.

**CHAIRPERSON:** What page?

**ADV MAHLAPE SELLO:** 226.

**MS VYTJIE MENTOR:** May I put away D1? Are we coming to D1?

**ADV MAHLAPE SELLO:** Please. Put it way, not too far, but for the moment we are  
not dealing with it. Now.

20 **CHAIRPERSON:** Have you got it?

**MS VYTJIE MENTOR:** Yes sir.

**CHAIRPERSON:** Thank you.

**ADV MAHLAPE SELLO:** With the tool I handed up I extracted the information from  
D2, 226 and populated the calendar. I figured it reads easier that way. See that.

**CHAIRPERSON:** Well, well based on my recollection from the previous occasion

should you not simply say according to this record tell her what record it is so and so or she did not travel between Cape Town and Johannesburg between that time or that time or she did travel during that time and that time and then she can take it from whether there is a need to scrutinise.

**ADV MAHLAPE SELLO:** Chair that is; I would prefer not to say when she did not travel.

**CHAIRPERSON:** Okay.

**ADV MAHLAPE SELLO:** Chair I would present.

**CHAIRPERSON:** Alright.

10 **ADV MAHLAPE SELLO:** The picture of her travels.

**CHAIRPERSON:** Ja.

**ADV MAHLAPE SELLO:** There is other information that we must overlay on this.

**CHAIRPERSON:** Okay.

**ADV MAHLAPE SELLO:** In order to answer the question about the meeting at Saxonwold.

**CHAIRPERSON:** Okay, alright.

**ADV MAHLAPE SELLO:** So I just wanted for record purposes to refer to D2, 266 [sic] to say that the information as reflected in my calendar derives from there and it is all there.

20 **CHAIRPERSON:** Oh, okay alright.

**ADV MAHLAPE SELLO:** Then secondly if we can go to the month of October 2010 which would be your fourth page Chair under 15 October.

**MS VYTJIE MENTOR:** Where are you?

**ADV MAHLAPE SELLO:** I am in that little, in the calendar I handed up now.

**CHAIRPERSON:** Page 4.

**MS VYTJIE MENTOR:** Four.

**CHAIRPERSON:** [Intervenes].

**ADV MAHLAPE SELLO:** It is not numbered physically, the fourth page.

**CHAIRPERSON:** It is not numbered, ja okay.

**ADV MAHLAPE SELLO:** There is 15 October 2010.

**CHAIRPERSON:** I just mentioned to you that those who work with me know that I have an aversion with documents that have got no page numbers. Anyway let, let us go ahead.

**ADV MAHLAPE SELLO:** Duly noted Chair. It will not happen again.

10 **CHAIRPERSON:** Ja.

**ADV MAHLAPE SELLO:** I apologise.

**CHAIRPERSON:** Okay.

**ADV MAHLAPE SELLO:** The 15 October there is an entry that does not – there are flight details that do not appear at 226 because those details were obtained from SAA. If the Chair and – there is a document obtained from Parliament which shows Ms Mentor's travels in that period and it includes the day of the 15 October indicating she flew from Cape Town, Johannesburg, Cape Town. So if you could just – if the Chair could just make a note and Ms Mentor for the 15 October there is a flight. Okay now having done this then we ...

20 **MS VYTJIE MENTOR:** Sorry, sorry Ma'am. On the – in the file through you Chair where is that Parliament document?

**ADV MAHLAPE SELLO:** 215 Chair.

**CHAIRPERSON:** But do you not want to deal with one document and finish and then we move to the next one and when we get to the one from Parliament you will deal with it at that stage.

**ADV MAHLAPE SELLO:** I may do so except that I did not want to prejudice her by omitting one day on which she flew because SAA appears to have missed that date.

**CHAIRPERSON:** When she answers or before she answers if you want to say something to make sure she is not misled you can say that.

**ADV MAHLAPE SELLO:** I am happy to Chair.

**CHAIRPERSON:** But I think deal – I think deal with one document at a time. Let us deal with it finished, the next document and then we.

**ADV MAHLAPE SELLO:** Okay.

**CHAIRPERSON:** Ja

- 10 **ADV MAHLAPE SELLO:** Now Ms Mentor you will recall that you testified previously that after your return from China in August 2010 you were invited to meet with the President by Ms Kaunda and you subsequently found yourself at Sahara firstly and then Saxonwold where you met with Mr Ajay Gupta and that you were taken through by Mr Rajesh Gupta and Mr Atul Gupta, you recall that evidence? You have to do it verbally sorry.

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

**ADV MAHLAPE SELLO:** Thank you. You testified then that on that particular visit which was a flight into Johannesburg and back to Cape Town same day that the President arrived at the Gupta residence.

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

**ADV MAHLAPE SELLO:** Thank you. We have requested and obtained a number of records amongst them the President's diary for that period. Doctor Lubisi the DG in the presidency provided us with the President's diary from the months June to December 2010 to try and determine where the President was. You understand. Now the first thing we do on the tool I handed in is to try and locate your Monday flight from Cape

Town to Johannesburg and back to Cape Town. And based on 226 – D226 we cannot find a record of a flight on SAA you took from Cape Town to Johannesburg and back to Cape Town that is what this to demonstrate, you understand? You have to speak into the microphone.

**MS VYTJIE MENTOR:** Yes Ma'am I tend to do that when I get tired.

**ADV MAHLAPE SELLO:** Okay. Notwithstanding that ...

**CHAIRPERSON:** Well before you go there do you have to say about – do you have anything to say about the records reflecting that?

**MS VYTJIE MENTOR:** Yes Chair.

10 **CHAIRPERSON:** What do you have to say?

**ADV MAHLAPE SELLO:** Chair the records that are SAA records on page 226.

**CHAIRPERSON:** Yes. That is now – ja page 226 D2?

**ADV MAHLAPE SELLO:** Yes Chair.

**CHAIRPERSON:** Or not really? Sorry that is...

**ADV MAHLAPE SELLO:** On D2 I think it is due to..

**CHAIRPERSON:** D6A.

**ADV MAHLAPE SELLO:** D6 no, no the SAA records.

**MS VYTJIE MENTOR:** That is D6.

**ADV MAHLAPE SELLO:** That is D2.

20 **MS VYTJIE MENTOR:** D2.

**CHAIRPERSON:** Oh that is D2 ja okay.

**ADV MAHLAPE SELLO:** That is D2, 226.

**CHAIRPERSON:** Ja okay on D2 yes.

**ADV MAHLAPE SELLO:** Yes Chair.

**MS VYTJIE MENTOR:** Firstly I do not know if they are computerised records out of

SAA system but because they are also repetition – there are chunks of repetition. If you go from the 1 July until the ...

**CHAIRPERSON**: Maybe let me say this so you can – then you can answer. What you have to deal with now is that whereas you said in your evidence that you flew from Cape Town to Johannesburg for purposes of meeting with the former president on the date or week or month that you gave to the extent that you may have meant that you used SAA. Their records do not seem to support what you say, what do you say to that so that that is the – that is what you need to deal with.

**MS VYTJIE MENTOR**: Their records do not support what I have said but I think there  
10 are issues with their records Chair.

**CHAIRPERSON**: Yes tell me about those issues.

**MS VYTJIE MENTOR**: As I said there are repetitions. For instance if I take you to the 1 July the very first two columns on top it is the – I am supposed to have departed on the 1 July 2010 and returned on the 10 July. Meaning that I would have spent nine to ten days in Johannesburg and that is not possible and that has never happened.

**CHAIRPERSON**: Yes.

**MS VYTJIE MENTOR**: And I must say I have also compared SAA records, these ones that are from SAA.

**CHAIRPERSON**: Yes.

20 **MS VYTJIE MENTOR**: I have compared them with the ones of – SAA records from the records of Parliament travel agency which were also forwarded to me by the commission.

**CHAIRPERSON**: Yes.

**MS VYTJIE MENTOR**: There were disparities.

**CHAIRPERSON**: Yes.



**MS VYTJIE MENTOR:** And on one airline not only – I am not talking about other airlines.

**CHAIRPERSON:** Yes, yes.

**MS VYTJIE MENTOR:** This is just SAA.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** And also Chair on that – when I compared the two there were missing legs.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** Of journeys.

10 **CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** So a comparative – a simultaneous comparative study of this record from SAA and the record of SAA from Parliament records there was a disparity.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** And to the extent that in my submission I said that I flew in and out SAA.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** I still maintain that when I checked in that morning – when I was – I was on crutches. I checked in into SAA and then I flew SAA the first leg. Often it happens that you miss your flight and then you phone Parliament travel again and  
20 you are put on a different flight.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** Then you recoup your ticket – your leg later on.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** This is what I have to say but the records do not correspond. They do not – they are not a true reflection of my travels seeing that I have never spent

nine or ten days during a parliamentary session in Johannesburg. And I might have flown a return on another airline.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** Even if I had checked in to SAA intending to return on SAA or the second leg.

**CHAIRPERSON:** Well I am going to ask you this question without looking at the records. Where to the extent that there is a time frame in the records where according to SAA records you travelled from Cape Town to Johannesburg on a particular day but the next flight by you from Johannesburg to Cape Town is nine or ten days later. Is it  
10 possible that what may have happened is that when you were coming up to Johannesburg on the one day you used SAA but when you were flying back to Cape Town which may have been on the same day you used another airline and on some other occasion when you flew from Cape Town to Johannesburg you used one airline and when you flew from Johannesburg to Cape Town you used SAA and therefore they do not have the other leg. So in other words the two that seem to you to be for – to be two legs of one journey might not actually be two legs of one journey, is that possible as you understand the position?

**MS VYTJIE MENTOR:** Thanks for that question Chair. I had asked the commission also having a similar question in mind to probe for me the records from other airlines. I  
20 had asked them to check if on some legs I could have flown SA Express and from the records we found out that in 2010 SA Express was not flying the Johannesburg, Cape Town route. I also asked them to check the records of British Airways if I could have possibly flown British Airways and the response was that British Airways said that they never carried me as a passenger. So I have never been – that was the response. It was not a written response it was a verbal response. We even asked if the – that they

should check if I could have flown Mango and in my whole life I have never flown Mango until in 20 – until last year. So when I was in Parliament I have – but still nonetheless I requested that they should check there – the records of Mango. So we had asked with my legal team that all airlines should – record's should be checked so that we compare them with SAA to answer precisely the question that the Chair is asking.

**ADV MAHLAPE SELLO:** If I may be of assistance Chair. I will start with the Mango.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** In D6B page 546 is a response from Mango Airlines.

10 **MS VYTJIE MENTOR:** You are at what page?

**ADV MAHLAPE SELLO:** D6 you remember the one that we submitted this morning.

**CHAIRPERSON:** You said B ja.

**ADV MAHLAPE SELLO:** D for David.

**CHAIRPERSON:** Ja D6B you said?

**ADV MAHLAPE SELLO:** B, B.

**CHAIRPERSON:** Ja D6B. Ja.

**ADV MAHLAPE SELLO:** Page 546.

**MS VYTJIE MENTOR:** My affidavit – my statement?

20 **ADV MAHLAPE SELLO:** No you remember the file that I handed in today and I requested it be marked D6?

**CHAIRPERSON:** Ja there is D6A and then D6B. We are looking at D6B.

**ADV MAHLAPE SELLO:** I think you are looking at the transcript is that – is it not...

**MS VYTJIE MENTOR:** This one that has...

**CHAIRPERSON:** Somebody must just help her I think –

**MS VYTJIE MENTOR:** You said which page?

**ADV MAHLAPE SELLO:** 546 it is handwritten at the top right hand.

**MS VYTJIE MENTOR:** Yes Mango I see it.

**ADV MAHLAPE SELLO:** Okay. That...

**CHAIRPERSON:** What page?

**ADV MAHLAPE SELLO:** 546 Chair. The last page on that file before we get to Ms Mentor's affidavit.

**CHAIRPERSON:** Yes you can go ahead. Proceed.

**ADV MAHLAPE SELLO:** 546 is a response from Mango reflecting that they only retain passenger details in respect of flights booked and flown for a period of five years. And  
10 this is a response in August 2018. Consequently they do not have any records dating to 2010 and that is as far as we could take it Chair.

**CHAIRPERSON:** Okay that is Mango.

**ADV MAHLAPE SELLO:** That is Mango. I will obtain the – we received an email correspondence from...

**CHAIRPERSON:** British Airways.

**ADV MAHLAPE SELLO:** British Airways which has Ms Mentor's states – correctly states we advise – it stated that British Airways response was that they have never carried that passenger in that period and we will locate the document for you Chair.

**CHAIRPERSON:** Yes, okay.

20 **ADV MAHLAPE SELLO:** So at the end of it what we had – we had to discount Mango not necessarily because it did not carry her simple because Mango says they do not have records. And we discounted British Airways on the basis that British Airways suggest – claim that it had never carried Ms Mentor in that period which was July to December 2010. We then left only with SAA and the record – the SAA record at D2 226 includes SAA Express. So SAA should actually be considered to mean SAA/SAA

Express. SA Express rather.

**CHAIRPERSON**: So the one that does not have the records for that period is which one?

**ADV MAHLAPE SELLO**: Mango.

**CHAIRPERSON**: Mango. At any rate she says she never travelled Mango until last year.

**ADV MAHLAPE SELLO**: She did indicate even on the previous occasion Chair.

**CHAIRPERSON**: Ja so.

**ADV MAHLAPE SELLO**: Ja.

10 **CHAIRPERSON**: So and British Airways say?

**ADV MAHLAPE SELLO**: They never – they did not carry her in that period.

**CHAIRPERSON**: During that period and SAA records?

**ADV MAHLAPE SELLO**: Are the ones that are now reflected in this...

**CHAIRPERSON**: Are the ones that we have.

**ADV MAHLAPE SELLO**: As at D2 226.

**CHAIRPERSON**: Yes. In the light of this are you able to say the position as far as your consent remains that you did travel to Johannesburg on the date or weeks or months that you indicated in 2010 and you did go back same day and that is your version?

20 **MS VYTJIE MENTOR**: That remains my version Chair. Especially I must say that I do not have joy with SAA records.

**CHAIRPERSON**: Yes.

**MS VYTJIE MENTOR**: As I pointed that there is this juncture.

**CHAIRPERSON**: Yes.

**MS VYTJIE MENTOR**: Between their record – their own records.

**CHAIRPERSON**: Yes.

**MS VYTJIE MENTOR:** As the – of my flights.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** As I flew.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** SAA. Their records in Parliament they do not necessarily talk to each other.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** And in fact they are also missing legs.

**CHAIRPERSON:** Yes.

10 **MS VYTJIE MENTOR:** On other aspects. So I stand by what I said earlier Chair.

**CHAIRPERSON:** Yes. Now in terms of SA – in terms of the airline you used for travelling from Cape Town to Johannesburg on that day for purposes of meeting the former president is your own recollection quite clear as to which airline you used or is the position that you are not sure?

**MS VYTJIE MENTOR:** My recollection is very, very clear that I checked in with SAA in the morning flight of six o'clock morning flight and my recollection is very clear that I had also requested passenger assistance unit.

**CHAIRPERSON:** Now you spoke about comparing SAA's records and comparing some records, travel records in Parliament. Now the ones in Parliament are they simply  
20 parliamentary records or does SAA maybe have an office in Parliament to facilitate travelling by members of parliament and therefore you are talking about records of the same company not being consistent with each other?

**MS VYTJIE MENTOR:** Chair the – Parliament has got its – there is a travel agency based in Parliament.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** And I think its system is synced with the airlines.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** In Parliament.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** Their computer system.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** Because what happens is you phone the Parliament office travel agency and you say that please book me a flight from Johannesburg to Cape Town.

10 **CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** On this day this time.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** And you tell them your preference. Sometimes they even have your preference in the system.

**CHAIRPERSON:** Ja.

**MS VYTJIE MENTOR:** Then they will tell you that we can book you on – around that time is only British Airways.

**CHAIRPERSON:** Ja, ja.

20 **MS VYTJIE MENTOR:** So what happens is when they issue the ticket and when you travel their system will always show that on this day to the Member of Parliament or their family this ticket was issued. They travelled this airline and even when the ticket is cancelled.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** Their system will tell you that the ticket was cancelled.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** And then it takes normally a couple of weeks before they recoup the money. So the system of Parliament is quite thorough and it is synced.

**CHAIRPERSON:** Ja.

**MS VYTJIE MENTOR:** With the system of airlines.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** So that is why I compared the SAA records of Parliament with SAA itself from SAA.

**CHAIRPERSON:** So those are records of a travel agent that you would have used for making bookings at that time?

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

**CHAIRPERSON:** It is a travel agency?

**MS VYTJIE MENTOR:** Yes which also...

**CHAIRPERSON:** That is used by Parliament.

**MS VYTJIE MENTOR:** Which also has records of airlines.

**CHAIRPERSON:** Yes. Have you had – I take it that you have not over the years or at least since last time you gave evidence you have not asked them for their own records so that we could tell whether they have got records of the day that you travelled to Johannesburg to meet the former president?

**MS VYTJIE MENTOR:** No Chair we had made that request through the commission.

20 **CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** And that was last year and...

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** I think that is what I used to – what I used to compare their records.

**CHAIRPERSON:** Yes.



**MS VYTJIE MENTOR:** Came from the commission because we had made.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** That request through the commission.

**CHAIRPERSON:** Okay. Okay Ms Sello.

**ADV MAHLAPE SELLO:** If I may be of assistance Chair.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** The Chair will recall at the beginning I had said that SAA appears to have missed a flight or two which we pick up from the Parliamentary records.

10 **CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** And the Parliamentary record appears at D2 page 7.

**CHAIRPERSON:** 7.

**ADV MAHLAPE SELLO:** 7.

**CHAIRPERSON:** Okay.

**ADV MAHLAPE SELLO:** Page 7 of D2. So Ms Mentor we then have done – made a comparison of D2 7 and D2 226 Chair.

**CHAIRPERSON:** Okay say something about what we find at D7?

**ADV MAHLAPE SELLO:** What you find at D7 is ...

**CHAIRPERSON:** D2 page 7.

20 **ADV MAHLAPE SELLO:** D2 page 7 this is the record of Ms Mentor's travel provided by Parliament starting...

**CHAIRPERSON:** By the travel agent used by Parliament, is that right?

**ADV MAHLAPE SELLO:** It is received from Parliament.

**CHAIRPERSON:** Oh it is received from Parliament.

**ADV MAHLAPE SELLO:** And the request was to Parliament and received from

Parliament Chair.

**CHAIRPERSON**: Okay, okay.

**ADV MAHLAPE SELLO**: The key – there are a number of entries. The first column reads account it reads – the next column is period followed by GL invoice number and invoice. Now there are some dates in some of those columns that we propose for the moment we ignore they are confusing Chair. The key dates are in the last column underlined description. At – in every entry.

**CHAIRPERSON**: Line description?

**ADV MAHLAPE SELLO**: Line description yes Chair.

10 **CHAIRPERSON**: Yes. Okay.

**ADV MAHLAPE SELLO**: Every entry would have Ms Mentor's name, would have the flight number, the route, the date on which that flight was taken and the time of that flight.

**CHAIRPERSON**: Yes.

**ADV MAHLAPE SELLO**: So we used the last column. You following Ms Mentor right?

**MS VYTJIE MENTOR**: No Ma'am.

**ADV MAHLAPE SELLO**: You are at D7?

**MS VYTJIE MENTOR**: Yes I am at D7.

**CHAIRPERSON**: It is D2 page 7.

20 **ADV MAHLAPE SELLO**: D2 page 7 I apologise Chair.

**MS VYTJIE MENTOR**: Yes I am – D2 page 7.

**ADV MAHLAPE SELLO**: You there?

**MS VYTJIE MENTOR**: Yes.

**ADV MAHLAPE SELLO**: And I just – trying to get our bearings here. This is called entitlement travel M Mentor domestic travel in terms of facilities for member's

handbook. This was received from Parliament. It has got six columns. The first column is headed Account followed by the next column Period. The next is GL with certain dates as well. Invoice number and the fifth column is Invoice and some dates. So we say – I said to the Chair that when you look at the dates under GL and Invoice they might not necessarily always correspond and they create a bit of a confusion. What we must instead concentrate on is the last column under the heading Line Description. When one considers Line Description one will note that every entry states your name, the flight number involved, the route if we take the first that would be Johannesburg, Cape Town, date of that flight 2010.06.17 and then it indicates the time

10 1700 hours, do you see that?

**MS VYTJIE MENTOR:** Yes.

**ADV MAHLAPE SELLO:** Yes so we are saying we concentrate on the Line Description. It would appear that the invoice entries and GL entries are probably matters that are relevant to Parliamentary systems that we need not concern ourselves with. Now you are comfortable with the document Ms Mentor?

**MS VYTJIE MENTOR:** Yes I am trying to remember where the other document of the

**ADV MAHLAPE SELLO:** SAA?

**MS VYTJIE MENTOR:** Yes.

**ADV MAHLAPE SELLO:** 266 same file 266.

20 **MS VYTJIE MENTOR:** Same file.

**ADV MAHLAPE SELLO:** 226 apologies.

**CHAIRPERSON:** Well before she does that let us finish on this one and we will move together if need be to go to the other one.

**ADV MAHLAPE SELLO:** Okay.

**CHAIRPERSON:** Let us finish on this one what does it show?

**ADV MAHLAPE SELLO:** What this one shows it is consistent with page 266 D2 266 except it – 266 has omitted two flights and those are the ones that I had wanted to bring to the Chair's attention.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** And the first one is the flight of 15 October 2010 and that was Cape Town – Johannesburg - Cape Town. That – I do not know if the Chair's version has got a green highlight?

**CHAIRPERSON:** Well it – it might be green ja. Okay I see yes.

**ADV MAHLAPE SELLO:** Yes the first – the first green entry that is the one. Do you  
10 locate it Ms Mentor?

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** Yes Ma'am it is the fifth column from the bottom.

**ADV MAHLAPE SELLO:** Yes that is correct. Now that flight is not in the SAA records and that is the flight I had requested that we pencil into the little tool – into the calendar I submitted. The second flight that is missing from the SAA record is in November and that would be the 4 November. It is the third entry from the bottom of D2 7 and that is a Cape Town – Kimberley – Cape Town flight.

**CHAIRPERSON:** D2 page 7.

**ADV MAHLAPE SELLO:** D2 page 7.

20 **MS VYTJIE MENTOR:** Apologies I keep saying D7. I do apologise Chair.

**ADV MAHLAPE SELLO:** D2 page 7. The third entry from the bottom. It is SA8617 Cape Town – Kimberley – Cape Town on the 4 November 2010. Those two flights do not appear on the SAA records. Did you follow what I was saying Ms Mentor.

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

**ADV MAHLAPE SELLO:** And it is the two flights that I had requested that we can

pencil in and – calendar that I submitted Chair.

**CHAIRPERSON:** In the – okay, alright.

**ADV MAHLAPE SELLO:** We are not particularly concerned with the 4 November because it is beyond the period that we are interested in.

**CHAIRPERSON:** Ja.

**ADV MAHLAPE SELLO:** But the one of 15 October is important.

**CHAIRPERSON:** Yes. Let us get to that.

**ADV MAHLAPE SELLO:** Thank you. Ms Mentor then understanding that having done that then Chair as I indicated we received – we requested and were furnished with  
10 President Zuma's diary from July 2010 to December 2010. We started by looking at the flights Ms Mentor took in the relevant period that shows she flew in from Cape Town and back to Cape Town on the same day.

**CHAIRPERSON:** Well are we – are we sure where Ms Mentor is at this stage about having travelled or not having travelled now that she has looked at that and then we can talk about what the former President's diary says bearing in mind that the former president as I understand it has been given – was given Ms Mentor's statement and he has never sought to challenge her evidence so far as far as I know. Indeed I requested that he furnish us with his version in relation to Mr Mentor's evidence up to now I have not been told that he has done so. So I just mention that. Maybe let us start with what  
20 she has seen, the witness, and then move step by step so that you will at a certain stage tell her what the diary suggest.

**ADV MAHLAPE SELLO:** I am happy to do so Chair. The Chair will recall that on Ms Mentor's evidence her trip to Johannesburg from Cape Town when she finally met with Mr Ajay Gupta and the former president at Saxonwold was on a Monday having been invited on a Sunday. And we – I submitted that on the records that we have we do not

have a Monday flight.

**CHAIRPERSON**: That is what should be put to her for her to comment. Ms Mentor Ms Sello says that these records both from SAA and from Parliament which I assume are the ones that you said are thorough they do not seem to support any suggestion that you flew from Cape Town to Johannesburg on a Monday that falls within the period that we are talking about. What do you say about that?

**ADV MAHLAPO SELLO**: Chair, if I may?

**CHAIRPERSON**: Yes?

**ADV MAHLAPO SELLO**: And back to Cape Town on the same day.

10 **CHAIRPERSON**: And back to Cape Town insofar as we are talking about these particular records. What do you say to that?

**MS VYTJIE MENTOR**: Chair, I say that I have a problem with these records and I maintain that I flew from Cape Town to Johannesburg on a particular Monday and returned on that same Monday back to Cape Town and that during that visit I was taken to Sahara and to Saxonwold where I met the President. I stand by that.

**CHAIRPERSON**: I have not had time to refresh my memory as much as Ms Sello and maybe yourself may have had in regard to these records from SAA and from Parliament, but you appreciate that the records from Parliament which I thought you said were thorough also seem to support that. Do you understand that?

20 **MS VYTJIE MENTOR**: Chair, I said they do not speak to each other.

**CHAIRPERSON**: Oh, okay.

**MS VYTJIE MENTOR**: There are points where they do not speak to each other.

**CHAIRPERSON**: Yes, yes.

**MS VYTJIE MENTOR**: I am not necessarily saying they are thorough I am saying they do not talk to each other, points where they do not talk to each other.

**CHAIRPERSON:** Yes, there are discrepancies.

**MS VYTJIE MENTOR:** But I maintain that I travelled on a Monday morning.

**CHAIRPERSON:** Yes, okay, alright.

**MS VYTJIE MENTOR:** And returned the same day.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** And was taken to Sahara and Saxonwold and met the President.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** And the Gupta brothers.

10 **CHAIRPERSON:** Is there a chance that you could be mistaken as to the day of the week? In other words is there a chance that you think it was a Monday, but I may have been another day of the week and that might explain why the records do not show or are you quite clear in your mind that it definitely was a Monday?

**MS VYTJIE MENTOR:** I am very clear in my mind that it was a Monday, Chair. I am very clear in my mind that it was a Sunday evening when I received the call that the President is ready to see me. I am very clear that it was a Monday where I was told that the President was at Luthuli House whilst I was kept waiting both at Sahara and in Saxonwold.

**CHAIRPERSON:** Yes.

20 **MS VYTJIE MENTOR:** I am crystal clear about that.

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

**ADV MAHLAPO SELLO:** Chair, we will have to go.

**CHAIRPERSON:** Oh, I did not realise the time, we are beyond the normal lunch hour. It is nearly 20 past. Maybe we go up to half past so that the lunch hour will be half past to 14:30.

**ADV MAHLAPO SELLO:** Thank you, Chair.

**CHAIRPERSON:** Okay.

**ADV MAHLAPO SELLO:** We will over the lunch hour go through the transcript of Ms Mentor, because on the previous occasion we understood her to cast some doubt on her recollection and that she may have flown on another day and if our understanding of her evidence in that regard is incorrect we shall do – we shall make a proper retraction.

I point that out, because having not found a Monday flight that accords with her evidence we then looked at any other flight on any other day that is consistent with  
10 that and we found some flights where she flew into Johannesburg and out again and then we start from that point and look at the whereabouts of the former President, Mr Ajay Gupta, Mr Rajesh Gupta and Mr Atul Gupta, because at some point the five of them must all congregated Saxonwold and that is the purpose of this exercise. Who was where on a date she could possibly have flown into Johannesburg to meet the President.

**CHAIRPERSON:** Yes.

**ADV MAHLAPO SELLO:** So if Ms Mentor maintains that that flight was on a Monday and no other day and then the exercise that we did will not assist you, Chair.

**CHAIRPERSON:** Ja.

20 **ADV MAHLAPO SELLO:** Because that will be speaking to their movements on days other than Monday.

**CHAIRPERSON:** Ja. Proceed and let us use the ten minutes.

**ADV MAHLAPO SELLO:** Yes. So Ms Mentor would you want us to consider the other dates on which you flew into Johannesburg from Cape Town and back to Johannesburg or that were not necessarily Mondays or do you think that will be a waste of time?



**MS VYTJIE MENTOR:** At this stage no, I stand by the Monday.

**ADV MAHLAPO SELLO:** And what...[intervenes]

**CHAIRPERSON:** Well one of the things that Ms Sello said she was going to do during the lunch break and we will hear when we come back was that she seems to think that on a previous occasion when you were giving evidence you might not be – you might not have been as certain that it was Monday as you may be now.

So she will check and if she says – she says if she is mistaken she will tell us that she did not find anything, but that is fine. Yes.

**ADV MAHLAPO SELLO:** Yes, Chair, I will engage her at that point.

10 **CHAIRPERSON:** At that time.

**ADV MAHLAPO SELLO:** At that time.

**CHAIRPERSON:** No, that is fine, yes.

**ADV MAHLAPO SELLO:** Well, Chair, I know the, Chair, was hoping we break at 13:30.

**CHAIRPERSON:** Yes?

**ADV MAHLAPO SELLO:** This is the last aspect of this issue of the travel to Johannesburg and the meeting at Saxonwold.

**CHAIRPERSON:** Yes.

**ADV MAHLAPO SELLO:** So perhaps it might be proper that we will consider the transcript, see what the transcript exactly says.

20 **CHAIRPERSON:** Yes.

**ADV MAHLAPO SELLO:** And then Ms Mentor can make her final decision then I can move onto the next topic, Chair.

**CHAIRPERSON:** Yes.

**ADV MAHLAPO SELLO:** I have no other issues to deal with on this travel except trying to determine when it is they were the five who were available to be in the same

place.

**CHAIRPERSON:** Yes.

**ADV MAHLAPO SELLO:** Yes, Chair.

**CHAIRPERSON:** Okay, in terms of your own questioning how much more time do you think you will still need?

**ADV MAHLAPO SELLO:** I would conclude with Ms Mentor today still and that was the plan and that she is handed over for cross-examination from tomorrow.

**CHAIRPERSON:** How many parties were granted leave to cross-examine her by the way?

10 **ADV MAHLAPO SELLO:** If I may then quickly address you on that, Chair, perhaps and dispose of that. Four parties had applied to cross-examine and that was adv Mtolo, Ms Kaunda, adv Hlongwane and the Gupta family. The Gupta family's application was...[intervenes]

**CHAIRPERSON:** What about Mr Duduzane Zuma?

**ADV MAHLAPO SELLO:** No Mr Duduzane Zuma did not apply.

**CHAIRPERSON:** Did not apply. Oh.

**ADV MAHLAPO SELLO:** To cross-examine Ms Mentor.

**CHAIRPERSON:** Okay.

**ADV MAHLAPO SELLO:** We will dispose of the Gupta family application which the,  
20 Chair, dismissed, leaving the three, Mtolo, Kaunda and Hlongwane.

**CHAIRPERSON:** So it is Ms Kaunda, Mr Mtolo.

**ADV MAHLAPO SELLO:** And Mr Hlongwane.

**CHAIRPERSON:** But Hlongwane has fallen away.

**ADV MAHLAPO SELLO:** And that was going to be my next point, Chair.

**CHAIRPERSON:** Yes.

**ADV MAHLAPO SELLO:** That he – in light of the retraction by Ms Mentor he has written a letter indicating that he will not persist with his cross-examination, but he would appreciate if the evidence leaders could place on record that their objective verifiable evidence they have received that he did not travel to China at the time Ms Mentor alleges and that...[intervenes]

**CHAIRPERSON:** Yes, but she has made the retraction and that should be the end of it.

**ADV MAHLAPO SELLO:** So that is on record. That leaves two people to cross-examine which is Mtolo and Kaunda.

**CHAIRPERSON:** Oh, okay, I was looking at the issues of time that she has  
10 emphasised whether we would be able to finish.

**ADV MAHLAPO SELLO:** For the record I would finish today.

**CHAIRPERSON:** No, no, that is fine.

**ADV MAHLAPO SELLO:** Thank you, Chair.

**CHAIRPERSON:** But...[intervenes]

**ADV MAHLAPO SELLO:** However, if I may...[intervenes]

**CHAIRPERSON:** No, no, there is no reason why even with those two we cannot finish tomorrow. As far as I am concerned there is really no reason why they – Ms Kaunda's issues are very limited very narrow.

**ADV MAHLAPO SELLO:** Very.

20 **CHAIRPERSON:** And I cannot remember about Mr Mtolo, but Ms Kaunda's issue is very narrow.

**ADV MAHLAPO SELLO:** It is very narrow, Chair.

**CHAIRPERSON:** So, okay.

**ADV MAHLAPO SELLO:** If I may, Chair?

**CHAIRPERSON:** Ja?

**ADV MAHLAPO SELLO:** That of course depends on how the, Chair, will rule on how to deal with the inspection *in loco*.

**CHAIRPERSON:** Okay, yes.

**ADV MAHLAPO SELLO:** Yes.

**CHAIRPERSON:** We must try and use the time that we have today optimally.

**ADV MAHLAPO SELLO:** Yes, Chair.

**CHAIRPERSON:** So that we do not have challenges tomorrow. Okay, we are going to take the lunch adjournment and we will resume at 14:30.

**ADV MAHLAPO SELLO:** Yes, Chair, thank you, Chair.

10 **CHAIRPERSON:** We adjourn.

**INQUIRY ADJOURNS**

**INQUIRY RESUMES**

**CHAIRPERSON:** Yes Ms Sello.

**ADV MAHLAPO SELLO:** Thank you Chair.

**CHAIRPERSON:** Before you continue I just want to say to Ms Mentor I know based on what we were dealing with this morning that you have an appreciation of the, what the records from SAA and what British Airways say, said about whether you travelled with them from Cape Town to Johannesburg. I know that you have an appreciation of what those records say, but I just want to say it is quite an important part of your evidence  
20 that you travelled from Cape Town to Johannesburg. It is quite an important part, because before one can talk about whether there was a meeting or not one has got to know how you got to the meeting. So I thought I would just mention that for, for what it is worth to. So that I know that you appreciate how important it is that part of your evidence. Thank you.

**MS VYTJIE MENTOR:** Sorry, Chair.

**CHAIRPERSON:** Yes, yes.

**MS VYTJIE MENTOR:** I do appreciate.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** Your advice and I was also going to ask you to begin right there with the record.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** Of airlines.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** And as I said before lunch I stick with the Monday.

10 **CHAIRPERSON:** Yes, yes.

**MS VYTJIE MENTOR:** And I still maintain Chair that these records.

**CHAIRPERSON:** Ja.

**MS VYTJIE MENTOR:** Are not accurate.

**CHAIRPERSON:** Yes, ja.

**MS VYTJIE MENTOR:** I still maintain, I looked again through lunchtime.

**CHAIRPERSON:** Yes, yes.

**MS VYTJIE MENTOR:** When I looked at the first record of, the one of SAA.

**CHAIRPERSON:** Yes.

20 **MS VYTJIE MENTOR:** The very first one which was I think 1 July I looked for it in the Parliamentary record. I did not find it.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** So I still.

**CHAIRPERSON:** Ja.

**MS VYTJIE MENTOR:** Maintain Chair.

**CHAIRPERSON:** Yes, ja.

**MS VYTJIE MENTOR:** That these records are

**CHAIRPERSON:** Ja.

**MS VYTJIE MENTOR:** Are not accurate.

**CHAIRPERSON:** Not accurate, yes.

**MS VYTJIE MENTOR:** That is the first thing.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** Secondly they do not.

**CHAIRPERSON:** May, may, maybe on that what I at, at some stage wanted to mention

is that based on what Ms Sello said it would appear that she agrees with you that the

10 SAA records might not be 100 percent accurate, because they did pick up some flight  
travelling that was not reflected there. So I just wanted to say there did appear to be  
something that indicates that you may be right in saying they might not be 100 percent  
accurate.

**MS VYTJIE MENTOR:** Yes Chair thank you.

**CHAIRPERSON:** Hm.

**MS VYTJIE MENTOR:** My second point would be that the ones from the SAA they are  
not even on a letterhead and for me, because they are repeated they are also cause of  
concern. Their appearance does not look professional to me.

**CHAIRPERSON:** Yes.

20 **MS VYTJIE MENTOR:** And they are not on a letterhead.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** And there are repetitions.

**CHAIRPERSON:** Ja.

**MS VYTJIE MENTOR:** In clusters.

**CHAIRPERSON:** Ja.

**MS VYTJIE MENTOR:** Also is a matter of concern for me.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** Thank you Chair.

**CHAIRPERSON:** Okay. No, no, no that is fine. It, it may well be that the legal team and the investigators might have to look at whether somebody from SAA should not be called who knows the records and can talk to, can talk to the issue of how accurate they are and if there inaccuracies what would cause those inaccuracies and so on. Thank you. Ms Sello.

**ADV MAHLAPE SELLO:** Thank you Chair and I agree with the Chair. It is a  
10 submission I was about to make which is if Ms Mentor challenges, challenges the accuracy of the SAA records the only way to resolve the problem is to bring forward any witness from SAA who is versed in these matters and is able to talk to the information provided to us and the Chair may then interrogate such witness in the fullness of time.

**CHAIRPERSON:** Ja that is fine.

**ADV MAHLAPE SELLO:** Thank you Chair. To conclude that aspect then Chair, yes we have considered, we have looked at the transcript. It is the transcript of 27 August. For the record it starts at page 51 line 20. This is a discussion about whether she flew SAA and whether it was a Monday or another day.

**MS VYTJIE MENTOR:** Excuse me ma'am through the Chair which document are you,  
20 which file are you at?

**ADV MAHLAPE SELLO:** I am at the transcript. The transcript from your previous testimony in August.

**MS VYTJIE MENTOR:** [Intervenes].

**CHAIRPERSON:** Does she have it?

**ADV MAHLAPE SELLO:** Yes, she does.

**MS VYTJIE MENTOR:** This one? The file number.

**ADV MAHLAPE SELLO:** It does not have a file number.

**CHAIRPERSON:** It, it.

**ADV MAHLAPE SELLO:** It just says transcript. She will help you.

**CHAIRPERSON:** I think you must just say transcript outside so that, well mine does not show that. So that it will be easy for the witness to find it if she is referred to it.

**ADV MAHLAPE SELLO:** Thank you Chair. Thanks. So it is a transcript of 27 August from page 51.

**CHAIRPERSON:** Do I need to go there? [Intervenes].

10 **ADV MAHLAPE SELLO:** You, no you do not need to go there.

**CHAIRPERSON:** Ja, okay.

**ADV MAHLAPE SELLO:** But Ms Mentor may, may do so to satisfy herself. The discussion from pages 51 up to 56 concerns the flight to Johannesburg and whether it was definitely on a Monday. It could have been on another day and there a comment is made that she had stayed at the, she is not exactly sure about Monday. Subsequently she clarifies this further on up to 56 and she adopts the stance that she is absolutely certain it was a Monday.

**CHAIRPERSON:** Okay.

**ADV MAHLAPE SELLO:** What she is unclear of.

20 **CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** Is the airline that she flew.

**CHAIRPERSON:** Okay, okay.

**ADV MAHLAPE SELLO:** So.

**CHAIRPERSON:** So she.

**ADV MAHLAPE SELLO:** Accepting that testimony



**CHAIRPERSON:** Okay.

**ADV MAHLAPE SELLO:** Then we are stuck to Monday. It has to be.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** A Monday.

**CHAIRPERSON:** Okay, sure.

**ADV MAHLAPE SELLO:** And as, as things stand therefore Chair currently there is no flight that fits Ms Mentor's description on the SAA and the Parliamentary records on a Monday from Cape Town to Johannesburg and back to Cape Town between 22 August and 30 October.

10 **CHAIRPERSON:** 2010.

**ADV MAHLAPE SELLO:** 2010.

**CHAIRPERSON:** Subject to the records not been 100 percent accurate.

**ADV MAHLAPE SELLO:** Of course. With that rider of course that if.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** That is what I wanted to add Chair.

**CHAIRPERSON:** Oh, you wanted to add that?

**MS VYTJIE MENTOR:** Yes.

**CHAIRPERSON:** Ja. No, okay.

20 **ADV MAHLAPE SELLO:** And SAA, the only records that would appear to be under challenge currently are the SAA records. Am I correct or would you extend that to the Parliamentary records as well? I just want to know the nature of witnesses to try and call Chair.

**MS VYTJIE MENTOR:** Remember I said we do not speak to each other.

**ADV MAHLAPE SELLO:** Yes.

**MS VYTJIE MENTOR:** So I cannot settle for the other without the other. So.

**ADV MAHLAPE SELLO:** So you query both?

**MS VYTJIE MENTOR:** Yes.

**ADV MAHLAPE SELLO:** Then we will propose Chair that we, because if I do not query the other it means I accept the other. Is that correct?

**MS VYTJIE MENTOR:** Indeed.

**CHAIRPERSON:** Well I am not sure if I understand that. Let us try this way. There are the Parliamentary records that reflect your travelling. Those ones well, ja those as we have them also do not as they stand at the moment reflect that you travelled on the day that you say you travelled from Cape Town to Johannesburg. In regard to those  
10 your position is, is it that you are not sure about their accuracy? Is that your position or is your position that when you look at the SAA ones it makes you question whether the Parliamentary ones are correct as well or not? What is your position?

**MS VYTJIE MENTOR:** Chair the SAA records that purport, purportedly come from SAA.

**CHAIRPERSON:** Yes, yes.

**MS VYTJIE MENTOR:** Do not speak to the SAA records that come from Parliament. Now.

**CHAIRPERSON:** Yes, yes.

**MS VYTJIE MENTOR:** The, there are things that appear in another that do not appear  
20 in another.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** And there are legs that are not talking to one another when I compare the two.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** And given the importance as you have reminded me Chair.

**CHAIRPERSON:** Yes, yes.

**MS VYTJIE MENTOR:** Of this aspect of my evidence.

**CHAIRPERSON:** Yes, yes.

**MS VYTJIE MENTOR:** I would rather not take chances.

**CHAIRPERSON:** Yes, yes.

**MS VYTJIE MENTOR:** I would rather.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** In, have a thorough investigation.

**CHAIRPERSON:** Hm.

10 **MS VYTJIE MENTOR:** Of both the SAA record as they emanated from the SAA itself.

**CHAIRPERSON:** Ja.

**MS VYTJIE MENTOR:** And as they emanated from Parliament, because.

**CHAIRPERSON:** Okay.

**MS VYTJIE MENTOR:** There are aspects where they do not talk to each other.

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

**ADV MAHLAPE SELLO:** Yes Chair and we are indicating that in light of what Ms Mentor says we will endeavour to find witnesses both from SAA and Parliament to come speak to the record submitted to us already which are already part of the record and to clarify any issues that are unclear or any contradictions that are apparent from

20 the documents Chair.

**CHAIRPERSON:** Ms Mentor talks on the basis of the one set of records being records emanating from SAA and the other one being records which also which are SAA records, but submitted through Parliament.

**ADV MAHLAPE SELLO:** Yes Chair.

**CHAIRPERSON:** Is, is that, is that accurate or is the one set that the Commission got

from, through Parliament? Parliament had records or did Parliament obtain those from SAA? What is the position?

**ADV MAHLAPE SELLO:** Maybe, maybe Chair I can perhaps make a couple of assumptions in my response with your permission Chair I will clarify that. We have got records obtained from SAA.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** Regarding Ms Mentor's travel in the time in question.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** In the period in question.

10 **CHAIRPERSON:** Hm.

**ADV MAHLAPE SELLO:** We then, we then requested records pertaining to her travel in that period from Parliament.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** And Parliament made available to us what appears at D2 page 7.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** Now on the face of it and any other document that that Parliament made available to us it is unclear whether those are the own records or whether they in turn obtained them from a travel agent or travel agents that.

20 **CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** That Parliament may use.

**CHAIRPERSON:** Okay.

**ADV MAHLAPE SELLO:** So we suggest that these are matters that could be clarified with a witness from Parliament.

**CHAIRPERSON:** Ja.

**ADV MAHLAPE SELLO:** To understand exactly the source of the information.

**CHAIRPERSON:** Ja.

**ADV MAHLAPE SELLO:** The storing, storing of the information and how the information was obtained.

**CHAIRPERSON:** Okay.

**ADV MAHLAPE SELLO:** And any contradictions that then appear between the two sets.

**CHAIRPERSON:** Ja.

**ADV MAHLAPE SELLO:** One or other witness may be able to explain.

10 **CHAIRPERSON:** Okay. No that is fine. Ms Mentor.

**MS VYTJIE MENTOR:** Thanks Chair. Without trying to reverse the progress.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** We are making.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** There are another two things that I would like to make the Chair aware of.

**CHAIRPERSON:** Ja.

20 **MS VYTJIE MENTOR:** Regarding the records. I also picked up that on the SAA records there are Emirates Airline records. So I, I am grappling with that. I do not understand. Probably when this matter is further.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** Examined that would be clarified to me.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** But lastly Chair I would like to request the Chair that we should also both myself and my legal team together with the Commission and its investigators.

**CHAIRPERSON:** Hm.

**MS VYTJIE MENTOR:** Another record that can help us.

**CHAIRPERSON:** Hm.

**MS VYTJIE MENTOR:** Further get to the bottom of this matter.

**CHAIRPERSON:** Hm.

**MS VYTJIE MENTOR:** Are Voyager number, because.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** When you check in Voyager also.

**CHAIRPERSON:** Yes.

10 **MS VYTJIE MENTOR:** There is another way of.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** Comparing the airline records.

**CHAIRPERSON:** Yes, yes.

**MS VYTJIE MENTOR:** With the Voyager. So I am.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** Making an appeal.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** That that to that to should be looked into.

**CHAIRPERSON:** Yes. No, no that that is fine. That I am sure that can be done.

20 There should not, there should not be a problem about that.

**ADV MAHLAPE SELLO:** There is no difficulty Chair.

**CHAIRPERSON:** Ja.

**ADV MAHLAPE SELLO:** We can extend it to.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** Investigating any Voyager numbers that apply to Ms Mentor.

**CHAIRPERSON:** Ja.

**ADV MAHLAPE SELLO:** And if I may request through you Chair to the extent that Ms Mentor may remember.

**CHAIRPERSON:** Hm.

**ADV MAHLAPE SELLO:** Any of the Voyager numbers she has. It would assist if she provided those to the Commission as well.

**CHAIRPERSON:** Yes, I take it, it probably will, would be one Voyager number [intervenes].

**ADV MAHLAPE SELLO:** I have always had one.

10 **CHAIRPERSON:** Ja, ja.

**ADV MAHLAPE SELLO:** Then if she could make that available it probably facilitates.

**CHAIRPERSON:** Thank you.

**ADV MAHLAPE SELLO:** Thank you Chair. As things then stand Chair and as I said with that caveat there is no flight for Monday. I keep looking behind me, because the British Airways letter is not in the, in D6 but it is supposed to be on its way.

**CHAIRPERSON:** Okay.

**ADV MAHLAPE SELLO:** Which would exclude British Airways as a carrier for the trip to Johannesburg and back.

**CHAIRPERSON:** Ja. Okay, alright.

20 **ADV MAHLAPE SELLO:** Thank you Chair. If I may then proceed Chair with your permission I would like to very quickly deal with the inspection *in loco*.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** As we indicated in the morning and I think Mr Hellens confirmed that the inspection was undertaken on 3 September, December.

**CHAIRPERSON:** What should I now have in front of me?

**ADV MAHLAPE SELLO:** D6.

**CHAIRPERSON:** There are so many files here.

**ADV MAHLAPE SELLO:** D6A.

**CHAIRPERSON:** D6, okay and are we on D6A?

**ADV MAHLAPE SELLO:** A, Chair.

**CHAIRPERSON:** Okay, alright. Proceed.

**ADV MAHLAPE SELLO:** Thank you Chair. The, the inspection was undertaken on 3 December 2018. We gathered it 9 o' clock, but the actual inspection commenced at about 09:30 in the morning until 12:33 midday and as I indicated previously three  
10 parties recorded these, this inspection. We have available what I would call the raw footage of that inspection which is literally video, video the group as it began its inspection until it officially closed it. This involves a lot of walking around to visit various properties and it runs to something close to three hours. We would like to submit that into evidence as the formal video recording of the inspection itself by the Commission. We have in the meantime Chair made an edited version of that video where we have taken out a whole lot of walking about and confined that recording to the actual pointing out and identifying the various properties. That video runs through one hour 37 minutes. We also would like to submit it into evidence. So at this juncture I would request that perhaps we give it an exhibit number. If we have one exhibit number that  
20 will be for the full version and perhaps that same number with (a) in brackets for the edited version Chair.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** So.

**CHAIRPERSON:** No that that, that is fine. Have you got it, have you got it there?

**ADV MAHLAPE SELLO:** Ja. We, we, we have not submitted any exhibits with



Ms Mentor. So this would be the first. So we have a choice of following the D series.

**CHAIRPERSON:** Hm.

**ADV MAHLAPE SELLO:** To make it D7 or the Ds have been bundles or we could probably number it EXHIBIT 1.

**CHAIRPERSON:** If, if an exhibit is not a document and it is real evidence how do we number it? Do we, do we do we use the same as the letters like D, E or do we use the [intervenes]?

**ADV MAHLAPE SELLO:** We, we do not normally use the bundle numbering.

**CHAIRPERSON:** Hm.

10 **ADV MAHLAPE SELLO:** We use the exhibit numbering.

**CHAIRPERSON:** We, we, it is not; my recollection it is not the same.

**ADV MAHLAPE SELLO:** Not the same Chair.

**CHAIRPERSON:** A, B, C, D, but exhibit, EXHIBIT 1 or something.

**ADV MAHLAPE SELLO:** Because there might be other EXHIBIT 1s with other witnesses. May this one be EXHIBIT VM1? Then we know that it is that one. My leader here suggest the next number after D6 is what it should be numbered. So that would make it D7 Chair.

**CHAIRPERSON:** But my question was whether something tells me that there is a distinction when it is a document, an exhibit as a document and when it is something  
20 else like real evidence that you, you do not use the one for everything. You, you say if it is a document you might say EXHIBIT A, but if it is real evidence it has got to be something else other than A. I do not know whether we got it wrong from the beginning by using one EXHIBIT 1 and so on when it should have been A. You are not sure about that?

**ADV MAHLAPE SELLO:** I, I, I, my view Chair was that the bundles would have their

own series. Now Ms Mentor's series is D and that is correct. Her statement was the fourth statement and that was Bundle D. So every other file that was submitted following that then acquired a number D1 to D6 as we currently stand. So that.

**CHAIRPERSON:** Ja, but that does not answer my question [laughing].

**ADV MAHLAPE SELLO:** Yes, I am getting to the question.

**CHAIRPERSON:** I understand what you are saying, but it just does not answer.

**ADV MAHLAPE SELLO:** And I am saying this being an exhibit and a video it is not a document.

**CHAIRPERSON:** Hm.

10 **ADV MAHLAPE SELLO:** To, to.

**CHAIRPERSON:** Well maybe provisionally we can give it a certain number, but maybe tomorrow when resume you might have just reflected on how it is, what we should be doing and then we can make sure we do the right thing.

**ADV MAHLAPE SELLO:** I will, I will do so.

**CHAIRPERSON:** Ja.

**ADV MAHLAPE SELLO:** Chair, with Mister, I think Mr Agrizzi was the first to submit videos.

**CHAIRPERSON:** Okay.

**ADV MAHLAPE SELLO:** So perhaps I will have a discussion with Mr Pretorius.

20 **CHAIRPERSON:** Ja.

**ADV MAHLAPE SELLO:** To see whether we are going to have a particular series for these videos or we will find a way of labelling them attaching them to a particular witness.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** I will come back to you on that one Chair first thing in the

morning.

**CHAIRPERSON:** Okay, alright. Okay.

**ADV MAHLAPE SELLO:** Then moving onto the next video it would be the video Ms, Mr Hellens addressed this morning. Mr Hellens requested that the video that was captured by the Gupta family team be formally admitted into evidence and I suggest sir that, Chair that it follow the numbering of the Commission's video.

**CHAIRPERSON:** Well have you as the legal team or yourself have you reflected on whether that should happen or whether that should not happen?

**ADV MAHLAPE SELLO:** We, we have Chair. You, the Chair will recall before  
10 Advocate Hellens addressed the Chair our view, I expressed that our view was there must be one formal recording and the formal recording can only be the Commission's recording. That is the recording of the inspection.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** And if the Chair is inclined to admit other recordings then they must come after the formal recording.

**CHAIRPERSON:** Yes, but the question is whether I should.

**ADV MAHLAPE SELLO:** We do not find the necessity.

**CHAIRPERSON:** Of others that is what [intervenes].

**ADV MAHLAPE SELLO:** We do not find the necessity Chair because the, the three  
20 should capture the same images.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** The same event.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** It is just the repetition and as I indicated to the extent that there are differences between them it might be slight issues about which photographer

decided to concentrate on one point at what juncture, but it does not detract from the totality of the video.

**CHAIRPERSON:** Yes. So maybe we should deal with, maybe what we should call the official video.

**ADV MAHLAPE SELLO:** Indeed Chair.

**CHAIRPERSON:** Of the Commission and we do not admit any others for now and the legal team can reflect properly on, on, on the issue. You remember that I said to him if he makes available to the legal team certain evidence the legal may take the view that its evidence that is relevant, it is material from which the Commission can benefit and  
10 therefore irrespective of who had taken the, who had done the recording they might ask that it be put in, but they might well say it is really, it does not take anything further and therefore it is unnecessary to put it in. At that stage it may well be that Mr Hellens or his client may decide whether to pursue the request in which case we might have, I might have to hear argument on the issue that I raised with him this morning. So.

**ADV MAHLAPE SELLO:** Thank you Chair. We...

**CHAIRPERSON:** So I think the sequence is let us deal with the one that can be regarded as official. That is one. Two, the Commission's legal team should reflect on the issue of the other videos particularly Mr Hellens' client's one and in due course the legal team can indicate what the result of its reflection is on that and we take it from  
20 there.

**ADV MAHLAPE SELLO:** Thank you Chair.

**CHAIRPERSON:** Okay.

**ADV MAHLAPE SELLO:** The legal team will, will reflect on that.

**CHAIRPERSON:** Ja.

**ADV MAHLAPE SELLO:** Two issues Chair, for the record I will state that the,

Mr Hellens or the Gupta family attorneys did submit to the legal team their version of the video if I may call it that. So that part of things has been attended to. Then the legal team will apply to, its mind to the issues that are raised by the Chair. Seeing as that is two out of three videos Chair on your guidance of course it might be appropriate for Ms Mentor's team to take a view whether they would also like to submit theirs and it will be dealt with in the same manner as the Chair decides to deal with Mr Hellens video.

**CHAIRPERSON:** [Intervenes].

**ADV MAHLAPE SELLO:** Should they so elect.

- 10 **CHAIRPERSON:** Ja, the, the important thing is there is homework to be done before these are, any video recording is put forward for admission.

**ADV MAHLAPE SELLO:** Thank you Chair.

**CHAIRPERSON:** What it is that is relevant that it has that the official one does not have? How material is that? How far does it take us whatever it is that it might have that the other one might not have? That is the homework that needs to be done first.

**ADV MAHLAPE SELLO:** We shall do the homework Chair and we compare the three.

**CHAIRPERSON:** Okay.

**ADV MAHLAPE SELLO:** And we will come back to you Chair.

**CHAIRPERSON:** Okay.

- 20 **ADV MAHLAPE SELLO:** On, on that score Chair as the Chair is aware the Commission engaged the services of experts from the build environment to assist with any issues that would arise during the course of the inspection and in particular to assist with any queries where the features described by Ms Mentor were no longer to be found on the property. Accepting that it has been, there has been a lapse of about nine years since she last visited and we obtained the services of an engineer, structural

engineer, an architect and some other specialities provided through the Department of Public Works. The experts have since filed a report. Firstly let me say confirm that they attended the, the inspection and they were present throughout the duration of the inspection and they have subsequently filed a report and that report Chair is at Bundle D6A starting at page 184. It will run to page.

**CHAIRPERSON:** What page?

**ADV MAHLAPE SELLO:** 184, Chair and runs to page 216.

**MS VYTJIE MENTOR:** Sorry, Sello. I missed you.

**ADV MAHLAPE SELLO:** Yes ma'am.

10 **MS VYTJIE MENTOR:** The bundle number?

**ADV MAHLAPE SELLO:** Page 184, Bundle D6, page A, page 184.

**MS VYTJIE MENTOR:** D6A or B?

**CHAIRPERSON:** EXHIBIT D6A, EXHIBIT D6A.

**MS VYTJIE MENTOR:** Yes.

**CHAIRPERSON:** Page 184.

**MS VYTJIE MENTOR:** I found it Chair.

**ADV MAHLAPE SELLO:** You found it. It starts at 184 and it will run to page 216. Now Chair from page 213 this being an annexure to the report itself is the brief to the Department of Public Works to the experts from the Commission and this brief.

20 **CHAIRPERSON:** Should that not have come before the report?

**ADV MAHLAPE SELLO:** Hm.

**CHAIRPERSON:** The normal sequence?

**ADV MAHLAPE SELLO:** Normal sequence yes, but the experts made it part of, made it an annexure to their report.

**CHAIRPERSON:** Huh-uh.

**ADV MAHLAPE SELLO:** So we, we took the view that.

**CHAIRPERSON:** Ja.

**ADV MAHLAPE SELLO:** There would have been two otherwise. The normal sequence would have been here is the brief, the execution of the brief.

**CHAIRPERSON:** Ja.

**ADV MAHLAPE SELLO:** And the report arising from the execution of that brief.

**CHAIRPERSON:** Yes, okay.

**ADV MAHLAPE SELLO:** Now Chair from 213 to 216 the Commission gives a background to why their services are necessary. What they are required to do and at  
10 paragraph 8 in particular on page 215 there is a list of the features that Ms Mentor testified to that they are requested to investigate during the inspection *in loco*.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** There would be five items.

**CHAIRPERSON:** Yes. You want to?

**ADV MAHLAPE SELLO:** Now I want to draw your attention to 8.5 which is a door adjacent to the ladies restroom leading to the gentlemen's restroom.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** Ms Mentor in her supplementary affidavit makes the point that her testimony was never that there was a gentlemen's restroom adjacent to the  
20 ladies restroom.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** We would submit that that particular instruction was probably not correctly crafted and for purposes of this report that any finding as regards 8.5 ignored because it does not arise directly from the testimony.

**CHAIRPERSON:** Okay.

**ADV MAHLAPE SELLO:** So we will confine ourselves to the issues listed in 8.1 and 8.4.

**CHAIRPERSON:** Okay.

**ADV MAHLAPE SELLO:** That was a way of background Chair. Now...

**CHAIRPERSON:** Do you want to read those or?

**ADV MAHLAPE SELLO:** I am happy to Chair.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** What the experts were required to do having been given a summary of Ms Mentor's testimony, the transcripts from the previous hearing when Ms  
10 Mentor speaks to these issues as well as her statement. They are then requested – they are then told that Ms Mentor testified 1. To the staircase leading to the main entrance of the house. Secondly a pillar by a large window in a room where she – Ms Mentor alleges she sat to await the former president. Thirdly a mural on one of the walls of the room Ms Mentor sat in. Fourthly a guest restroom she was shown upon arrival identified to her as the ladies restroom decorated in gold with golden faucets and knobs as well as gold gilded mirrors on the walls. The fifth would have been the one that I suggest be excluded which is a door adjacent to the ladies restroom leading to the gentlemen's restroom.

**CHAIRPERSON:** Yes.

20 **ADV MAHLAPE SELLO:** The list of those fissures is then followed by what is required of the experts to participate in the inspection in loco to conduct a visual inspection of the property or properties in question and the specific features that are listed above and pointed out by Ms Mentor and to record any requests by Ms Mentor during the course of investigation. To prepare an assessment report at the conclusion of the inspection addressed to the Chair of the Commission and to provide advice where necessary of



the extent and potential cost of any structural investigations that may be requested by Ms Mentor. That report has been filed Chair and that report is what appears from page 184. The report summarises...

**CHAIRPERSON**: Do you – do you have a witness that will say I was part of the team that did this and we compiled the report and...

**ADV MAHLAPE SELLO**: Yes, yes Chair.

**MS VYTJIE MENTOR**: This – okay.

**ADV MAHLAPE SELLO**: There is a witness.

**CHAIRPERSON**: Because otherwise some of the things you can put to her – to him or  
10 her and then we can.

**ADV MAHLAPE SELLO**: Indeed Chair.

**CHAIRPERSON**: Ja.

**ADV MAHLAPE SELLO**: There is a witness able to speak to these issues.

**CHAIRPERSON**: Okay.

**ADV MAHLAPE SELLO**: It starts at 184 and just in general terms it gives the background to the inspection. It lists how the inspection was carried out. It then sets out what was observed by the team.

**CHAIRPERSON**: Well what I was saying is that exactly that you can put to the witness that you are going to call and he or she can then get going with it.

20 **ADV MAHLAPE SELLO**: Yes Chair.

**CHAIRPERSON**: What we – what was their mandate from the commission? What were – there is to look for? They looked for it. What did they use to look for it and these are the conclusions they are contained in the report that they compiled that report is at page this to that.

**ADV MAHLAPE SELLO**: Yes Chair that will happen and we intend to do that. I am –

what I am stating to the Chair is for different purposes.

**CHAIRPERSON**: Oh okay.

**ADV MAHLAPE SELLO**: If I may complete? And the point I – the only point I seek to make is that the report sets out the process that was followed. The observations that were made and makes it conclusions. The report to – as – to a large extent consistent with the video recording in terms of describing what was done and the issues that Ms Mentor raised and requested further investigation on. Having said that to the Chair I then request the Chair to indicate whether the Chair considers it necessary to watch the video of the inspection in loco the long or short version as the case may be. Or would  
10 the Chair be satisfied to deal with these issues through the expert – the expert witness alone?

**CHAIRPERSON**: At this stage I would like to hear the evidence of somebody who was involved in this inspection. Who was part of the compilation of the report? Who tells me what their qualifications are to do this kind of thing. What they were asked to do. How they went about it and that they compiled the report. They found this, they did not find that and these are their conclusions substantiated by way of what appears in paragraph so and so to so and so and depending on that I mean I have read the report. I know what is in there. It might not be necessary for me to view the video recording now but if later on I consider it necessary then you know I might – I would have access  
20 to it. So let us first hear somebody who will tell us whether some of these fissures that Ms Mentor had talked about were found and how they went about establishing whether they were there.

**ADV MAHLAPE SELLO**: Chair as I indicated the witnesses are available now, they are in the next room ready to be called should the Chair so require. These are – they are – the issues they canvas in that report are issues I would need to put to Ms Mentor.

So..

**CHAIRPERSON**: Oh okay. Well if we are not done with Ms Mentor let us get done with her. And on the basis that there will be witnesses who will say XYZ you can...

**ADV MAHLAPE SELLO**: I can then...

**CHAIRPERSON**: You can – did – ja she can answer on the basis because you know what they will say.

**ADV MAHLAPE SELLO**: Absolute Chair.

**CHAIRPERSON**: The witnesses. Put that to her, she comments on that and then they can come after her.

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

**CHAIRPERSON**: Okay.

**ADV MAHLAPE SELLO**: So yes Ms Mentor.

**MS VYTJIE MENTOR**: Sorry Chair.

**CHAIRPERSON**: Yes.

**MS VYTJIE MENTOR**: I do not want to play around with words.

**CHAIRPERSON**: Yes.

**MS VYTJIE MENTOR**: I raised this issue in August last year when I testified on the 29<sup>th</sup> – was it the 29<sup>th</sup>? To me there is – I do not know if it is my wrong English.

**CHAIRPERSON**: Yes.

20 **MS VYTJIE MENTOR**: To me there is a difference between a staircase and steps.

**CHAIRPERSON**: Yes.

**MS VYTJIE MENTOR**: So if the brief said staircase for me a staircase is a flight.

**CHAIRPERSON**: Ja.

**MS VYTJIE MENTOR**: Of Stairs.

**CHAIRPERSON**: Ja.

**MS VYTJIE MENTOR:** I have always spoken about the steps at the entrance.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** Of the house.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** That I was speaking to.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** Now if the brief says look for the staircase.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** At the front of the house

10 **CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** For me that is – it is what I have never said.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** And I spoke about the difference between staircase and steps in August last year.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** I have a slight problem.

**CHAIRPERSON:** No, no, no, that is fine. She – Ms Sello is going to put to you what the mandate was to the team and that is when you raise the concern you are raising and we take it from there. Thank you.

20 **ADV MAHLAPE SELLO:** Thank you Chair. Perhaps Ms Mentor we should dispose of that issue first then as you have just raised it. I refer you again to page 214.

**MS VYTJIE MENTOR:** 214 yes.

**ADV MAHLAPE SELLO:** Of D6A. No sorry start at 213 and if you could have regard to page 215 item 8.

**MS VYTJIE MENTOR:** Yes.

**ADV MAHLAPE SELLO:** And at 8.1 the experts are informed that you – you had advised of the following key features and you testified to them. The staircase leading to the main entrance of the house. If I understood what you just said to the Chair you would like to take issue with that particular brief and that you did not testify to a staircase leading to the entrance of the house.

**MS VYTJIE MENTOR:** Yes I said steps and I even said this number of steps.

**ADV MAHLAPE SELLO:** Yes. Chair I think the only way to resolve the issue is to gain an understanding from the experts as to their understanding of that brief, the use of the word staircase as opposed to steps and the Chair will determine in the fullness of time  
10 whether it makes a significant difference in any way to their findings.

**CHAIRPERSON:** Ja no that is fine. The important thing would be first to make sure that we have a full understanding of what she had in mind in using certain terms.

**ADV MAHLAPE SELLO:** Yes.

**CHAIRPERSON:** Then that can be put to the witness – expert witnesses and then we take it from there.

**ADV MAHLAPE SELLO:** Thank you Chair. So we have noted staircase versus steps issue.

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

**ADV MAHLAPE SELLO:** The – the experts have provided an overview as Google F I  
20 think picture of the properties that we visited and I would request that they be shown on the screen and from there then I would begin to ask Ms Mentor questions. It becomes easier that way.

**CHAIRPERSON:** What do you want to be shown on the screen?

**ADV MAHLAPE SELLO:** The Google F map of the properties we visited in Saxonwold.

**CHAIRPERSON:** Oh but before you do that she has mentioned one concern in regard

to the mandate given to the experts.

**ADV MAHLAPE SELLO:** Yes Chair.

**CHAIRPERSON:** Do you not want to check with her whether in regard to the mandate she has got any other issues before we get there?

**ADV MAHLAPE SELLO:** My error Chair I had assumed that was her issue but if there are more I am happy to know them.

**CHAIRPERSON:** Yes just so that we are sure.

**ADV MAHLAPE SELLO:** Indeed Chair.

**CHAIRPERSON:** Yes Ms Mentor.

10 **MS VYTJIE MENTOR:** Chair.

**CHAIRPERSON:** Do you want to – no one second. Do you want to once again just draw to her.

**ADV MAHLAPE SELLO:** To go through that.

**CHAIRPERSON:** Her attention where we find the mandate to the experts.

**ADV MAHLAPE SELLO:** It starts at page 213 Chair. D6A. And in particular 215 at paragraph 8 where we list what Ms Mentor has testified to. There are five issues there.

**CHAIRPERSON:** They have been read before but you can have a look at them Ms Mentor. Ms Sello has already said that there is a problem with 8.5 so she – that is not going to be included because of what she said but she says the ones that they are  
20 going to look at are 8.1 to 8.4. So the question is whether you have any issues with how the mandate was formulated for the experts if one goes from 8.1 to 8.4?

**MS VYTJIE MENTOR:** I beg your pardon, just a second Chair.

**ADV MAHLAPE SELLO:** Take your time.

**CHAIRPERSON:** Ja no that is fine. For what it is worth maybe I just read so others can follow. Paragraph 8 at page 215 reads: The experts were advised of the following

key fissures that Ms Mentor testified to. 8.1 The staircase leading to the main entrance of the house. 8.2 A pillar by a large window in a room Ms Mentor alleges she sat to await the former president. 8.3 A mural on one of the walls of the room Ms Mentor sat in. 8.4 A guest restroom she was shown upon arrival identified to her as the ladies restroom decorated in gold with golden faucets and knobs as well as gold is that ...

**ADV MAHLAPE SELLO:** Gilded mirrors.

**CHAIRPERSON:** Gilded ja mirrors on the walls.

**MS VYTJIE MENTOR:** The only...

**CHAIRPERSON:** Yes.

10 **MS VYTJIE MENTOR:** Slight difference Chair.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** Would be that in my testimony I attested to two large windows.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** Not one window.

**CHAIRPERSON:** Okay.

**MS VYTJIE MENTOR:** So I note that 8.2.

**CHAIRPERSON:** Refers to one.

**MS VYTJIE MENTOR:** Refers to one window.

**CHAIRPERSON:** Okay.

20 **MS VYTJIE MENTOR:** In relation to the pillar.

**CHAIRPERSON:** Okay, okay. But other than that and what you said earlier on there is no problem with that mandate?

**MS VYTJIE MENTOR:** In terms of – although Chair.

**CHAIRPERSON:** Ja.

**MS VYTJIE MENTOR:** There are things that I have documented in my supplementary

statement.

**CHAIRPERSON**: Yes.

**MS VYTJIE MENTOR**: That was sent through last night.

**CHAIRPERSON**: Yes.

**MS VYTJIE MENTOR**: That I adduce that should have formed part of the brief.

**CHAIRPERSON**: Of the mandate?

**MS VYTJIE MENTOR**: And they were not in the brief.

**CHAIRPERSON**: Which – to which you had – which you had included in your evidence?

10 **MS VYTJIE MENTOR**: Yes Chair. Which I have already pointed out in my evidence.

**CHAIRPERSON**: Ja. But when you were – when you were doing the inspection did you raise those to say there are also these other things that I had mentioned in my evidence and to see whether they could be looked at or were they – is it things that you did not mention at the inspection?

**MS VYTJIE MENTOR**: At the inspection I raised issues that were there and issues that were there before that were no longer there.

**CHAIRPERSON**: Ja.

**MS VYTJIE MENTOR**: But the understanding of our brief Chair if I am not prolonging this matter.

20 **CHAIRPERSON**: Yes.

**MS VYTJIE MENTOR**: Was that the experts would go back.

**CHAIRPERSON**: Yes.

**MS VYTJIE MENTOR**: To go and do certain work.

**CHAIRPERSON**: Okay.

**MS VYTJIE MENTOR**: But then it transpires that they did not go back and what – and



that ended up just as a visual overview.

**CHAIRPERSON**: Okay.

**MS VYTJIE MENTOR**: I had point – that things that for instance the kitchen, the passage leading from the kitchen. The bathrooms, the passage and their locations where as I defined them in my statement.

**CHAIRPERSON**: Ja.

**MS VYTJIE MENTOR**: But there were also certain changes that I queried.

**CHAIRPERSON**: Ja.

**MS VYTJIE MENTOR**: And that I had asked the experts to return because that is what  
10 – the understanding we were given.

**CHAIRPERSON**: Ja.

**MS VYTJIE MENTOR**: That they would return to do structural inspection of whether there has been changes and addition and that did not happen. And to that extent I labour those issues in the statement I submitted.

**CHAIRPERSON**: Last night.

**MS VYTJIE MENTOR**: Last night including the fact that we had also asked for the original plan of the house as it would attest to whether it there had been changes. So there are a whole lot of things that I raised in the – Chair that should have been the brief that I think were not the brief.

20 **CHAIRPERSON**: Yes I think what should happen is at some stage during your evidence in regard to the inspection if you are able to do specify the things that you – of fissures of the house which you had included in your evidence last year which might not have been part of the mandate given to the experts and then say whether during the inspection you show then they are there or not, okay, alright. Ms Sello.

**ADV MAHLAPE SELLO**: Thank you Chair and perhaps for record purposes Ms Mentor

deals with these aspects of issues in her supplementary affidavit.

**CHAIRPERSON**: Yes.

**ADV MAHLAPE SELLO**: Which starts at 547 bundle D6B and in particular from paragraphs 13.

**CHAIRPERSON**: Yes.

**ADV MAHLAPE SELLO**: To paragraph 18.

**CHAIRPERSON**: Oh she covers them.

**ADV MAHLAPE SELLO**: She deals with some of the issues that she has raised.

**MS VYTJIE MENTOR**: Some of them yes.

10 **CHAIRPERSON**: Okay, alright.

**ADV MAHLAPE SELLO**: Yes. Now Ms Mentor you confirm that you had through your Annexure MPM2 to your original statement in bundle D1 and Chair that appears from page 37D. Provided a picture of the entrance gate to the property you stated you were taken to on the day you met the president. It is D1 page 37(D) and following. Those are annexures you provided of the property you were taken to. You confirm that?

**MS VYTJIE MENTOR**: I confirm that this was part of the annexures.

**ADV MAHLAPE SELLO**: Yes.

**MS VYTJIE MENTOR**: We submitted.

20 **ADV MAHLAPE SELLO**: You did. And having confirmed that then I informed the Chairperson that our inspection in loco began at number 5 Saxonwold Drive in Saxonwold.

**CHAIRPERSON**: Yes.

**ADV MAHLAPE SELLO**: And we arrived there and Ms Mentor I do not know if you – you will confirm that the entrance to number 5 Saxonwold we visited on the 3 December is in line with what you have in Annexure D – 37D?

**MS VYTJIE MENTOR:** If – yes if I may add that at the in loco inspection I pointed out that on the day in 2010 when we visited the property outside – the – on top of the wall the metal balustrades were non-existent. That is a feature that I pointed out to the expert team on the day of...

**CHAIRPERSON:** Yes so it was something that had not been there before but that was there.

**MS VYTJIE MENTOR:** In 2010 that I – yes Chair.

**CHAIRPERSON:** Ja okay.

**ADV MAHLAPE SELLO:** And sorry Chair if Chair would have regard to page 37D of  
10 D1. It is a balustrade on the wall on the boundary wall.

**MS VYTJIE MENTOR:** D1?

**ADV MAHLAPE SELLO:** D1 page 37(D) that is the first picture of number 5 Saxonwold.

**MS VYTJIE MENTOR:** I have 37E and F.

**CHAIRPERSON:** Do you not have D?

**MS VYTJIE MENTOR:** And G.

**CHAIRPERSON:** 37 D D being in brackets.

**MS VYTJIE MENTOR:** Oh D yes.

**CHAIRPERSON:** Ja.

20 **MS VYTJIE MENTOR:** Yes.

**ADV MAHLAPE SELLO:** D for David yes.

**MS VYTJIE MENTOR:** Yes.

**ADV MAHLAPE SELLO:** So I am just pointing out to the Chair that the balustrades on the boundary wall are the ones you raised issue with and said they were not there at the time you visited. But other than that the gate looked familiar and you said that is

the property you had visited in August 2010?

**MS VYTJIE MENTOR:** You mean the property, you mean the wall outside?

**ADV MAHLAPE SELLO:** The wall and the gate and everything that is depicted on that picture.

**MS VYTJIE MENTOR:** What I said when we were doing the in loco inspection is that I remember the gates opening after we spoke to – we found a security guard.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** At the gate and that there was a tree and we found that tree and the driver spoke for a little bit to the security guard after which the gates opened  
10 and we drove through.

**CHAIRPERSON:** Are you now telling us what happened during the inspection in loco or are you telling us what you said last year in this commission about what happened when you visited the property in 2010?

**MS VYTJIE MENTOR:** I am – I am talking about what I narrated when we were doing.

**CHAIRPERSON:** Last year.

**MS VYTJIE MENTOR:** The inspection.

**CHAIRPERSON:** Oh okay alright. Maybe let us do this. You see the document, the picture that is at 37D you see that picture? It is suggested that that picture represents the gate and part of the walls of the property, you see that?

20 **MS VYTJIE MENTOR:** Yes I see the picture Chair.

**CHAIRPERSON:** You see that ja. Now you have told me that there is something that was there when you visited this property during the inspection in loco but that had not been there in 2010, do you want to just repeat what that is?

**MS VYTJIE MENTOR:** Okay Chair. Chair do you see – if you move to the left of the gate.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** The wall.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** On the left of the gate.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** You see the concrete part of the wall.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** On top of the concrete part.

**CHAIRPERSON:** Yes.

10 **MS VYTJIE MENTOR:** There are metal.

**CHAIRPERSON:** Yes, yes. I can see them ja.

**MS VYTJIE MENTOR:** Yes those are the things they call metal balustrades.

**CHAIRPERSON:** Yes okay.

**MS VYTJIE MENTOR:** That – it is a security feature.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** Which I realised during the in loco inspection.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** That the day we went to the property.

**CHAIRPERSON:** Yes.

20 **MS VYTJIE MENTOR:** Those features were not on the wall.

**CHAIRPERSON:** In 2010?

**MS VYTJIE MENTOR:** In 2010.

**CHAIRPERSON:** Okay alright otherwise everything else in terms of that picture when –  
is still as it was in 2010?

**MS VYTJIE MENTOR:** What I have been battling to recall Chair.

**CHAIRPERSON:** Yes okay.

**MS VYTJIE MENTOR:** Is whether the gate itself.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** Whether it was solid.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** The two flaps of the gate.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** Whether they were solid.

**CHAIRPERSON:** Yes.

10 **MS VYTJIE MENTOR:** Or whether they were with metal things that you can see through.

**CHAIRPERSON:** Oh okay, okay.

**MS VYTJIE MENTOR:** That is what I – I have been battling with.

**CHAIRPERSON:** You are not sure about that.

**MS VYTJIE MENTOR:** I have been trying to – I cannot retract from my memory.

**CHAIRPERSON:** You cannot remember.

**MS VYTJIE MENTOR:** Yes Chair.

**CHAIRPERSON:** Okay no that is fine. But other than those two issues you have raised with regard to the picture at page 37D that picture represents what you saw on –  
20 in 2010?

**MS VYTJIE MENTOR:** I remembered the tree also outside the gate Chair.

**CHAIRPERSON:** Oh okay, okay and the tree is still there?

**MS VYTJIE MENTOR:** Yes I can see the tree.

**CHAIRPERSON:** When you visited.

**MS VYTJIE MENTOR:** But what is not – what was not there when we did the in loco

inspection I did not see any temporary structure that is security but that was a temporary structure anyway in 2010.

**CHAIRPERSON:** Oh okay.

**MS VYTJIE MENTOR:** But that tree I remember – I remember it was there in 2010.

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

**ADV MAHLAPE SELLO:** Thank you Chair. And if I just might – for – mention for record purposes that Ms Mentor deals with this at paragraph 78 of her original statement and refers to those pictures as MP2 – MPM 2 and she says in respect thereof that we – the other two Gupta brothers who had collected me from the airport  
10 and I then drove from the Sahara building and we arrived at a huge residential home which I did not recognise. I know – I now know that this is the Gupta home in Saxonwold which appears in pictures attached hereto marked MPM2. So we departed from that premises Chair.

**CHAIRPERSON:** Ja.

**ADV MAHLAPE SELLO:** Thank you Ma'am. Ms Mentor you testified that when you arrived at the Gupta residence as you describe it in your statement and you walked through the gates you – there were four or five – or about five houses, do you remember – recall that – your testimony in that regard. Last year in August.

**MS VYTJIE MENTOR:** Yes I said in the compound. There were about four or so  
20 houses.

**ADV MAHLAPE SELLO:** After you entered the compound there were four or five houses?

**MS VYTJIE MENTOR:** Yes I said I recall that there were about four or five houses.

**ADV MAHLAPE SELLO:** Ja. Do you confirm you do not have any difficulty confirming to the Chairperson that when we arrived at number 5 Saxonwold, Saxonwold Drive and

we walked through the gates we found only one house in a sense that there were no other houses adjacent to it and it was one house with solid – with brick boundary walls.

**CHAIRPERSON**: Well maybe just say you said that inside the compound that is when you gave evidence last year in this commission you said inside the compound there were about four or five houses, is that right?

**MS VYTJIE MENTOR**: Yes Chair.

**CHAIRPERSON**: Yes. When you visited the property on the inspection in loco did you see or find that there were those five houses?

**MS VYTJIE MENTOR**: Chair I battled with a dividing wall at some point. The first thing  
10 that struck when we entered I said that I seem to feel that there was not a wall dividing some houses or two houses or so.

**CHAIRPERSON**: Okay maybe let us deal with this. Let us talk about the four or five houses that you had said in this commission you had seen in 2010. You went there now during inspection in loco. Did you see them again?

**MS VYTJIE MENTOR**: I saw houses divided in but not in the same space.

**CHAIRPERSON**: Not in the – in what you refer to as compound I do not know if you – I think that is your word ja.

**MS VYTJIE MENTOR**: Yes Chair not sharing the same parameter.

**CHAIRPERSON**: Yes.

20 **MS VYTJIE MENTOR**: But sharing a divided parameters.

**CHAIRPERSON**: Yes. So they – is the position that what you saw during the inspection in loco in terms of houses inside what you refer to as the compound. Is the position that it did not reflect the impression that you had had before? In other words it did not seem to be what you had understood or to be the position in 2010?

**MS VYTJIE MENTOR**: I might say so Chair. Although there are two houses that when



I – we did the in loco inspection.

**CHAIRPERSON**: Yes.

**MS VYTJIE MENTOR**: Appeared to be congruent with what I remembered from 2010.

**CHAIRPERSON**: Yes.

**MS VYTJIE MENTOR**: Apart from the fact that in my memory.

**CHAIRPERSON**: Yes.

**MS VYTJIE MENTOR**: Rightfully or wrongfully.

**CHAIRPERSON**: Yes.

**MS VYTJIE MENTOR**: In 2010 there was no wall between them.

10 **CHAIRPERSON**: Yes, yes. But not four or five as you had thought earlier on.

**MS VYTJIE MENTOR**: Yes when we did the in loco inspection.

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

**ADV MAHLAPE SELLO**: Thank you Chair. At this juncture I will request that we put up the Google F map just for reference purposes it would assist on the screen Chair.

**CHAIRPERSON**: Ja okay.

**ADV MAHLAPE SELLO**: It appears at page 1 of the expert's report.

**CHAIRPERSON**: Yes.

**ADV MAHLAPO SELLO**: And if it may come up and you have it in your expert report, Ms Mentor.

20 **MS VYTJIE MENTOR**: In D6?

**ADV MAHLAPO SELLO**: In D6 on page 184 and the picture itself is at page 185.

**MS VYTJIE MENTOR**: 184. I am on 185.

**ADV MAHLAPO SELLO**: And the purpose of pulling up this picture, Chair, is because the inspection involves moving from one property to the next. So as we talk about...[intervenes]

**CHAIRPERSON:** Yes.

**ADV MAHLAPO SELLO:** The various movements they are easier to follow.

**CHAIRPERSON:** Yes.

**ADV MAHLAPO SELLO:** We could work off Annexure A I think there is a struggle to bring up the correct picture.

**CHAIRPERSON:** Yes, okay.

**ADV MAHLAPO SELLO:** But it is the same as Annexure A, could you blow up, can we have it blown up a bit? Thank you. And if you could scroll up or down a bit so that the bottom property, no the other way please, again, yes you can stop. Chair, what we  
10 have depicted there and in red drawing it shows number 7 and next to in a red square as well is number 5 Saxonwold Drive.

To the bottom of number 5 is number 3 followed by number 1. The image that we see from pages 36(c) in D1 is the gate to number 5 Saxonwold Drive.

**CHAIRPERSON:** Where is the gate to number 5?

**ADV MAHLAPO SELLO:** It would be on the main road, the main road when I am looking at the screen is to my right that is Saxonwold Drive.

**CHAIRPERSON:** Is there some...[intervenes]

**ADV MAHLAPO SELLO:** There they indicated for us.

**CHAIRPERSON:** Well I think what should have been done was to mark A, B or  
20 whatever of the points that we need to look at. The gate is on a corner, is that right?

**ADV MAHLAPO SELLO:** No, no, Chair, it is when one looks at the properties it is – when one looks at the properties they start at property 1, there is a better picture. They start at number 1.

**CHAIRPERSON:** I see 2, 3, 4 and 5, I do not see 1.

**ADV MAHLAPO SELLO:** The one, I do not know why they have two – the controller is

drawing a circle, the, Chair, will see the number 1, not the blue number.

**CHAIRPERSON:** Oh, yes.

**ADV MAHLAPO SELLO:** That is 1 Saxonwold Drive.

**CHAIRPERSON:** Yes.

**ADV MAHLAPO SELLO:** It is then bordered by 3 Saxonwold Drive.

**CHAIRPERSON:** *Ja*.

**ADV MAHLAPO SELLO:** Followed by 5 and lastly by 7.

**CHAIRPERSON:** *Ja*. Is it 7A?

**ADV MAHLAPO SELLO:** Yes, no 7A is outside the red boundary line. We are looking  
10 at just the 7 that appears between the 4 and the 5.

**CHAIRPERSON:** Well I cannot see a 7, but I see the space between 4 and 5.

**ADV MAHLAPO SELLO:** They are circling the 7 with a pointer.

**MS VYTJIE MENTOR:** Sorry, Chair, through you...[intervenes]

**ADV MAHLAPO SELLO:** Yes, madam?

**CHAIRPERSON:** Yes?

**MS VYTJIE MENTOR:** If you are circling 7 there, what is that 7A?

**ADV MAHLAPO SELLO:** 7A is another property. 7 is the property that we visited that  
is adjacent to number 5 Saxonwold Drive.

**CHAIRPERSON:** *Ja*, go ahead.

20 **ADV MAHLAPO SELLO:** Thank you, so I am just saying so Ms Mentor you confirm  
that we then went into number 5 Saxonwold Drive when we first arrived and at that  
property we had a discussion around the issue of a complex and the four and five  
houses that you had testified you had seen on the day you had gone in August 2010,  
do you recall that conversation?

**MS VYTJIE MENTOR:** Are you saying we started inside number 5?

**ADV MAHLAPO SELLO:** Yes.

**MS VYTJIE MENTOR:** Did we not go around outside and then we went to other properties and then we came back?

**ADV MAHLAPO SELLO:** Okay, let me understand, what do you mean inside, inside the house or inside the property?

**MS VYTJIE MENTOR:** Yes, inside the house.

**ADV MAHLAPO SELLO:** No, no, I am saying inside the property. We went onto the property itself, but did not gain entry into the house itself at that point, and at that juncture...[intervenes]

10 **CHAIRPERSON:** Well, well I do not know if – I know you are trying to make sure that you are on the same page, but is it not going to be better if you just go to the real issue, the features, say you said in your evidence last year in regard to that property there is this feature. We went there, did you see it?

**ADV MAHLAPO SELLO:** And that is what I am trying to do. We went into number 5 and we found one property there, do you confirm that?

**MS VYTJIE MENTOR:** Yes, I would appreciate it if we approach it the way, Chair, suggests.

**ADV MAHLAPO SELLO:** Okay.

**MS VYTJIE MENTOR:** Then we must zoom into the property in which I said I find  
20 some of the features that were there in 2010.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** Because otherwise you are sending me on a wild goose chase.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** And I am getting tired.

**ADV MAHLAPO SELLO:** Chair, if I may we are right now – there are exterior issues

about the property and interior issues.

**CHAIRPERSON:** Yes.

**ADV MAHLAPO SELLO:** I am now talking about the exterior issues and trying to understand whether – I thought we could agree with Ms Mentor that at number 5 Saxonwold Drive there is one house, and that is the only thing. We will still deal with the interior of the property.

**CHAIRPERSON:** *Ja*, put that to her.

**ADV MAHLAPO SELLO:** I will try once again.

**CHAIRPERSON:** *Ja*.

10 **ADV MAHLAPO SELLO:** At 5 Saxonwold Drive Ms Mentor when we went in we found one house?

**MS VYTJIE MENTOR:** Yes, when we went for the *in loco* inspection.

**ADV MAHLAPO SELLO:** And just to let you know, Chair, if they can reduce it again, I know you zoomed in and the video will show and the expert's report shows as well...[intervenes]

**MS VYTJIE MENTOR:** Excuse me, excuse me?

**ADV MAHLAPO SELLO:** Yes madam?

**MS VYTJIE MENTOR:** Before that may you go back, slightly back.

**CHAIRPERSON:** Yes.

20 **MS VYTJIE MENTOR:** Yes, we found one property.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** In number 5 and during that *in loco* I queried the wall between number 7 and number 5 if it had always been there, but as we saw it on the day it was a fenced off property, a standalone property.

**CHAIRPERSON:** Yes. You talk about the property that there could be a house on the

property, you talk about one house in the property described as number 5, is that right?

**MS VYTJIE MENTOR:** Indeed, Chair.

**CHAIRPERSON:** *Ja*, okay. Are you talking of the same thing? One house in the property described as number 5, is that right?

**ADV MAHLAPO SELLO:** Yes, Chair, I think we should say house.

**CHAIRPERSON:** Yes, house, yes.

**ADV MAHLAPO SELLO:** Yes.

**MS VYTJIE MENTOR:** Which I will refer to house.

**CHAIRPERSON:** Okay, yes, thank you.

10 **ADV MAHLAPO SELLO:** I do not think this will be a contentious issue, Chair, we may dispose of it. After we did an external inspection, not really an inspection, just a look around at number 5 Ms Mentor then requested that we visit all the other properties before we gain access into the houses themselves, that is correct, right? So we did not go into number 5 when we got onto the property, we did not go inside the house, we then went and looked at the other houses.

**CHAIRPERSON:** But if ultimately you did go into the house on number 5 you may as well deal with that now, but if you never went in that is fine.

**ADV MAHLAPO SELLO:** Chair, we did go in and if the, Chair, would bear with me as to why I do this is, because during the inspection Ms Mentor discounts certain  
20 properties and I would like them off the table completely, then they did not merit any further investigations.

**CHAIRPERSON:** Okay, let us hear.

**ADV MAHLAPO SELLO:** And then we talk about the actual inspection.

**CHAIRPERSON:** *Ja*.

**ADV MAHLAPO SELLO:** Which was limited to only two properties.

**CHAIRPERSON:** Okay.

**ADV MAHLAPO SELLO:** Hence the question, yes madam?

**CHAIRPERSON:** Yes Ms Mentor?

**MS VYTJIE MENTOR:** May I make things easy for all of us please and save time?

**ADV MAHLAPO SELLO:** Yes.

**MS VYTJIE MENTOR:** I discounted the properties and I settled eventually on property number 5 Saxonwold and I think we must talk about that property.

**CHAIRPERSON:** Yes.

**ADV MAHLAPO SELLO:** Okay.

10 **CHAIRPERSON:** That...[intervenes]

**MS VYTJIE MENTOR:** That helps.

**ADV MAHLAPO SELLO:** Yes, that answers my question.

**CHAIRPERSON:** Yes.

**ADV MAHLAPO SELLO:** So 1 and 3 are off the table, she discounted completely. You settled on 5 and 7 and we had a full inspection of both 5 and 7.

**CHAIRPERSON:** Ja.

20 **ADV MAHLAPO SELLO:** Okay. I would like to start with 7. Ms Mentor's visit was in August 2010 and the experts have a number of pictures here Annexures starting at, Chair, D6 page 203, these are Annexures to the report and these go up to 212, Annexure J. What these pictures are, are depictions of 7, property number 7 over a period.

So what the experts did they went back in time to download the Google Earth pictures and see what number 7 looked like at any given point. They start at page 203 Annexure A dated 26 August 2009 and they go until 3 December 2018 which is when we conducted the inspection. The importance of these areal pictures, Chair, is

the experts express a view based on these pictures that at the time Ms Mentor visited Saxonwold number 7 was a construction site.

**CHAIRPERSON:** Well, we must always start with what she told the Commission. Say in regard to the property on 7 this is what she said, this is what the experts found. For me that is going to be much more convenient.

**ADV MAHLAPO SELLO:** Yes, it would be, Chair.

**CHAIRPERSON:** Yes.

**ADV MAHLAPO SELLO:** I agree, the only difficulty is when she testified in August there was no number 5, number 7 it was a complex, it was a compound. So what  
10 instead we found are four separately walled properties.

**CHAIRPERSON:** Yes.

**ADV MAHLAPO SELLO:** And we place on record that 1, 3, 5, 7 are owned by the Guptas.

**CHAIRPERSON:** Yes, okay.

**ADV MAHLAPO SELLO:** Ms Mentor required also that we have an inspection of number 7 which we did and that is why it is necessary to talk of number 7 now, Chair.

**CHAIRPERSON:** Yes, but I am keen – I am more keen that she gives the evidence.

**ADV MAHLAPO SELLO:** Indeed.

**CHAIRPERSON:** You will have an expert who will give evidence about what they  
20 found. I am keen that you get to the point where you say in regard to certain property which later on we refer to as number 7 this is what she said and then the report or the experts this is what they found. Give her the chance to comment on that to say I agree, I do not agree or whatever.

**ADV MAHLAPO SELLO:** For the record Ms Mentor did not testify as to number 7, Chair. Yes. The investigators established that the Guptas own 1, 3, 5, 7.



**CHAIRPERSON:** *Ja.* So what are we talking about, number 7?

**ADV MAHLAPO SELLO:** To number 7, it was to put to Ms Mentor whether number 7 is one of the properties that she would like to consider, which she confirmed, am I correct? At the time of the inspection.

**CHAIRPERSON:** But why was she asked about something that she has never testified about?

**ADV MAHLAPO SELLO:** Because when we were at number 5 she posed the question whether besides the structure that we see at number 5 there are other structures, other houses and to quote the question was where have the other houses gone and her  
10 response was that there are four houses in a row.

**CHAIRPERSON:** Okay. I will tell you what we must do. Let us go inside number 5.

**ADV MAHLAPO SELLO:** Number 5? I am happy to go to number...[intervenes]

**CHAIRPERSON:** Then if you need to talk about number 7 we will – let us go inside number 5. What features did she testify about last year before this Commission, what features were found or were not found?

**ADV MAHLAPO SELLO:** It is what is listed at page 215, Chair, under paragraph 8 what the investigators, the experts were requested to investigate. So the first thing we did was to consider the staircase or you say the steps to the main entrance of the house, you confirm that? In your testimony, I am sorry you have to say it verbally?

20 **MS VYTJIE MENTOR:** I did say.

**ADV MAHLAPO SELLO:** In your testimony you said that you had gone up five or six steps, do you confirm that when we were onsite at number 5 we found steps which when counted were ten? Yes, madam?

**MS VYTJIE MENTOR:** May I speak to that?

**CHAIRPERSON:** Yes, just comment.

**MS VYTJIE MENTOR:** Yes.

**CHAIRPERSON:** Or maybe let us go back one by one. Let her comment on each question you put to her. You went inside number 5 Saxonwold, is that right?

**MS VYTJIE MENTOR:** Right, Chair.

**CHAIRPERSON:** Okay, if you can then say in regard to what was to be found in that house one of the things that you have said was X and then see if that was found or that was not found and then she is able to comment on each one until we finish.

**ADV MAHLAPO SELLO:** I will try again, Chair. One of the main issues of her testimony is that there were five steps.

10 **MS VYTJIE MENTOR:** Five to six.

**ADV MAHLAPO SELLO:** Five to six steps.

**MS VYTJIE MENTOR:** Between four and six, yes.

**CHAIRPERSON:** You confirm that, that was your evidence?

**MS VYTJIE MENTOR:** Yes, Chair.

**CHAIRPERSON:** Okay.

**ADV MAHLAPO SELLO:** Now how many – do you recall how many we found actually? The report states that we found ten steps, do you confirm that?

**MS VYTJIE MENTOR:** Chair, we found ten small steps and my first comment about them was that in 2010 when I was there I was on crutches.

20 **CHAIRPERSON:** Yes?

**MS VYTJIE MENTOR:** And I did not struggle to scale the stairs.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** Because they were wide enough.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** The first thing that I noted as we scaled them – the steps to go

into the house.

**CHAIRPERSON:** Yes?

**MS VYTJIE MENTOR:** Was that they were so narrow that even to date without crutches with my leg issue I needed support and help up those steps. So I pointed that to the expert...[intervenes]

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** To say that you know these stairs may have been reconfigured to make them smaller, because as I went on them in 2010 even on crutches I did not struggle as I am struggling with them right now.

10 **CHAIRPERSON:** Okay, next feature?

**ADV MAHLAPO SELLO:** Thank you, Chair. At the time your testimony was that there were five/six marble steps white in colour?

**MS VYTJIE MENTOR:** Greyish/white.

**ADV MAHLAPO SELLO:** Greyish/white.

**MS VYTJIE MENTOR:** That is what I said.

**ADV MAHLAPO SELLO:** And you confirm that we found ten steps of black granite?

**MS VYTJIE MENTOR:** Yes, grey if you say...[intervenes]

**ADV MAHLAPO SELLO:** Unpolished grey, yes.

**MS VYTJIE MENTOR:** Charcoal or whatever, you say black, I would say greyish.

20 **CHAIRPERSON:** Yes.

**ADV MAHLAPO SELLO:** Okay. I will leave it with grey.

**CHAIRPERSON:** Okay.

**ADV MAHLAPO SELLO:** We then went up the stairs and we entered through the front door.

**MS VYTJIE MENTOR:** Yes.

**ADV MAHLAPO SELLO:** Now can you tell the, Chair, what we found when we entered through the front door?

**MS VYTJIE MENTOR:** When we entered, Chair, the first thing that struck me is that what you would call the area where I had sat in 2010 for my own definitive purposes I would call the reception area or the hallway.

**CHAIRPERSON:** Yes?

**MS VYTJIE MENTOR:** In 2010 it was very wide and as I said in my testimony it was wide and sparsely furnished, but when we entered during the *in loco* inspection there was a structure to the right that made the space smaller. A structure to the right with a  
10 door and on opening that door we realised that that is kind of a boardroom or a study. A feature that was not there in 2010.

And then we also noticed that there is another – of the big space that was there in 2010 another amount has been walled in to make a kind of a lounge. So I demonstrated to the team that these are two features that were not there in 2010 that may have been added.

And I said I find it difficult to show them, I abstractly showed them beyond the wall and the lounge where I would have been positioned, because in 2010 there were two couches.

**CHAIRPERSON:** Yes?

20 **MS VYTJIE MENTOR:** Perpendicular to one another. The other one was in line with the passage towards the bathrooms.

**CHAIRPERSON:** Yes?

**MS VYTJIE MENTOR:** The other one was facing towards the kitchen. I had sat on the one that is facing towards the kitchen, that was facing towards the passage from which the Chef came when he was fetched.

**CHAIRPERSON:** Yes?

**MS VYTJIE MENTOR:** So I immediately said that there has been a reconstruction here.

**CHAIRPERSON:** Ja.

**MS VYTJIE MENTOR:** And I asked the expert to look into that reconstruction and I asked them to look when the features that to me are new could have been added. Whether they have always been there or whether they have been added with time.

**CHAIRPERSON:** Okay.

**ADV MAHLAPO SELLO:** Thank you.

10 **MS VYTJIE MENTOR:** There is another feature. I do not know if the, Chair, wants me to continue?

**CHAIRPERSON:** Yes, you can continue.

**MS VYTJIE MENTOR:** Okay. Having defined the space that would have been where I sat in 2010 the passage leading to the bathroom I was shown was consistent with what I knew and saw in 2010.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** So was the bathroom.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** What I battled with, with the bathroom...[intervenes]

20 **CHAIRPERSON:** Well maybe before you proceed tell me what it is that you saw in regard to the bathroom that was consistent with what you had seen in 2010 that you would have told us or you told us about last year?

**MS VYTJIE MENTOR:** What was consistent with it, it was its geographic positioning in the house, Chair.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** Yes, together with the passage that led to it.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** Excuse me. I opened the bathroom.

**CHAIRPERSON:** Yes?

**MS VYTJIE MENTOR:** Because as I testified for me in 2010 the bathroom was very small as compared to the gigantic house.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** And the gigantic space in which I had sat.

**CHAIRPERSON:** Yes.

10 **MS VYTJIE MENTOR:** In 2010 – and I pointed out that also to the team that it was difficult for me – the door to the bathroom...[intervenes]

**CHAIRPERSON:** Yes?

**MS VYTJIE MENTOR:** Did not open all the way.

**CHAIRPERSON:** Yes?

**MS VYTJIE MENTOR:** It opened two thirds of the way.

**CHAIRPERSON:** Yes?

**MS VYTJIE MENTOR:** And I literally had to a little bit of squeeze in.

**CHAIRPERSON:** Yes?

20 **MS VYTJIE MENTOR:** But when we did the *in loco* inspection the door opened all the way. That was the first difference I noticed.

**CHAIRPERSON:** Yes?

**MS VYTJIE MENTOR:** I said to the team I am not sure – the bathroom still looks smallish, but I said to the team it looks like much as it is smaller it is slightly bigger than when I was here in 2010. It is still small though.

**CHAIRPERSON:** Yes?

**MS VYTJIE MENTOR:** And I asked them to check if there would have been an extension. I also commented about the position of the toilet seat and the basin. I said that I am not sure if the arrangement of the toilet seat and the basin is congruent with what I noticed in 2010 and also when we did the *in loco* inspection, Chair, the bathroom looked, I do not want to be rude, I want to choose my words carefully.

I know the last time I used the word obeisant, people frowned. For me the bathroom looked, when you compare in November last year when you compare the bathroom to the whole house it looked a little bit dilapidated. It was a downgrade as compared to the house and the aura and the finesse of the house and it was very  
10 different from when I saw it in 2010.

There was a tiny little bit of gold feature on the – not real gold, but gold looking feature on the tap of the basin and somewhere. The doorknobs were not golden. The French mirror was not on the wall, so those are the distinct features, but the mirror is something you can remove and put back, but I asked the team to check for me the toilet seat and the basin if they had always been in that order in which – because I remember clearly how where I sat in 2010 and where I washed my hands and also the relation – the positional relation of the basin and the bathroom window.

That is the one feature. As I already said the kitchen was in the geographic position that it was in 2010 and the passage from which the Chef was fetched, because  
20 it had, I had said that they approached – it was the position was okay. In 2010 I did not go to the kitchen, so those are the features that I – I am not yet done, Chair, sorry.

**CHAIRPERSON:** [Indistinct].

**MS VYTJIE MENTOR:** Yes, I also noticed that the two big windows – there were windows there, but they were no longer as big as they were in 2010. I did not see the pillar when we visited in November, but I noticed also – I said to the team from – the

expert team, whereas the height was very – the ceilings were high meaning I found that there was a bit of an elongation in terms of high and also a feature that I had not seen in 2010 was existent when we visited in November.

There was no – I do not know what they call it, I have what I call roof windows.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** In my house.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** Closer to the area where there would have been a pillar, then  
10 the wall looked a bit higher and there was a roof window that I would not have missed  
in 2010, because that is the direction at which I was of the wall where I was admiring  
the mural.

There were murals on the walls when you enter from the steps when you enter, but what we found were Asian like Buddhist features. They were not the painting that I have admired and of course the structure that has – the walls that had been added to make the lounge were obstructing the wall that I had looked at and had admired the murals which I said they were like abstract, but if you paid close look you will see little angels.

So those are the discrepancies so the features of the positioning, the things I  
20 have found are things I found have changed and that I have asked, because we are  
made to believe the team would go back to ascertain to whether they have always been  
there, and then they said in any case then we would also love to have the original plan  
of the house.

**CHAIRPERSON:** I might not have asked you last time, but at some time I intended asking you, I can understand when you have been to a house and there is some



feature that is quite prominent and maybe unusual, maybe unique that, that feature would stay in your mind for a long time or may stay in your mind for a long time, but there are quite a lot of details that you seem to remember very well and this was 2010 when you visited the house.

When did you write down – commit to paper what you had seen? Is there something that you wrote down a statement at a certain stage while everything was fresh in your mind to enable you to remember some of the details with regard to some things then it might be, but some of the details I for one would not I think remember?

Is there somewhere where you wrote and has enabled you to remember  
10 maybe where you wrote what you had observed?

**MS VYTJIE MENTOR:** No, Chair, I did not write anything anywhere, but when I went public and also with the prospects of the public protector going to testify with the public protector.

**CHAIRPERSON:** Yes, yes?

**MS VYTJIE MENTOR:** I knew that I had to remember things to ask myself what did I see and what did I not see? And, Chair, I had been to, I can tell you I have been to the Parliament of Brazil.

**CHAIRPERSON:** Yes?

**MS VYTJIE MENTOR:** And that was about ten years ago.

20 **CHAIRPERSON:** Yes?

**MS VYTJIE MENTOR:** I would tell you now the features of things I liked that are still standing.

**CHAIRPERSON:** Yes?

**MS VYTJIE MENTOR:** In my memory.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** In what I found – there is a blue interior, there are plants inside where, because I noticed that the contrast between our Chambers and their Chambers.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** I had been to the Parliament of what is called House of Deputies in Italy.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** I also vividly remember how – if you ask me now I will tell you...[intervenes]

**CHAIRPERSON:** Yes.

10 **MS VYTJIE MENTOR:** Distinct features of how those Chambers differ.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** With our Chambers.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** I can tell you the features of the hotel foyer in 2010 where I stayed.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** It was a brand new hotel.

**CHAIRPERSON:** Yes.

20 **MS VYTJIE MENTOR:** Where I stayed during the – I do not know if it is new or it is my mind.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** But there are certain things that I would – especially I love art also, Chair.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** So I also love beautiful things. If, if, for instance when I walked

into the Gupta toilet. It, it reminded me of the toilet of Ms Tina Jumat Patterson way back in the 1990s.

**CHAIRPERSON:** Huh-uh.

**MS VYTJIE MENTOR:** It, it was similar. If.

**CHAIRPERSON:** Hm.

**MS VYTJIE MENTOR:** You may ask her.

**CHAIRPERSON:** Hm.

**MS VYTJIE MENTOR:** That she had got it. So I do not know.

**CHAIRPERSON:** [Intervenes].

10 **MS VYTJIE MENTOR:** But I also knew that I will have to prove.

**CHAIRPERSON:** Hm.

**MS VYTJIE MENTOR:** That once I went public.

**CHAIRPERSON:** Hm.

**MS VYTJIE MENTOR:** I will have to remember.

**CHAIRPERSON:** Hm.

**MS VYTJIE MENTOR:** The features. So, because naturally are things that would be not difficult for me to dig out.

20 **CHAIRPERSON:** Yes. When you needed to go and see the Public Protector in regard to your visit to the Gupta residence am I right to say that was in 2015 or is that not the year? Was it earlier?

**MS VYTJIE MENTOR:** 16.

**CHAIRPERSON:** 2016?

**MS VYTJIE MENTOR:** It is in the year, the same year in which I.

**CHAIRPERSON:** In which.

**MS VYTJIE MENTOR:** Engaged with Mr Mtolo.

**CHAIRPERSON:** Oh, okay.

**MS VYTJIE MENTOR:** 2016, July.

**CHAIRPERSON:** 2016, July. So I.

**MS VYTJIE MENTOR:** Yes.

**CHAIRPERSON:** I, I assume that you would have prepared a statement at some stage before you went to see her, the Public Protector that recorded that you had seen or how you had got there and so on. Is that right? What you had seen at the Gupta's residence and how you had got there and so on.

**MS VYTJIE MENTOR:** You mean a written statement Chair.

10 **CHAIRPERSON:** Yes that you, before you went to meet with the Public Protector I am assuming that you may have prepared a statement that recorded what would be your evidence before the Public Protector.

**MS VYTJIE MENTOR:** There are things that I submitted in writing to the Public Protector.

**CHAIRPERSON:** Yes, yes.

**MS VYTJIE MENTOR:** It was things that I myself.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** As I had been doing my own investigation.

**CHAIRPERSON:** Yes.

20 **MS VYTJIE MENTOR:** Into the Gupta's and into corruption.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** I, I, I, I began to do.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** None of them entailed the features.

**CHAIRPERSON:** Hm.

**MS VYTJIE MENTOR:** In, in the house of the Gupta's.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** Those features I remembered when the Public Prosecutor asked me but also the media for, particularly the Sunday Times.

**CHAIRPERSON:** Hm.

**MS VYTJIE MENTOR:** Jan, Jan Joubert interviewed me about twice on my visit to the Gupta house and she said to me Ms Mentor can you tell us the features inside the Gupta house and then I said I would not tell you, because that is going to be my evidence later if we end up in court, because if I divulge now what I saw inside there.

10 **MS VYTJIE MENTOR:** So I have always, since I went public being conscience of the fact that one day I am going to be asked what did you see when, when, when you were in that house.

**CHAIRPERSON:** Okay, but my question was whether prior to going to see the Public Protector there was a statement that you had prepared which included what you had observed in the Gupta residence in 2010.

**MS VYTJIE MENTOR:** No Chair. The, the Public Protector notified me at very short notice.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** To go and see her.

**CHAIRPERSON:** Yes.

20 **MS VYTJIE MENTOR:** Firstly it was a telephone call.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** And then.

**CHAIRPERSON:** No, no that is fine. So did?

**MS VYTJIE MENTOR:** But no, no I did not prepare anything for her.

**CHAIRPERSON:** Your answer is that you did not prepare any statement?

**MS VYTJIE MENTOR:** No. I had things that I had prepared already even before she, she submitted, she subpoenaed me that I gave her, but that had nothing to do with the features inside the Gupta house.

**CHAIRPERSON:** But were they or was it, was, did they include a statement or did they not include a statement or it was just notes?

**MS VYTJIE MENTOR:** It was just notes Chair.

**CHAIRPERSON:** Okay. No that is that is fine. When, when can we say you made a statement for the first time that talked about your visit to the Gupta residence and what you observed? When was such a statement made, the first statement to record what  
10 you, how you got there and you, your, what you observed in that residence?

**MS VYTJIE MENTOR:** Chair you have asked me two questions. Let me understand whether your questions are two.

**CHAIRPERSON:** Okay. Let, maybe let me answer this one and then we [intervenes].

**MS VYTJIE MENTOR:** No, no, in that one I am checking if there are two questions.

**CHAIRPERSON:** Ja, no, no. I am not sure if there are two. So I will reform, I will ask you this question that I am going to ask now. Forget about those ones, it might be the same thing. When did you prepare a statement for the first time that talked about how you got to the Gupta residence and what you observed there?

**MS VYTJIE MENTOR:** Chair when, I, I did not prepare a statement in writing. I did an  
20 interview.

**CHAIRPERSON:** Yes, okay.

**MS VYTJIE MENTOR:** With the Public.

**CHAIRPERSON:** Okay.

**MS VYTJIE MENTOR:** With the Public Protector.

**CHAIRPERSON:** Okay. No that, yes.

**MS VYTJIE MENTOR:** And that interview was came in the form, now is a transcript.

**CHAIRPERSON:** Is a transcript, okay alright, but in terms of a statement that you signed. Before you prepared the statement that was used in this Commission had you prepared a statement with or without the assistance of anybody who recorded your visit to the Gupta residence and what you saw there on that occasion?

**MS VYTJIE MENTOR:** Chair when the Commission was announced.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** I tried to prepare a statement on my, by myself.

**CHAIRPERSON:** Yes.

10 **MS VYTJIE MENTOR:** It was, it was like a long book.

**CHAIRPERSON:** Ja.

**MS VYTJIE MENTOR:** And then I think I had firstly the, the, my legal team represented me when I went to the High Court and all and then that is how I discovered how a proper statement.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** Should be crafted.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** Then I tried again to, to craft a statement all by myself. So I have had those kind of exercises and then I had a meeting with the team of the  
20 Commission.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** And I think.

**CHAIRPERSON:** That would have been last year sometime.

**MS VYTJIE MENTOR:** Yes.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** Hm.

**CHAIRPERSON:** Okay. If it was last year that is enough for my purposes now.

**MS VYTJIE MENTOR:** Okay.

**CHAIRPERSON:** So in 2016 is it correct that therefore there was no statement as such that you had prepared with or without the assistance of anybody, but there were some notes that you had prepared which you gave to the Public Protector and the Public Protector had an interview with you where you related what you, what you had to say?

**MS VYTJIE MENTOR:** Chair there was a statement in the sense that I made a statement to the police.

10 **CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** When I laid charges.

**CHAIRPERSON:** Yes, yes.

**MS VYTJIE MENTOR:** In, in, a component of that statement speaks about my departure from Cape Town going to, to Saxonwold etcetera.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** But the statement does not give the feature, the features in the house.

**CHAIRPERSON:** Of the house, ja. That that statement was prepared during which year? Are you able to remember or?

20 **MS VYTJIE MENTOR:** It was in May 2016.

**CHAIRPERSON:** 2016?

**MS VYTJIE MENTOR:** Yes Chair.

**CHAIRPERSON:** So would it be correct therefore to say that the earliest document that exists which records what, how you got to the residence and what you saw once you were at the residence is that statement if, if, if it does include that, but I think you



said it might not have included the features in the house.

**MS VYTJIE MENTOR:** It does not include the features.

**CHAIRPERSON:** But it says how you.

**MS VYTJIE MENTOR:** It talks about my travel.

**CHAIRPERSON:** Your travel as well, ja.

**MS VYTJIE MENTOR:** And what happened in the Saxonwold house.

**CHAIRPERSON:** Yes. So the first statement or now during the interview with the Public Protector did you talk to her about the features in the house that you observed?

**MS VYTJIE MENTOR:** I think I did Chair. I will have to verify.

10 **CHAIRPERSON:** You would need to check. Okay, alright.

**MS VYTJIE MENTOR:** Yes Chair.

**CHAIRPERSON:** I cannot remember. I have read it, but I cannot remember either.

**MS VYTJIE MENTOR:** Yes.

**CHAIRPERSON:** Okay. So in, so would it as we speak now would it be correct that it is only the statement that you submitted to this Commission that you are sure about exists that has the features of the house and that is where you?

**MS VYTJIE MENTOR:** I somehow.

**CHAIRPERSON:** [Indistinct].

**MS VYTJIE MENTOR:** I, I, I want to believe that I should have defined the features to  
20 the Public Protector to. I.

**CHAIRPERSON:** In terms of the transcript?

**MS VYTJIE MENTOR:** Yes.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** Not, not in a statement form.

**CHAIRPERSON:** Ja, in a transcript, ja.

**MS VYTJIE MENTOR:** But in an interview form.

**CHAIRPERSON:** Ja, ja. That is fine.

**MS VYTJIE MENTOR:** I suspect that, I wonder why I would not have done that.

**CHAIRPERSON:** Yes. You see what I am, what I am really concerned is that if the first time if the first document we have in which you say what the features were that you saw in 2010, if, if that document is a document which was, which is a recording of your interview with the Public Protector in 2016 that that means a period of about, four years had lapsed.

**UNKNOWN PERSON:** Six, six years.

10 **CHAIRPERSON:** Oh, is it six years, okay. Actually, ja six years. That seems to be quite a long time to remember some of the details. Maybe not in terms of something that is quite prominent, but maybe some of the details. I do not know. I just want to give you a chance to say what you say about that. Somebody who says, but how does she remember, how could she have remembered these details six years after her visit if she had not even prepared a statement on which she could have refreshed her memory. What do you say to that?

**MS VYTJIE MENTOR:** Sorry, I think I switched off the, yes.

**CHAIRPERSON:** Yes.

20 **MS VYTJIE MENTOR:** I remember the features and I had an, a desire to remember them and there are things that I do not remember about that visit. For instance I already said I do not remember whether the gate was see through or was not see through, but Chair I remember the details.

**CHAIRPERSON:** Why did you have a desire to remember them if you are able to tell us?

**MS VYTJIE MENTOR:** Because I knew that, at first when I went public Chair the

Gupta's threatened that they would sue me and they threatened to take me to court and I knew that I would have to get my ducks in a row in case they sue as they had promised. So that is what I mean when I say that I had a desire to say if, if you are asked how can you prove you have been in that house. For instance I do not remember what the floor looked; I know that it was not carpeted.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** But I do not remember the colour of the, the tiling.

**CHAIRPERSON:** Yes, yes.

**MS VYTJIE MENTOR:** In 2010.

10 **CHAIRPERSON:** Yes. You said earlier on that you, if I understood you correctly, you did some investigation about the Guptas. Can you tell me more about the investigation that you did and when it was?

**MS VYTJIE MENTOR:** Chair when the Guptas landed the wedding plane at Waterkloof that is actually the first time when I went public on Facebook.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** About the offer and for some reason and if, if anybody goes to my wall they, they would find that. For some reason the media did not pick that up, but after that Chair I posted a lot, I researched a lot about them and I, I posted a lot about them including their relationship with President Zuma. I wrote on my Facebook wall  
20 that they derived the authority to land a plane that does not clear customs at a national key point, because of their proximity to the President and I, I began to check out who are they, where do they come from. In that research one of the things that I for instance discovered was that they were very impoverished in India, before they came here and that their father at one stage sold a primitive mill where they grind maize meal and [indistinct] and I [indistinct] they were a big family. So I did a whole lot of and then I

began to observe also their proximity with those in power and I would also go online, because I had time on my, later on I had time on my hands when I was in hospital for a long time and recovering from home for a long time. Then I met, because I had been working with SOEs. I saw how the high attrition rate of board members for instance of the SAA and I saw movements of people like Iqbal Surve to Transnet.

**CHAIRPERSON:** Okay. No that that is fine. I just wanted to have some idea of what you may have, some of the things you may have picked up. You do not have to in terms of your, your investigation or research you do not have to deal with all of them. Ms Sello, I see we are, we are; it is after four, but I, I would rather let us finish if at all  
10 possible in terms of what you need to ask her. So that tomorrow it can be cross-examination if at all; I, I, I assume you would be fine with that if we continue Ms Mentor?

**MS VYTJIE MENTOR:** Yes Chair.

**CHAIRPERSON:** You would be fine. Yes.

**ADV MAHLAPE SELLO:** Sorry. Yes Chair I am happy to continue. Now Ms Mentor continuing on the conversation you had with the Chair you will recall that at page 2151 of the features you had testified to that the experts were to look for was a pillar and you corrected that today, by two large windows in a room where you sat. Can you quickly comment on that? Were you able to locate such a pillar and such windows when we  
20 arrived at the Gupta house or not?

**MS VYTJIE MENTOR:** I already spoke about that.

**ADV MAHLAPE SELLO:** Now you spoke about a wall that you say you wanted tested as to its age from the entrance of the, of the home. You recall that?

**MS VYTJIE MENTOR:** Yes, two walls.

**ADV MAHLAPE SELLO:** Okay.

**MS VYTJIE MENTOR:** Two walls.

**ADV MAHLAPE SELLO:** Two walls. Now let us talk about what I call the front wall.

The wall you see when you immediately enter. You confirm we went behind that wall through side doors and there was a lounge behind the door, behind that wall?

**MS VYTJIE MENTOR:** That is what I said.

**ADV MAHLAPE SELLO:** Yes. Now in the lounge then that is where we found windows and the windows we found are not, are they consistent with the description of windows you gave or you say you had seen on the day in August 2010?

**MS VYTJIE MENTOR:** I said that they, the win, the windows were not consistent with  
10 what I, the windows in 2010 were gigantic.

**ADV MAHLAPE SELLO:** And in that lounge as well we could not locate a pillar? The pillar you [intervenes].

**MS VYTJIE MENTOR:** I said, I already said that the pillar was nowhere. I did not see the pillar anywhere.

**ADV MAHLAPE SELLO:** Okay. Now you did make mention of a mural on the wall. Just for the record you confirm and which is contained in the report that the murals we found on the property you discounted as the murals you were referring to when you testified before the Chair. That is correct?

**MS VYTJIE MENTOR:** I said so already.

20 **ADV MAHLAPE SELLO:** Okay. Now when you, we entered the property on, on the left was a staircase leading to a floor up and a floor below. You recall that?

**MS VYTJIE MENTOR:** Yes and I said that I do not recall that staircase.

**ADV MAHLAPE SELLO:** And you discounted that staircase as having been there on, in August 2010?

**MS VYTJIE MENTOR:** I said I do not recall having spotted it in 2010.

**ADV MAHLAPE SELLO:** Okay. None and you, you indicated that when you visited the Gupta residence after you had gone up this flight of stairs outside and entered the property you did not go up or down a set of stairs?

**MS VYTJIE MENTOR:** Yes, once I was in the house.

**ADV MAHLAPE SELLO:** Okay and subsequently when the inspection was completed you, your legal representatives requested that we visit a room below where we, we had entered the property which would require us to go down the stairs. You recall that?

**MS VYTJIE MENTOR:** Yes.

**ADV MAHLAPE SELLO:** And we did go down that stairs.

10 **MS VYTJIE MENTOR:** Yes.

**ADV MAHLAPE SELLO:** Can you, I would like to confirm that you discounted that space as a place you had ever entered, you had ever been? Correct?

**MS VYTJIE MENTOR:** Yes, I did say I have never been to here.

**ADV MAHLAPE SELLO:** And in that room we found a small pillar at a corner of a swimming, indoor swimming pool and you made comments about that pillar.

**MS VYTJIE MENTOR:** Yes. May I just take you back?

**ADV MAHLAPE SELLO:** Okay.

**MS VYTJIE MENTOR:** Through the Chair to the, the other floor where I was seated.

**ADV MAHLAPE SELLO:** Yes ma'am.

20 **MS VYTJIE MENTOR:** On the, before we go to the pillar and stuff downstairs.

**ADV MAHLAPE SELLO:** Okay.

**MS VYTJIE MENTOR:** What I forgot to mention is that on the day of the *in loco* inspection we were led further down that passage beyond the bathrooms and I had submitted to the team that I could not comment on the structures further than the bathrooms, be.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** Because I had not been beyond the bathrooms.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** Nonetheless we went into a room that was a main bedroom and I, it had windows. So I had asked the experts to check whether it was possible that those windows anyone of them or both of them or the cupboards for that matter could have been or is there a door. Reason being that in my evidence where I sat on that couch when Ajay Gupta came to join me and to sit on the other couch he came from the, the direction of the passage of the bathrooms that I was shown and the President  
10 also when he came in. He came from that passage. So it surprised me when on the day of the *in loco* inspection that we were shown another bedroom to, to the left of the passage. If the bathrooms are to the right, if the bathroom was on the right, just slightly adjacent to that there is a bedroom, but the passage leads into a main bedroom. So in my mind I asked where could they have come from, both Ajay and the President on that day, because having shown what we were shown on that floor during the inspection there was no thoroughfare where they could have come from. Hence I asked the expert teams to check whether there had been through the, the, the cupboards if there is a door or if one of the windows or both of the windows could have been a door. In fact I asked that the windows must be opened so that I could test them and then we  
20 were told that they are sealed. They never open. They are sealed for security purposes. So that is the aspect that I forgot to add before we move from one floor to the lower floor.

**CHAIRPERSON:** Okay, thank you.

**ADV MAHLAPE SELLO:** Thank you Chair. Thank you Ms Mentor. It is clarified. Now we were, we were then at the lower floor that we, we had gone to after, after inspecting

the area you speak of and I was at the point of the pillar at the corner of an indoor swimming pool. You discounted that pillar as the pillar you were referring to in your testimony on the basis that the one you had seen was much wider and larger than the pillar we were seen in that room. Is that correct?

**MS VYTJIE MENTOR:** In fact there, there, there, there are more than one pillar on that floor and all, I think there are four and I said that by the look of things they do not compare to the size of the pillar that I had seen in 2010.

**ADV MAHLAPE SELLO:** And just for the record we, there was a mural on the left side of the swimming pool across the length of the wall and you, you considered that mural  
10 and you discounted it as the mural that you were referring to?

**MS VYTJIE MENTOR:** I discounted it, because I had never been to that floor in 2010 anyway.

**ADV MAHLAPE SELLO:** Thank you. So the; you, you testified no you requested the experts to test the age of the boundary wall around number 5 Saxonwold. Do you recall?

**MS VYTJIE MENTOR:** Yes. Five, between five and seven.

**ADV MAHLAPE SELLO:** Yes and this on the basis that when you had visited that property there was no boundary wall.

**MS VYTJIE MENTOR:** Yes. Chair may I go slightly back?

20 **CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** Well I can answer this question and go back whatever [intervenes].

**ADV MAHLAPE SELLO:** What is best for you ma'am?

**MS VYTJIE MENTOR:** Okay. Chair now that we are speaking about walls.

**CHAIRPERSON:** Huh-uh.



**MS VYTJIE MENTOR:** When we entered property five.

**CHAIRPERSON:** Ja.

**MS VYTJIE MENTOR:** I did point out to the team that the, the, the driveway and it is length and how it curved slightly towards behind the house is in line with what I remember from 2010.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** And I also said that the, the distance between the entrance of the house where the steps are where the car drives, the driveway and the wall was consistent that in 2010 it was like; so that wall on the extreme, in front of the stairs I  
10 remember it and was consistent with what I saw in 2010 together with the space between and the how the driveway went around towards behind the house.

**CHAIRPERSON:** Okay.

**ADV MAHLAPE SELLO:** Okay. Just to clarify them because I think you touched a bit on my next question are you saying to the Chairperson that you recognise the boundary wall as having been there on your visit in August 2010, the boundary wall around 5 Saxonwold?

**MS VYTJIE MENTOR:** Not the boundary wall between five and seven.

**ADV MAHLAPE SELLO:** I am talking about and five and three?

**MS VYTJIE MENTOR:** Well the, the, the wall in front of the, the driveway.

20 **ADV MAHLAPE SELLO:** Yes. No, the wall in front of the steps.

**MS VYTJIE MENTOR:** Yes.

**ADV MAHLAPE SELLO:** Are you saying that that wall was there on the day in August 2010?

**MS VYTJIE MENTOR:** I say I remember that we, we took that narrow drive around the, the, the house. So that wall did not stand out for me as irregular or suddenly present

when we did the *in loco* inspection.

**ADV MAHLAPE SELLO:** Okay. I, I sought clarification on that, because one of the issues you had raised with the experts as the report shows you questioned whether or not there was a boundary wall between 3 Saxonwold and 5 Saxonwold when you arrived on the day and I will request that probably for ease of reference they just quickly bring up that picture. You had specifically made, you queried that and you instructed them to test the age of that wall. Do you still want them to do that?

**MS VYTJIE MENTOR:** Chair, sorry madam. It is the wall between number seven, the two big mansions, the two large houses. We can go to the, to the video.

10 **CHAIRPERSON:** Well make.

**ADV MAHLAPE SELLO:** Hm.

**CHAIRPERSON:** Make sure you are speak, you are on the same page.

**MS VYTJIE MENTOR:** No, not unless I do not know what number three is.

**CHAIRPERSON:** [Intervenes].

**ADV MAHLAPE SELLO:** May, may I request that the picture be brought up for ease of reference?

**CHAIRPERSON:** Okay, alright.

**ADV MAHLAPE SELLO:** Then I think it will.

**CHAIRPERSON:** Okay.

20 **ADV MAHLAPE SELLO:** It will clarify the issue.

**CHAIRPERSON:** Hm.

**ADV MAHLAPE SELLO:** Okay. You recall when we entered the property at number five you indicated that the wall bordering five and three was not there at the time when you visited in August 2010. Do you recall that and you requested actually the, the experts to test the age of that boundary wall?

**MS VYTJIE MENTOR:** Show me the gate of, of, of, of, of number five.

**ADV MAHLAPE SELLO:** Hm.

**MS VYTJIE MENTOR:** That we used when we entered.

**ADV MAHLAPE SELLO:** I cannot on these series of pictures, because these are pictures provided as part of the expert report. So it is just an aerial view of the properties.

**MS VYTJIE MENTOR:** I think the video will clarify which wall did I say should the expert check for me.

**ADV MAHLAPE SELLO:** Okay.

10 **CHAIRPERSON:** Well we, without the video are you able from your own recollection to say which wall you were talking about in case they may have misunderstood what wall you are talking about?

**MS VYTJIE MENTOR:** Yes Chair. When we were doing inspection there were two big houses. One with stairs in front.

**CHAIRPERSON:** Huh-uh.

**MS VYTJIE MENTOR:** Steps, one without.

**CHAIRPERSON:** Ja.

**MS VYTJIE MENTOR:** And then as we moved between those two houses.

**CHAIRPERSON:** Houses, ja.

20 **MS VYTJIE MENTOR:** I asked whether the wall between them.

**CHAIRPERSON:** Hm.

**MS VYTJIE MENTOR:** Has always existed.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** I also asked about the garden.

**CHAIRPERSON:** Before you talk about the garden so the wall that you say you asked

the experts to check whether it had been there in 2010, how old it was. It is a wall between the house at number five and the house within the property number five or with another number?

**MS VYTJIE MENTOR:** Chair, you; when we, when we, when we did the inspection we went, we saw one big house which we went around before we entered.

**CHAIRPERSON:** Ja.

**MS VYTJIE MENTOR:** Then we went into another big house.

**CHAIRPERSON:** Ja.

**MS VYTJIE MENTOR:** Between the two big houses there was a wall.

10 **CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** And I asked about that wall. After that we went out and walked in the street.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** To another property.

**CHAIRPERSON:** ja.

**ADV MAHLAPE SELLO:** And I – when – the house that we walked on the street towards.

**CHAIRPERSON:** Ja.

20 **ADV MAHLAPE SELLO:** I have never queried the wall between that house and the other house.

**CHAIRPERSON:** Does that give you an idea whether you are talking about the same two houses?

**ADV MAHLAPE SELLO:** No Chair we are not talking about the same wall. That is an aspect I suggest Chair the expert deal with because it is part of their findings in the report and it is the boundary wall in particular between number 5 and number 3.

**CHAIRPERSON:** Okay.

**MS VYTJIE MENTOR:** So to the extent necessary and if the expert might require that.

**CHAIRPERSON:** Ja.

**ADV MAHLAPE SELLO:** Maybe the video of that particular query or at the time Ms Mentor made the query may be shown.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** And she may be reminded Chair.

**CHAIRPERSON:** Okay.

**ADV MAHLAPE SELLO:** But I – she seems to be of one view I am of another there is  
10 no point in debating the issue currently.

**CHAIRPERSON:** Ja.

**ADV MAHLAPE SELLO:** The video is there and it speaks for itself Chair.

**CHAIRPERSON:** Ja.

**ADV MAHLAPE SELLO:** Thank you.

**CHAIRPERSON:** Okay I think just make a note so that in due course the issue can be  
looked at properly.

**ADV MAHLAPE SELLO:** And it is an issue that the experts would have to respond to.

**CHAIRPERSON:** The experts ja.

**ADV MAHLAPE SELLO:** Because it is an issue they deal with in their report.

20 **CHAIRPERSON:** Yes. But what she is clear about is that the wall she is talking about  
is between two houses. From what you know in terms of the report of the experts is the  
wall that they understood her to be talking about between two houses as well?  
Whether it is the same house, two houses or different two houses, is it between two  
houses?

**ADV MAHLAPE SELLO:** Chair if I may just state this before I respond Chair.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** With your permission. It is not for what I glean from the report.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** It is what I experienced at the inspection in loco.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** I was present when Ms Mentor queried this particular wall.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** The video is there.

10 **CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** It is that particular query.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** That the experts themselves and they heard the query.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** Deal with in the papers and that wall is not a boundary wall between 5 and 7 it is between 5 and 3.

**CHAIRPERSON:** Okay. Okay no that is fine. Ms Mentor.

**MS VYTJIE MENTOR:** But Chair I was there myself too.

20 **CHAIRPERSON:** I think what we will do – what must be done at some stage just to show us that part of the video while she is around so that she gets a chance to say whether there – which wall she was talking about.

**ADV MAHLAPE SELLO:** Yes Chair. No I am sure it will not be a difficulty we will find that snippet.

**CHAIRPERSON:** Yes okay.

**ADV MAHLAPE SELLO:** Ms Mentor then we – after we inspected number 5 we exited

and then we went to number 7 property number 7. You confirm that?

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

**ADV MAHLAPE SELLO:** Okay now having – if one – if you have regard to the issues that were to be investigated as set out at page 215, do you confirm that none of the features described in sub-paragraphs 8.1 to 8.4 of the brief to the experts could be found at number 7? Not the staircase, not the pillar by two large windows, not a mural on any of the walls and the ladies restroom decorated in the manner that you describe?

**MS VYTJIE MENTOR:** I did discount number 7 at – during the in loco inspection in totality.

10 **ADV MAHLAPE SELLO:** Okay.

**MS VYTJIE MENTOR:** After we have went into the house.

**ADV MAHLAPE SELLO:** Now for...

**CHAIRPERSON:** Thank you.

**ADV MAHLAPE SELLO:** For the record the – the experts state in their report that you could not have visited number 7 because it did not exist at the time at all it was a construction site, do you have a comment on that or you do not want to?

**MS VYTJIE MENTOR:** Ma'am I am saying ...

**CHAIRPERSON:** When she is said she did not.

**MS VYTJIE MENTOR:** I myself discounted number 7.

20 **CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** So me and the experts are agreeing on that.

**ADV MAHLAPE SELLO:** Okay that is fine that would assist they are experts they know what to speak to you. The conclusion drawn by the experts Chair is none of the features they were asked to identify in the brief they were able to locate at number 5 Saxonwold Drive.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** And all the features that they were able to – Chair.

**CHAIRPERSON:** No I am saying to Ms Mentor I will give her a chance she was raising her hand. Yes.

**ADV MAHLAPE SELLO:** Yes and the issues – and that all four issues because we have discounted the fifth none of the features could be identified at number 5 Saxonwold.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** There are other issues that arose during the course of  
10 inspection that did not necessarily flow from the testimony of Ms Mentor in August.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** And consequently were not part of the brief provided to the experts.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** There were issues that she – she raised on the day and the experts made a list of all those issues.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** That she would like tested.

**CHAIRPERSON:** Yes.

20 **ADV MAHLAPE SELLO:** But they do not provide an answer in respect there to their response confines itself to the brief.

**CHAIRPERSON:** Yes okay.

**ADV MAHLAPE SELLO:** Now Ms Mentor in her affidavit and she correctly points out that there are certain aspects.

**CHAIRPERSON:** Maybe –maybe before you proceed. Just in case what Ms Mentor



wanted to say.

**ADV MAHLAPE SELLO:** Will impact that.

**CHAIRPERSON:** Might be – she might forget after – if we allow you to go too far.

**ADV MAHLAPE SELLO:** Absolutely Chair.

**CHAIRPERSON:** You wanted to say something Ms Mentor?

**MS VYTJIE MENTOR:** No I wanted to say that in terms of the narrow brief that were given to the experts it might be right that they did not find the issues but in my – I have submitted that there are features that they should have been.

**CHAIRPERSON:** Yes.

10 **MS VYTJIE MENTOR:** That should have been – that should have formed part of the brief.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** That was not part of the brief.

**CHAIRPERSON:** Ja to which you had testified last year. Ja.

**MS VYTJIE MENTOR:** And that I found – yes, yes Chair.

**CHAIRPERSON:** Ja okay.

**ADV MAHLAPE SELLO:** And in this regard...

**CHAIRPERSON:** I am sorry did you say which you found when you went for the inspection in loco?

20 **MS VYTJIE MENTOR:** Yes Chair the features like the position of the bathroom was where I said it was, the passage, the kitchen, the passage of the kitchen. So...

**CHAIRPERSON:** Okay no what I am saying is you were saying that there were features.

**ADV MAHLAPE SELLO:** That they found.

**CHAIRPERSON:** That you testified about in this commission last year which were not

included in the brief to the experts but which you found were still there during the inspection in loco, is that what you are saying?

**MS VYTJIE MENTOR:** I beg your pardon Chair may you kindly repeat that for me?

**CHAIRPERSON:** Okay alright. You made the point that the – the mandate or brief to the experts did not include certain features of the house okay that is one, you agree with that?

**MS VYTJIE MENTOR:** Yes Chair.

**CHAIRPERSON:** Okay did you then say those features or some of those features that were not included in that mandate were features that you testified about before this  
10 commission last year?

**MS VYTJIE MENTOR:** Yes Chair.

**CHAIRPERSON:** That is – ja. Then the next question is whether there are features of the house which were not included in the brief to the experts and about which you had testified before this commission last year which you found are still there when you went on inspection.

**MS VYTJIE MENTOR:** Are there features that I did not testify about?

**CHAIRPERSON:** That you testified about?

**MS VYTJIE MENTOR:** Oh that I testified about?

**CHAIRPERSON:** Ja but which were not included in the brief but which you observed  
20 are still there when you went on the inspection in loco?

**MS VYTJIE MENTOR:** Not in the house per se Chair.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** In my evidence I spoke about the trees I admired.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** When we were about to enter the property.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** And that avenue of trees were there so it is not necessarily in the...

**CHAIRPERSON:** Oh not inside the house?

**MS VYTJIE MENTOR:** Yes.

**CHAIRPERSON:** Okay no that is fine thank you.

**ADV MAHLAPE SELLO:** Chair I must point out that at paragraph 17.5 starting at page 5 – 5.4 Ms Mentor lists the features if I may call that that she had testified to and that were present in the house at page 555 17.51. The first is that there was indeed a small  
10 bathroom in a passage which leads off from the entrance hall room which accords with the position that I recall and have repeatedly described. We can confirm that having entered the entrance hall to the right down the passage there is a bathroom. Secondly she says there was indeed a passage leading to a kitchen in the position which accords with her evidence that I have given. Ms Mentor testified that as she sat in this room down the other passage I will call it not the passage with the bathroom. Down the other passage this gentleman, the chef came through and I think with Mr Atul or Ajay it does [indistinct] and who translated for him and we found a passage through which one goes to the kitchen in the direction that she had testified that is there. She points out that the steps to the main entrance to the house were in the approximate position that I  
20 remember and where marble granite although there were more steps than I recall from my visit in 2010. We can confirm Chair that from our inspection the position of the steps leading to the house or to the main entrance is correct. We however take issue with the fact whether they are marble or granite the experts express their view that they are granite. Ms Mentor says that they either marble or granite. And then she says although there were more steps than I recall from my visit and that is what we dealt with

previously.

**CHAIRPERSON**: Ja.

**ADV MAHLAPE SELLO**: We found ten she testified five to six.

**CHAIRPERSON**: Ja okay.

**ADV MAHLAPE SELLO**: Just a little.

**CHAIRPERSON**: Ms Mentor you want to say something on that?

**MS VYTJIE MENTOR**: Chair I just want to remind Ms Sello that even in my testimony I battled with granite and marble.

**CHAIRPERSON**: Yes.

10 **MS VYTJIE MENTOR**: Granite and – and I even told you that it is a battle I always ensue with my daughter.

**CHAIRPERSON**: Yes.

**MS VYTJIE MENTOR**: So...

**CHAIRPERSON**: So you just want to say you are not rigid.

**MS VYTJIE MENTOR**: Yes.

**CHAIRPERSON**: About which one it was. You were – but your understanding this is how you describe it?

**MS VYTJIE MENTOR**: Yes Chair.

**CHAIRPERSON**: Okay.

20 **ADV MAHLAPE SELLO**: And lastly Chair she points out that there were indeed murals in various parts of the house although not on one – not one on the wall which I recall. Yes we can confirm that there were two recesses leading to the lounge which had small murals but she discounted those as the murals she was referring to in her testimony and neither one was on the wall that she had recalled – that she had remembered the murals she saw being on that wall. So the issues are there and I can confirm that

aspects of it.

**CHAIRPERSON**: Ja okay. Yes Ms Mentor.

**MS VYTJIE MENTOR**: Chair if I may entertain you about two or three more things that pertain to the visit.

**CHAIRPERSON**: The features.

**MS VYTJIE MENTOR**: Yes Chair. The lounge.

**CHAIRPERSON**: Yes.

**MS VYTJIE MENTOR**: As it stood when we did the in loco inspection had a wall but then I – if they would have gone back I would have hoped that they would have  
10 because I pointed where the pillar ought to have been and I pointed to the wall of the lounge. I had hoped that they would check whether now the pillar has been enclosed when the lounge was being reconstructed that is the first thing. Secondly to Chair maybe I did not say this to the inspection but from – this is from media reports that I have read that we know that there have been as late as about three or four years ago in complaints about the neighbours that there is forever construction around Saxonwold and also I want to belabour the issue of the original plan of the house Chair. I do not understand in modern day where a house can exist where you ask for plans from the municipality or from the deeds office and a plan does not exist and a plan exist only on the computer because a plan on the computer can be – I mean my father built our  
20 house thirty years ago. We still have a plan. It does not makes sense that we can be told that the original plan of the house does not exist.

**CHAIRPERSON**: Okay thank you.

**ADV MAHLAPE SELLO**: Ms – the experts provide a way forward Chair and I wanted to find out from Ms Mentor having visited the property or properties in question, having considered the expert report you are aware that – I will place record and the report

states as much. The inspection was a visual inspection. And the experts point out that a deeper level of investigation can take place and a forensic investigation can be undertaken to establish whether the features testified to by Ms Mentor ever existed at some or other point. Now Ms Mentor my question to you is you are aware that the conservative estimate of that exercise is R810 000,00. My question is are you of the view that the commission must proceed with that expenditure of R810 000,00 to conduct a forensic investigation. If you had a choice if I may say what would you say?

**CHAIRPERSON:** Well I am not sure if it is fair to ask her that question.

**ADV MAHLAPE SELLO:** It may very well be ...

10 **CHAIRPERSON:** She has put her version. She has said that she – there are things that there should be some further work done. The experts have told – have said how much that would cost. What must she say?

**ADV MAHLAPE SELLO:** She has not had a comment – an opportunity to comment on the cost and I wondered if she would? If she does not have a comment [indistinct].

**CHAIRPERSON:** Ja I am not sure that she – Ms Mentor do not – I am not sure that we need her opinion about whether in the light of the cost it should be done or not.

**ADV MAHLAPE SELLO:** I am happy to leave the question Chair.

**CHAIRPERSON:** Ms Mentor I am not sure that you...

20 **MS VYTJIE MENTOR:** I think she is being unfair to me Chair. In that when she raised this issue, when we had a meeting we both agreed that it is the call of the Chair. It is the determination of the Chair to make. I even said in that meeting I am currently reading this book and it is blood on their hands and it is about General Johan Booysen and that in this book I came up – I have – I came across issues about the Goldstone Commission when ...

**CHAIRPERSON:** Yes but do not – do not take us to other things. She was asking

about – she was asking whether you think in the light of the costs we should do what needs to be done and I kind of protected you from that.

**MS VYTJIE MENTOR:** I will stand under your protection Chair.

**CHAIRPERSON:** Yes okay thank you.

**ADV MAHLAPE SELLO:** I accept that Chair and to the extent necessary I am happy with withdraw the question if it is unfair to the witness. Thank you Chair. Chair that would then be in summary the inspection in loco. What we found on the site and as a – we have indicated we have touched on as well.

**CHAIRPERSON:** I have noted your hand yes.

10 **ADV MAHLAPE SELLO:** And we have touched on some key aspects of the expert report.

**CHAIRPERSON:** Ja.

**ADV MAHLAPE SELLO:** Which we have submitted.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** The Chair.

**CHAIRPERSON:** So you – are you done with her save for the view – the showing of a particular part of the video recording?

**ADV MAHLAPE SELLO:** Indeed Chair.

**CHAIRPERSON:** Yes.

20 **ADV MAHLAPE SELLO:** It would just be the boundary walls story.

**CHAIRPERSON:** Yes, ja.

**ADV MAHLAPE SELLO:** Just for clarification.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** And beyond that it would be.

**CHAIRPERSON:** The cross-examination.

**ADV MAHLAPE SELLO:** The testimony of the expert.

**CHAIRPERSON:** Ja okay.

**ADV MAHLAPE SELLO:** In respect of this, this very report.

**CHAIRPERSON:** Thank you. Ms Mentor.

**MS VYTJIE MENTOR:** Thank you Chair.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** Ms Sello correctly says the report of the experts says it was just a visual that...

**CHAIRPERSON:** Inspection ja.

10 **MS VYTJIE MENTOR:** Yes that what we were initially would happen did not happen.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** And what I would like to add is that the report also says it is not definitive.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** So I think to just say that it was visual without saying that the report concludes that it is in definitive.

**CHAIRPERSON:** Yes probably she was leaving that for the experts when they give evidence.

**MS VYTJIE MENTOR:** Oh.

20 **CHAIRPERSON:** Yes ja.

**MS VYTJIE MENTOR:** Okay.

**ADV MAHLAPE SELLO:** Before I leave that point if I may just Chair follow up and based on what Ms Mentor has says – has just said. She says what they were promised did not happen. What were you promised exactly and what did not happen?

**MS VYTJIE MENTOR:** We understood that there would be a structural – structural



engineer, paint specialist bla, bla, bla and that we would – I would go and do the pointing out and that the team would go back. And what I mean did not happen is that part of the team going back to go and do – we had a – we did not know that it was going to end up just being a visual visit.

**CHAIRPERSON:** Yes okay.

**ADV MAHLAPE SELLO:** For the record I would like clarify. The brief to them is to go conduct to be part of the visual inspection and to bring to bear their experience and their expertise and to listen very carefully to understand what is at issue. And to form a view based on their experience and what they hear. Thereafter the Chair will take it  
10 further and decide whether further investigations are necessary. That for the record is what was supposed to happen and I just want to make sure that I correct your any perception you may have held that is contrary to that because it would be entirely wrong. And to the extent that I led you to so believe then I apologise.

**MS VYTJIE MENTOR:** I accept your explanation Ma'am Chair through you Chair it is just that I wondered why.

**CHAIRPERSON:** Ja it had not...

**MS VYTJIE MENTOR:** I was allowed to waste time for two and a half hours to say to the expert please when you come back check this, check that, check that when there was not going to – if – I should have been corrected that there might not be a coming  
20 back.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** But I was allowed to labour under the impression that they were going to come here. In fact if I knew they were not going to come back I would have made definite statements about the features that were there and that were not there.

**CHAIRPERSON:** Yes.

MS VYTJIE MENTOR: But because I had impression that they were going to go back I instead said check this and check that. Check this and check that.

CHAIRPERSON: Yes. Yes, yes.

ADV MAHLAPE SELLO: Thank you Chair.

CHAIRPERSON: Okay.

ADV MAHLAPE SELLO: Chair we could very briefly go through Mr Ajay Gupta's affidavit. That is one affidavit and version that was not put to Ms Mentor at her last appearance in August. It is just a number of issues that Mr Gupta raises and just to give Ms Mentor an opportunity to deal with them or to comment thereon should she find fit.

CHAIRPERSON: You want to do that now? If you want to do that you can do that.

ADV MAHLAPE SELLO: It is dependent on you.

CHAIRPERSON: I – my recollection is that – my recollection is that their version was denial that there was such a meeting.

ADV MAHLAPE SELLO: Chair it has – more than – they filed a substantive affidavit raising different – various different issues.

CHAIRPERSON: Ja okay.

ADV MAHLAPE SELLO: And I am in your hands Chair.

CHAIRPERSON: Ja you may proceed ja.

ADV MAHLAPE SELLO: Thank you.

MS VYTJIE MENTOR: Sorry Chair.

CHAIRPERSON: Yes.

MS VYTJIE MENTOR: Please bear with me I know that I am very problematic but forgive me.

CHAIRPERSON: Yes.

**MS VYTJIE MENTOR:** I would like to know if the submission and evidence of people who refuse to subject themselves to the processes of this commission if it is not an introduction of their issues through the backdoor. If I am supposed to – I am not a lawyer. I am just – it is just my lay person's head thinking.

**CHAIRPERSON:** Now – no this is what is going to happen. You see if they were allowed – they were granted leave to cross-examine then that would grant them certain rights. But if the commission is aware of something that they think is maybe important to bring to attention and hear what you have to say then it is the decision – it is not their decision it is the decision of the legal team and if I allow it. Because they might not be here but there might be something that the commission is aware of and not to raise it at all might not be fair in terms of the mandate of the commission itself. So – but it is the discretion initially of the legal team subject to my overriding discretion. Yes.

**MS VYTJIE MENTOR:** Thank you Chair.

**ADV MAHLAPE SELLO:** Thank you Chair. It would be very brief just to give Ms Mentor an opportunity to comment is she so chooses.

**CHAIRPERSON:** Ja.

**ADV MAHLAPE SELLO:** Now Ms Mentor I would like to refer you to D3. D3 are the applications for cross-examination. And if I may just call it the Gupta Application starts at page 113.

**CHAIRPERSON:** Did you say 113?

**ADV MAHLAPE SELLO:** It starts at D3 113 Chair and the affidavit starts at 117 in support of that application.

**MS VYTJIE MENTOR:** I am there.

**ADV MAHLAPE SELLO:** You found it?

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

**ADV MAHLAPE SELLO:** It starts at 117 and let us quickly start at page 119 and this concerns the – your testimony regarding the flight to China. In brief Mr Ajay Gupta concludes that if you arrived in China after the proceedings had started then you were not on the same flight. But we now have objective evidence that demonstrates that you were on the same flight so that seizes to be an issue, you would agree?

**MS VYTJIE MENTOR:** Yes Ma'am what do you expect me to do?

**ADV MAHLAPE SELLO:** No I am saying I am just putting on record that he had taken issue that you cannot have been on the same flight.

**MS VYTJIE MENTOR:** Okay.

10 **ADV MAHLAPE SELLO:** Because of the details you give and I am saying that there is an objective verifiable evidence to show that you were indeed on the same flight. Mr Ajay Gupta denies that he or any of his – member of his family was part of an advanced team. This is from page 121 and that the – that is not the function they discharged they attended as businessmen and could not have been spotting tags and being responsible for registration and administration. Do you persist in your allegation that that is the role they played?

**MS VYTJIE MENTOR:** I do.

20 **CHAIRPERSON:** Well hang on that might be unfair to the witness. As I recall the witness did not say that they were part of an advanced team. She said she was told that they were part of an advanced team. Now based on that I take it that she would not know whether what she was told is true or not.

**ADV MAHLAPE SELLO:** Yes Chair and in fact you are right not that...

**CHAIRPERSON:** So it is not something that she can confirm or not confirm. All she can say is what she was told whether what she was told is true or not she would not know.

ADV MAHLAPE SELLO: Thank you Chair. Then let me repose it. You maintain that the Gupta brother did tell you on that flight that his brother was part of the President's advance team?

MS VYTJIE MENTOR: I maintain that.

ADV MAHLAPE SELLO: And now that you know who the brothers are are you able to say whether it was Rajesh or you cannot recall now?

MS VYTJIE MENTOR: I beg your pardon?

ADV MAHLAPE SELLO: Was it Rajesh who so informed you now that you know who is who?

10 MS VYTJIE MENTOR: I have said so repeatedly that I am – with time I have come to know the person that Duduzane introduced to me in the flight as Rajesh and that he had told me that his brother was in China as part of the advanced team or leading the advance team.

ADV MAHLAPE SELLO: Okay. The next issue I think you might want to comment on as – it starts at page 127 and this at paragraph 34 concerns your testimony that you said – you testified that Mr Ajay Gupta said that he had sent his younger brother Mr Atul Gupta to

MS VYTJIE MENTOR: The States.

ADV MAHLAPE SELLO: To the US to study.

20 MS VYTJIE MENTOR: Yes.

ADV MAHLAPE SELLO: If you look at paragraph 34. Mr Ajay Gupta states that no-one in the family has ever been sent to the USA to study. Atul Gupta came to South Africa from India in 1994, 1994. Rajesh Gupta came to South Africa in 1997 and I came in the early 2000's but before that it was in and out of the country. Do you maintain though that...

CHAIRPERSON: Again it is not the same thing. She was told she does not know for sure whether that is true.

ADV MAHLAPE SELLO: No, no, no this is – this is Ajay Gupta denying that she – he told her that because.

CHAIRPERSON: Oh okay.

ADV MAHLAPE SELLO: Yes. Ms Mentor's testimony was that Ajay Gupta communicated this to her.

CHAIRPERSON: Oh okay.

ADV MAHLAPE SELLO: [indistinct] Mr Gupta told me that.

10 MS VYTJIE MENTOR: I insist that Ajay Gupta told me that.

ADV MAHLAPE SELLO: He told you as you suggest. The next paragraph you deal – deals with the question of the ruby ring. You recall you testified to the fact that Mr Ajay Gupta wears a ruby ring or wore a ruby ring on the index finger. Mr Ajay Gupta denies that he owns such a ring or that such a ring has relevance in the Hindu culture. He maintains that he wears two gold rings each containing a white diamond and the ring belonging to my father I wear on my middle finger. Are you – do you know – do you remember for certain that the ring was a red ruby ring or are you not sure?

MS VYTJIE MENTOR: I remember for certain and gold and ruby Chair if I may speak further about the ring before you step off it.

20 ADV MAHLAPE SELLO: Yes.

MS VYTJIE MENTOR: Advocate. Indicate to me are you stepping off the ring or?

ADV MAHLAPE SELLO: No, no Ma'am I am waiting for you.

MS VYTJIE MENTOR: Okay. Much as he disputes in this – in his affidavit that he wears a ring on his index finger we once pointed from the media Mr Ajay Gupta to adv Matlhape wearing a ring on the index finger. Then the debate from the advocate

became, but in the newspaper you cannot see if it is ruby or it is not ruby. So to the extent that he says he never wears a ring in his index finger the media reports where he wears a ring in his index finger.

**CHAIRPERSON:** Pictures?

**MS VYTJIE MENTOR:** Pictures.

**CHAIRPERSON:** Okay.

**ADV MAHLAPO SELLO:** May I clarify. What Mr Gupta denies is that he wears a red ruby ring on his index finger as part of the Hindu culture that enjoins him to wear such a ring, that is what he denies. He does not deny wearing a ring on the index finger. He  
10 actually says he wears two, except that the one has got a white diamond.

**MS VYTJIE MENTOR:** I would also say to you madam, I stick by what I said Ajay Gupta told me when I asked him why do you wear a ring on your index finger, because that is unusual.

**ADV MAHLAPO SELLO:** Okay.

**MS VYTJIE MENTOR:** And he told me that when the patriarch in his culture passes the eldest son takes the ring and wears it. I stand by what I said he told me.

**ADV MAHLAPO SELLO:** Okay, that is noted madam. The next issue I think is what appears at paragraph 130 and Mr Gupta appears to take particular am bridge at this. Paragraph 38.7. And if I may just quickly read is, he says:

20 "Ms Mentor describes being offered various lunch options by the Chef. We do have a Chef, but he would never have offered her, nor is it possible to have been offered a mutton curry in our home. We are of the Hindu religion and maintain a strictly vegetarian diet. It is...[indistinct] to suggest that meat of any form let alone in the form of chopped up sheep would be

allowed to enter our home, let alone enter our kitchen and form  
part of the meal prepared and served in our home."

Do you understand the issue that Mr Gupta takes? It is for religious reasons they cannot have mutton. My question is, are you absolutely certain that what you were offered and you subsequently partook in was mutton curry?

**MS VYTJIE MENTOR:** I am absolutely certain and if I may – I do not want to answer the question that I have not been asked, but I have tried to check, because you have given us this before. I have tried to check if at the Gupta wedding in Rustenburg if meat had not been served and whether it is chopped up meat, because there is no way  
10 you can serve meat without chopping it up. I stand by what I say he told me and I stand by what I say I was offered and at least I would have known also that they have a Chef.

**ADV MAHLAPO SELLO:** If I may just clarify I think the issue when you – especially when you bring up the wording, my understanding of his objection is a suggestion that they would have had more mutton in their home, because they are not – they cannot have that for religious reasons.

**MS VYTJIE MENTOR:** That is what I was served, I stand by that.

**ADV MAHLAPO SELLO:** Okay, madam. Lastly then it is – it is a question – an issue that he raises at paragraph 38.9 and 38.10 at page 131 and he suggests that  
20 Jet Airways started flying the route on 14 April 2010 and stopped on 12 June 2012. SAA stopped flying the route between South Africa and India in August 2015 during the time that Minister Lynn Brown was the Minister of Public Enterprises. Do you see that?

**MS VYTJIE MENTOR:** I see that.

**ADV MAHLAPO SELLO:** Do you have any comment on what he is claiming here? To your knowledge is this what happened?



**MS VYTJIE MENTOR:** Chair, I think – I do not know what is the purpose of this exercise, because I can answer to what I said in my statement and subsequent to my statement former Minister Barbara Hogan was here to testify about those airlines, so was Cheryl Carolus. So I do not know why I must say I agree with him when the airlines were stopped.

I just testified that I was asked to terminate the routes of the airlines.

**CHAIRPERSON:** Yes, I was going to ask whether it is the dates that are important or?

**ADV MAHLAPO SELLO:** It is the dates that are important, because according to Mr Ajay Gupta on 12 April 2010 Jet Airways was flying between Johannesburg and  
10 Mumbai and I wanted to find out if the witness has since become aware of that – is aware of that, has a comment and if she does not...[intervenes]

**CHAIRPERSON:** Well if her evidence was during the – during her meeting with Mr Ajay Gupta she was told that if she accepted appointment as Minister of Public Enterprises she would have to terminate the SAA route and allow Jet Airways to use the route then what is put to her should be in that context. If the dates are meant to say she could not have been asked to do that, because Jet Airways was already operating then it becomes clear. If it is something else it needs to be made clearer.

**ADV MAHLAPO SELLO:** It is the latter, Chair, which is, it was already flying and that is the version of Mr Gupta. All I am doing is putting to her a version that is inconsistent  
20 with what she has testified to. If she has a comment she may comment, but if she maintains her position that – then I will...[intervenes]

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** Chair, this is really making me tired and I – forgive me to say that.

**CHAIRPERSON:** It has been a long day.

**MS VYTJIE MENTOR:** In that, Chair, that – I say that he said that he had a relationship with that airways. Now I think the question should rather be – the focus should rather be whether in September/October 2010 the period during which I say I was requested to terminate the route of SAA whether SAA was flying at that time? And according to him in this paragraph during that period SAA was still flying, that whether they were competing with Jet Airways or – it is none of my business...[intervenes]

**CHAIRPERSON:** You do not know.

**MS VYTJIE MENTOR:** I do not know.

**CHAIRPERSON:** *Ja, ja.*

10 **ADV MAHLAPO SELLO:** I accept that, Chair.

**CHAIRPERSON:** Yes.

**ADV MAHLAPO SELLO:** Thank you Ms Mentor. I think those were the key issues that come out of Mr Ajay Gupta's affidavit and his version and I have put them to the witness.

**CHAIRPERSON:** Okay, alright. You are done for now except for the video recording?

**ADV MAHLAPO SELLO:** I could say that, Chair.

**CHAIRPERSON:** That we will deal with tomorrow.

**ADV MAHLAPO SELLO:** I will have to deal with the issues regarding three people that Ms Mentor testified would support her version and it really was to put to her what has  
20 been submitted and what has become available. I can do that now, Chair, or tomorrow.

**CHAIRPERSON:** No, let us do that tomorrow. It has been a long day, she has been on the witness stand.

**ADV MAHLAPO SELLO:** I am happy to do so.

**CHAIRPERSON:** We will adjourn now and then we will resume tomorrow at 10:00 in the morning.

**ADV MAHLAPO SELLO:** Thank you, Chair.

**MS VYTJIE MENTOR:** Thank you, Chair.

**CHAIRPERSON:** We adjourn.

**INQUIRY ADJOURNS TO 12 FEBRUARY 2019**