

**COMMISSION OF INQUIRY INTO STATE CAPTURE**

**HELD AT**

**PARKTOWN, JOHANNESBURG**

10

**12 FEBRUARY 2019**

**DAY 48**

20

**PROCEEDINGS HELD ON 12 FEBRUARY 2019**

**CHAIRPERSON:** Good morning Ms Sello, good morning everybody.

**ADV MAHLAPO SELLO:** Morning, Chair.

**MS VYTJIE MENTOR:** Good morning.

**CHAIRPERSON:** Yes?

**ADV MAHLAPO SELLO:** My apologies, good morning, Chair. Before I start Ms Mentor I think has indicated that she would like to address you.

**CHAIRPERSON:** Yes.

**ADV MAHLAPO SELLO:** If you may grant her the opportunity, thank you. Chair.

10 **CHAIRPERSON:** Yes, Ms Mentor?

**MS VYTJIE MENTOR:** Good morning, Chair.

**CHAIRPERSON:** Good morning.

**MS VYTJIE MENTOR:** Thank you very much. I do not want to waste time, but I would like to address you about a few things that were canvassed yesterday.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** I will not be long.

**CHAIRPERSON:** Yes, sure.

**MS VYTJIE MENTOR:** They have to do partly with the part concession I made.

**CHAIRPERSON:** Yes.

20 **MS VYTJIE MENTOR:** Firstly that related to Home Affairs records, but they also have to do with SAA records and then the issue I want to raise also one of them relates to the Emirates records that were put before me yesterday.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** Chair, yesterday I know that we did agree that an expert on SAA would be required.

**CHAIRPERSON:** Well it was not said an expert it was simply said a witness.

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

**CHAIRPERSON:** Ja.

**MS VYTJIE MENTOR:** Yes, sorry, thank you for correcting me, Chair.

**CHAIRPERSON:** Okay.

**MS VYTJIE MENTOR:** SAA witness will would be called. I do not have a problem with that, I would however request the, Chair, that if the, Chair, could possibly look into calling another person that knows the – related to any airline independent of SAA or an airline expert/computer expert as the records of SAA as they stand before me, because

10 I question them. If it is SAA itself that comes to examine the record I was wondering if...[intervenes]

**CHAIRPERSON:** Well the witness from SAA would come for the purposes of explaining to us of telling us whether those records are indeed SAA records, that is number one. Two, to also explain how their records are done so that we can also see what room for error there may be. That is what the witness will cover or should cover and maybe other matters. Yes.

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

**CHAIRPERSON:** Okay.

**MS VYTJIE MENTOR:** About the Home Affairs records of...[intervenes]

20 **CHAIRPERSON:** Maybe I should then say it is not clear to me why we would need anybody else to come and testify about SAA records, because what we are looking at is the accuracy of SAA records. That witness would be questioned to see if he/she is able to answer satisfactorily all issues that are connected with the records. Yes?

**MS VYTJIE MENTOR:** Thank you, Chair...[intervenes]

**CHAIRPERSON:** Ja.

**MS VYTJIE MENTOR:** Your first clarification to me about what the witness would be called to do has...[intervenes]

**CHAIRPERSON:** Yes?

**MS VYTJIE MENTOR:** Answered my concern.

**CHAIRPERSON:** Okay.

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

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** Because of your explanation...[intervenes]

**CHAIRPERSON:** Yes.

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

**CHAIRPERSON:** Okay.

**MS VYTJIE MENTOR:** Regarding the witness that would be called from SAA.

**CHAIRPERSON:** Okay, alright.

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

**CHAIRPERSON:** Okay, thank you.

**MS VYTJIE MENTOR:** The second issue is the Home Affairs records. I also have a serious problem with the Home Affairs records that were put before me yesterday and that is why I cannot make a full concession that Ajay may not have travelled according to those records. I would like to bring it to the attention of the, Chair, that there has  
20 been parliamentary inquiry...[intervenes]

**CHAIRPERSON:** Yes?

**MS VYTJIE MENTOR:** Into Home Affairs and they have announced that they would be forwarding the report of that inquiry to the, Chair, and this Commission and I would like to highlight to the, Chair, that what came out of that proceedings as I watched them forms the basis of my questioning of the Home Affairs records that were put before me

yesterday.

So until the, Chair, has received those – the inquiry report from the parliamentary inquiry on Home Affairs I am not making a full concession that Ajay may not have travelled out of the country at the time that the Home Affairs that were put before me yesterday suggest.

**CHAIRPERSON:** Okay. Well Parliament has forwarded certain reports to this Commission. I am not able to mention all of them and I cannot remember how many, but it certainly is not one. I think that either you or your legal representatives if you think there is something in a report that already exists from Parliament or in Parliament  
10 that may provide a basis for saying those records from Home Affairs are not reliable I think you would be – it would be good if you or your legal team could look into that be able to say here is what we find in the report that makes us suggest that those records from Home Affairs are not reliable or that there is something wrong with them, because then it is easy for the legal team of the Commission to focus on that and rather than to look all over the report.

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

**CHAIRPERSON:** But I think the legal team would also look at the possibility of bringing a witness from Home Affairs who can explain how their records are kept and so on.

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

20 **CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** May I raise my last issue, Chair?

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** Thank you, Chair. Yesterday I was asked about whether I could have travelled in October in and out of Johannesburg on the journey I report ended up being my journey in Saxonwold.

**CHAIRPERSON:** Yes, yes?

**MS VYTJIE MENTOR:** Now, Chair, from my evidence that I have tabled before the Commission there are a confluence of events and issues that discount the date that was proposed to me as having been in October and if I may just name them? They are three and they are quick.

**CHAIRPERSON:** Yes?

**MS VYTJIE MENTOR:** One, Chair, in my evidence I said I remember saying to the President in Saxonwold, please forgive me sir for refusing to see you two weeks ago in China. This is the first thing.

10 **CHAIRPERSON:** Hmmm?

**MS VYTJIE MENTOR:** The second thing that I have also mentioned in my evidence previously is that Ajay Gupta both in Sahara, in their Sahara building in their offices as well as in Saxonwold told me that the President was delayed, because he was having a meeting with COSATU at Luthuli House. I have done a search, Chair, indeed there was a strike and there was a meeting in Luthuli House where the NBO's the leadership of COSATU meaning their top...[intervenes]

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** What is equivalent to the top six in the ANC.

**CHAIRPERSON:** Yes?

20 **MS VYTJIE MENTOR:** Were meeting the top six of the ANC.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** On a particular day that corresponds to two weeks after the China visit.

**CHAIRPERSON:** The China visit?

**MS VYTJIE MENTOR:** Yes.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** Yes, Chair. The diary of the President as presented before the Commission also indicates that on a particular, on a Monday that is close to two weeks after the China trip...[intervenes]

**CHAIRPERSON:** Yes?

**MS VYTJIE MENTOR:** He was indeed in a meeting in Luthuli House.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** So there is a confluence of those issues that flow from my evidence previously...[intervenes]

10 **CHAIRPERSON:** Yes, yes.

**MS VYTJIE MENTOR:** That actually forms the basis for me to say that it is not in October.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** As I was made to suggest if I am willing to concede, yesterday...[intervenes]

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** That my travel to Saxonwold might have been in October. So I just needed to...[intervenes]

**CHAIRPERSON:** Yes.

20 **MS VYTJIE MENTOR:** Put that before you, Chair.

**CHAIRPERSON:** Yes, no thank you. The one relating to COSATU strike and the former President having been in a meeting in Luthuli House I am sure Ms Sello will apply her mind to that and if need be put some questions to you or indicate to me what the position is. I have seen some parts of the former President's diary, but I have not been able to – there is nothing that – that has been put up to say how accurate those

are. By that what I mean is you could have a plan over a week to have X number of meetings with different people, but all those could change if certain things happened.

So it is important also to know to what extent those were adhered to, you know and if they were chained with that would be reflected in the diary or can one take it that everything happened as per diary. But Ms Sello will apply her mind. She heard what you said in regard to that. She will apply her mind and she will indicate what she has to say about that.

That was the last issue that you wanted to raise? The one about the former President and the COSATU strike...[intervenes]

10 **MS VYTJIE MENTOR:** The very last one is a request, Chair.

**CHAIRPERSON:** Yes?

**MS VYTJIE MENTOR:** To the legal team and the investigators.

**CHAIRPERSON:** Yes, yes.

**MS VYTJIE MENTOR:** It is a request that I made repeatedly that I would like to make again...[intervenes]

**CHAIRPERSON:** Again, yes.

**MS VYTJIE MENTOR:** Again before you, Chair.

**CHAIRPERSON:** Yes, yes.

20 **MS VYTJIE MENTOR:** I have asked the legal team to check for me if the Gupta family in person or through their companies in terms of the records owned a black twin cab in 2010, because that can be verified through the records.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** Because I would not have known if they owned it, because in my statement I have claimed that...[intervenes]

**CHAIRPERSON:** Yes.



**MS VYTJIE MENTOR:** That is the vehicle they used to pick me up with from the airport, so I am still making that request.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** For the verification to be done.

**CHAIRPERSON:** Actually that is one of the things that I wanted to raise with you today, this morning. I had also asked the legal team that arrangements should be made for the investigators to check exactly that. I have not been informed whether it was done and if it was done what the outcome of that investigation is. So it is an important thing to check. I had already said last year that it should be looked into.

10                    So if it has not been looked into it definitely will be looked into.

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

**CHAIRPERSON:** Yes. Thank you. Ms Sello?

**ADV MAHLAPO SELLO:** Thank you, Chair. Chair, before we get into the testimony of Ms Mentor I would like to bring the following to the, Chair's attention.

**CHAIRPERSON:** Yes?

**ADV MAHLAPO SELLO:** As the, Chair, would recall Mr Mtolo and Ms Kaunda has been granted leave to cross-examine Ms Mentor.

**CHAIRPERSON:** Yes?

20                    **ADV MAHLAPO SELLO:** Both filed their applications in 2018 and these are to be found, Chair, for your convenience in D3.

**CHAIRPERSON:** Yes.

**ADV MAHLAPO SELLO:** It is the first two applications in D3.

**CHAIRPERSON:** Yes?

**ADV MAHLAPO SELLO:** After Ms Kaunda has filed her application and it had been – of her cross-examination and it had been considered by you, Chair, she filed a further

affidavit with Annexures...[intervenes]

**CHAIRPERSON:** Yes?

**ADV MAHLAPO SELLO:** And in particular annexing telephone records and that pack is to be found in D6, Chair, D6A.

**CHAIRPERSON:** Yes, what page in D6A?

**ADV MAHLAPO SELLO:** Starting at page 110 up to 175, Chair.

**CHAIRPERSON:** 135?

**ADV MAHLAPO SELLO:** 175.

**CHAIRPERSON:** 175.

10 **ADV MAHLAPO SELLO:** So the original...[intervenes]

**CHAIRPERSON:** Thank you.

**ADV MAHLAPO SELLO:** Kaunda application ought to be read together with these documents or the supplementary affidavit in D6, Chair.

**CHAIRPERSON:** Okay, no, that is fine. *Ja*, okay alright. Thank you.

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

**CHAIRPERSON:** Yes, Ms Mentor?

**MS VYTJIE MENTOR:** Ms Sello, my file does not – can I have another file please? I am struggling to, there is something wrong with the...[intervenes]

**CHAIRPERSON:** Oh, it is too full I think.

20 **MS VYTJIE MENTOR:** Yes, so...[intervenes]

**CHAIRPERSON:** *Ja*, okay they will assist you just now. Did you split D6A and D6B for her to be in two separate lever arch files as arranged yesterday?

**ADV MAHLAPO SELLO:** They were being split as of this morning and I see deliveries are coming in, Chair. We had requested the two separate – that they be filed separately for ease of turning pages.

**CHAIRPERSON:** But has it been done now?

**ADV MAHLAPO SELLO:** I am considering the files that had been brought in now I see they are D1, Chair, to D3.

**CHAIRPERSON:** That should have been done yesterday and we should not be dealing with that now.

**ADV MAHLAPO SELLO:** I was led to believe that it had been done, Chair, and I do apologise. Adv Molefe will separate the two files into D1 and D2, ag D6A and D6B for her convenience.

**CHAIRPERSON:** Well you take responsibility when other people do not do what I have  
10 asked you to do and you have asked them to do.

**ADV MAHLAPO SELLO:** I accept the responsibility, Chair, and I apologise.

**CHAIRPERSON:** Let us go on with other issues while that is being sorted out, but I am not happy about this. This should have been done yesterday. We should not be dealing with this.

**ADV MAHLAPO SELLO:** I note, Chair, and please accept our apologies. Chair, yesterday we had discussed the response from British Airways and I had undertaken to provide a copy of the response and it is now at hand. I beg leave to hand in that response from British Airways.

**CHAIRPERSON:** What response is that?

20 **ADV MAHLAPO SELLO:** From British Airways regarding Ms Mentor's travel in the period June 2010 to December 2010 with the airline.

**CHAIRPERSON:** Oh, okay.

**ADV MAHLAPO SELLO:** To Cape Town, the Cape Town/Johannesburg flight.

**CHAIRPERSON:** Yes.

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

**CHAIRPERSON:** Okay.

**ADV MAHLAPO SELLO:** I beg leave to hand it in. It is already paginated. D6(2) it currently goes up to 616.

**CHAIRPERSON:** Ja.

**ADV MAHLAPO SELLO:** So this will become D6(17) with your leave, Chair.

**CHAIRPERSON:** There is D6A and D6B, now you talk about D6(1) and D6(2)?

**ADV MAHLAPO SELLO:** I keep making the mistake with that reference, Chair, if I may start again?

**CHAIRPERSON:** Ja.

10 **ADV MAHLAPO SELLO:** It is D6A and D6B.

**CHAIRPERSON:** Yes?

**ADV MAHLAPO SELLO:** D6B currently goes up to 616, page 616.

**CHAIRPERSON:** Yes?

**ADV MAHLAPO SELLO:** The letter from British Airways I am handing in, Chair, we have paginated as 617 so it continues with D6B.

**CHAIRPERSON:** Ja, okay.

**ADV MAHLAPO SELLO:** With your leave, Chair, if I may.

**CHAIRPERSON:** Thank you.

**ADV MAHLAPO SELLO:** I have a copy for the, Chair, and a copy for Ms Mentor.

20 **CHAIRPERSON:** Yes?

**ADV MAHLAPO SELLO:** It is not a very short letter, because it explains a number of issues, but, Chair, I submit that the key thing about this letter is paragraph 2 thereof.

**CHAIRPERSON:** Yes?

**ADV MAHLAPO SELLO:** Which reads:

"Notwithstanding a great deal of effort being made to locate

records going back to 2010 we regret to advise you that our business intelligence department has been unable to locate any travel records for Ms Mentor over the stated period."

And if the, Chair, would have regard to the preceding paragraph the stated period is July to November 2010.

**CHAIRPERSON:** Yes.

**ADV MAHLAPO SELLO:** Do you see that Ms Mentor?

**MS VYTJIE MENTOR:** Yes, madam, you are at the paragraph – the second one from the bottom?

10 **ADV MAHLAPO SELLO:** No, the second one from the top.

**MS VYTJIE MENTOR:** Okay.

**ADV MAHLAPO SELLO:** That starts with notwithstanding a great deal of effort.

**MS VYTJIE MENTOR:** Yes?

**ADV MAHLAPO SELLO:** And that paragraph states that the airline's business intelligence department was unable to locate any travel records for you over this stated period.

**MS VYTJIE MENTOR:** Yes.

**ADV MAHLAPO SELLO:** And the stated period being July to November 2010?

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

20 **ADV MAHLAPO SELLO:** So as things stand then, Chair, this is the response from British Airways on file in D6B as a response from Mango Airlines. So the only airline that we are left with now is SAA itself.

**CHAIRPERSON:** Ja, well she had made it clear herself yesterday that as far as Mango is concerned she has never travelled Mango until last year.

**ADV MAHLAPO SELLO:** Yes.

**CHAIRPERSON:** But I guess this was necessary just to put that issue to bed.

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

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

**ADV MAHLAPO SELLO:** So when we proceed...[intervenes]

**CHAIRPERSON:** Okay, before that, Ms Mentor do you want to say something?

**MS VYTJIE MENTOR:** Yes, Chair. I accept being shown paragraph 2 that begins with notwithstanding.

**ADV MAHLAPO SELLO:** Yes madam?

**MS VYTJIE MENTOR:** I would also like to highlight the last but one paragraph of that  
10 letter.

**ADV MAHLAPO SELLO:** Yes?

**CHAIRPERSON:** Yes?

**MS VYTJIE MENTOR:** To the record and to the, Chair, which reads as this:

"In the circumstances we think it highly likely that if Ms Mentor was a serving parliamentarian or government official during 2010 her flight bookings would have been made on the services of South African Airways and not on ComAir."

I bring to the, Chair's, attention, because we have not been – it was not a prohibition that you may not fly another airline and often when you have missed a  
20 South African Airline you would be placed on any other airline that is available and sometimes it would be a British Airways airline or any other airline that is available.

**CHAIRPERSON:** *Ja*, no that is fine. Actually I think that last sentence that you have just read probably does not mean what it says. It probably means the opposite, because maybe it is the use of too many negatives. I think what they were trying to say is if you were an MP you are likely to have travelled SAA and not ComAir, but the way

they formulated it is problematic, but I think that is the idea and that is what you are responding to. Thank you. Ms Sello?

**ADV MAHLAPO SELLO:** Thank you, Chair. Following on the issue Ms Mentor just raised about the Home Affairs records the, Chair, will recall that yesterday we tendered what we called a – or what we intended to call a confidential bundle, containing all records received from Home Affairs in respect of the six people for which a request was made and the, Chair, was hesitant whether it was necessary to increase the amount of paper to include records that are not relevant to the particular witness.

We have considered the matter overnight, Chair, and we propose that in light  
10 of the fact that Ms Mentor specifically queries Mr Atul Gupta's passport, that the, Chair, reconsider and permit us to file a confidential bundle, but this time containing only Mr Atul Gupta's records...[intervenes]

**CHAIRPERSON:** That is in order that is okay.

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

**CHAIRPERSON:** *Ja.*

**ADV MAHLAPO SELLO:** The record that – may I request then we give the confidential bundle a number. We are currently at D6...[intervenes]

**CHAIRPERSON:** Before we do that this letter from ComAir I understood you to say it is to be added in D6B at the end?

20 **ADV MAHLAPO SELLO:** D6B.

**CHAIRPERSON:** But you have given it a page number 617, but my D6B goes up to – no I am sorry, this is exhibit – the A and B we had yesterday starts with D, is that right?

**ADV MAHLAPO SELLO:** It is D, yes, Chair.

**CHAIRPERSON:** Okay, I have D here, but the last page that I have here is 546.

**ADV MAHLAPO SELLO:** And that would be the Mango correspondence.

**CHAIRPERSON:** Yes, yes.

**ADV MAHLAPO SELLO:** That is followed thereafter, Chair, you will recall by Ms Mentor's supplementary affidavit.

**CHAIRPERSON:** Yes.

**ADV MAHLAPO SELLO:** Which runs from 547 to 616.

**CHAIRPERSON:** Yes, during breaks when we add like this, during breaks will you just make arrangements for my file to...[intervenes]

**ADV MAHLAPO SELLO:** To be updated?

**CHAIRPERSON:** To be updated, because it has not been updated and that is why I am  
10 wondering why there is some discrepancy with the pagination.

**ADV MAHLAPO SELLO:** I will definitely do that, Chair.

**CHAIRPERSON:** Okay, alright, yes.

**ADV MAHLAPO SELLO:** It is now the numbering for the confidential bundle. We propose it be numbered D6C.

**CHAIRPERSON:** Why are the – why is the information relating to other people not confidential, but this one is confidential?

**ADV MAHLAPO SELLO:** Chair, the confidential bundle that we propose today contains only Mr Atul Gupta's records from Home Affairs. Yesterday when the suggestion was made it contained everybody's records. The six people whose records  
20 were requested and the, Chair, was – inquired whether it was necessary to have all that detail.

**CHAIRPERSON:** Yes, but my question now is about confidentiality not about the necessity?

**ADV MAHLAPO SELLO:** The confidentiality is borne out by the fact that those records, if the, Chair, will recall, if I may take a step back? In D6A we provided one



page of Mr Atul's records received from Home Affairs and that is a period that includes August 2010 which is the period of travel.

Home Affairs gave us way beyond what we had requested and that was not provided. Ms Mentor made the point in her affidavit, supplementary affidavit which we dealt with yesterday and she has reiterated the point now that Mr Atul Gupta is known to have had more than one passport and I indicated, Chair, that if one has regard to the full records provided by Home Affairs all four passports appear on that record at different times.

But the – only one was used in the period under consideration which would  
10 be July to end August 2010.

**CHAIRPERSON:** Yes, and the confidentiality arises from information that we did not ask from Home Affairs which they have provided that which you say is useful?

**ADV MAHLAPE SELLO:** Indeed Chair, one and secondly it, it, the remainder of the record concerns period, a period or periods that bear no relevance to Ms Mentor's evidence, but in light of the fact.

**CHAIRPERSON:** I assume Ms Mentor has been shown that.

**ADV MAHLAPE SELLO:** No, no, no she has not been show the confidential records and that.

**CHAIRPERSON:** Yes.

20 **ADV MAHLAPE SELLO:** And that is what she is requesting be made available to her.

**CHAIRPERSON:** Yes. Well if she has put up a version and challenges that how can I say something that she is not going to be able to see?

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

**CHAIRPERSON:** How, how, how do, how do I make a finding that I am rejecting her version on the basis of something I have seen which she has not seen?

**ADV MAHLAPE SELLO:** If the Chair will recall in Ms Mentor's affidavit the point as she makes it as, is she suggests that Mr Gupta could have travelled in that period in August 2010 using another passport number, because it has been established that he had more than one passport. That is her allegation and our response is in the period including August 2010 according to Home Affairs he travelled using only one. We then point out that from the records that we have received which go beyond August 2010 we have been able to locate the various other passport numbers owned by Mr Gupta, Mr Atul Gupta. However they are in pages that have not been disclosed in annexure, Bundle D6A, because they are irrelevant for August 2010 and those are the records  
10 that we deem confidential and irrelevant. Now in light of Ms Mentor's request we are proposing and we tender those records we submit that insofar as to the question whether or not Mr Atul Gupta travelled in August 2010 they are irrelevant which was the purpose for which they were sort, but to satisfy Ms Mentor that we have records of all Mr Atul Gupta's passports over a period I think spanning about seven or eight years to provide that. Having said that however Chair and, and for that purpose we would grant Ms Mentor access thereto. Having said that however Chair we submit that they are confidential by nature and that they should not form part of the record that is uploaded onto the website. There will, the Chair will have a copy and Ms Mentor will have a copy, but they shall be treated confidential at all times.

20 **CHAIRPERSON:** Well I think maybe it might be necessary for more thought to go into how they that that should be handled.

**ADV MAHLAPE SELLO:** Okay. So.

**CHAIRPERSON:** It maybe that more thought should go into how that confidential part should be handled.

**ADV MAHLAPE SELLO:** Yes Chair.

**CHAIRPERSON:** I, I, I am not sure at this stage that it, it is, it is, it is clear how the legal team wants it to be handled. Now why is it not possible to block out information that may be confidential, but still be able to show what passport Mr Atul Gupta used when and when there was no use of any passport? Is, is, is that not easy to, to do and then we, we can deal with information that is not confidential.

**ADV MAHLAPE SELLO:** That is an option Chair but on, I may just add that on any single page 95 percent will have to be [indistinct] and shown only an entry giving a passport number.

**CHAIRPERSON:** Ja.

- 10 **ADV MAHLAPE SELLO:** The confidentiality arises from the fact that these are Mr Atul Gupta's movements in and out of the country and, and we departed from the premise that every citizen is entitled to free movement without the public having the right to know where and when it is they went and where they went unless it is absolutely relevant to an issue that for instance is before you Chair. So that is the basis on which we were proposing that they be treated confidential, but it is a number of pages. It is possible to obliterate everything else and just leave the passport numbers.

- CHAIRPERSON:** If it is possible to obliterate everything that is irrelevant and leave information that reveals that he left the country on such and such a date, maybe  
20 returned on such and such a date using that particular passport on that occasion and that during a certain period there is no, there was no travelling outside of the country and so on and so on. If it is possible to that I do not see why that should not be enough.

**ADV MAHLAPE SELLO:** It is possible.

**CHAIRPERSON:** But if that can, if that can be done then it seems to me there is no,

nothing really that is sensitive.

**ADV MAHLAPE SELLO**: It is possible Chair and we, we will do that.

**CHAIRPERSON**: Hm.

**ADV MAHLAPE SELLO**: Having then removed every, everything else.

**CHAIRPERSON**: Hm.

**ADV MAHLAPE SELLO**: And just retain the specifics as the Chair.

**CHAIRPERSON**: Hm.

**ADV MAHLAPE SELLO**: Points out.

**CHAIRPERSON**: Hm.

10 **ADV MAHLAPE SELLO**: The need for a confidential bundle falls away.

**CHAIRPERSON**: Hm, ja.

**ADV MAHLAPE SELLO**: And we propose that we update Bundle 6DA.

**CHAIRPERSON**: Ja.

**ADV MAHLAPE SELLO**: Mr Atul Gupta's records and we shall.

**CHAIRPERSON**: Ja.

**ADV MAHLAPE SELLO**: Do that update Chair.

**CHAIRPERSON**: Okay, alright.

**ADV MAHLAPE SELLO**: Thank you.

**CHAIRPERSON**: Ms Mentor.

20 **MS VYTJIE MENTOR**: Thank you Chair. I sincerely appreciate that the Chair has gone to lengths to talk about the issues of confidentiality of people's records and the issue of people, the need to treat people equally if their matters are to be treated confidentially. Firstly before I go into the confidentiality I would like to submit that Ms, Mr Ajay Gupta might have had an, a valid Indian passport. At the time I would like the, the, the team to look into that. Coming back to the issues of if confidentiality if I

may, Chair the records I received of Major-General Vearey. It is an.

**CHAIRPERSON:** Of who?

**MS VYTJIE MENTOR:** Major-General Vearey, Vearey bears his ID number. So it, he, the confidentiality about his records has not been taken great care of as the confidentiality of the records of Mr Ajay Gupta. Yesterday I raised the issue with Ms Sello about my telephone records that on Friday we were handed a record of my telephone conversations pertaining to my, all my Vodacom numbers I, I have and I have had and the telephone records go up to telephone calls I made like 10 days ago and I asked Ms Sello I think the issue of my conversation on my telephone it is a confidential  
10 issue and private matter that has got nothing to do with the Commission and I do not know why the Commission would go and seek telephonic conversations like telephone records that are up to as recent as 10 days ago. So I, I would like to appreciate the fact that you are underscoring that if people's confidentiality and their records and their privacy is to be respected they must be treated equally before the Commission and before the law. There should not be overemphasis on protecting the confidentiality of records of certain people when records of certain people like Major-General Vearey's ID number and my telephonic records are not carefully protected.

**CHAIRPERSON:** No, no, thank you for that. The legal team must be sensitive to these things and you have heard Ms Mentor's concern. Those things must be looked at to  
20 make sure that we do not have, we do not expose to the hearing and the public personal information that is really of no significance. Obviously there could well be situations where it is significant and that everybody must apply their mind to what should be done and it is important that those who participate in the work of the Commission including witnesses, Ms Mentor that you remain alert. So that if there is something that you are unhappy about you bring it to the attention of the legal team and

whoever including me at the hearings. So that those can be attended to and everybody can apply their minds to it, because sometimes it might not be intentional. Sometimes the focus might be on other things and then other information creeps in. Okay, thank you.

**ADV MAHLAPE SELLO:** Chair with your permission.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** I would like to deal with those issues.

**CHAIRPERSON:** Yes.

10 **ADV MAHLAPE SELLO:** And I first would like to address myself the question of ID numbers and statements.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** All the statements that we receive their authors indicate their ID numbers and their, usually residence addresses. These are blacked out at the time that the document is made public and precisely for the same reasons that the Chair advances. We tried to limit temporary with a witness' bundle as much as possible. That bundle must look exactly as the Chair's bundle, but that is not the bundle.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** That is going on the web.

**CHAIRPERSON:** Yes.

20 **ADV MAHLAPE SELLO:** So the fact that she can see Captain Vearey's ID number does not mean that we are insensitive to Captain Vearey's personal information. So I would like to correct that for the record, one. Secondly as regard to telephone records we have in Bundle D6 records from MTN. On none of those pages do Ms Mentor's telephone calls and SMS' appear and I can invite her to verify that at this very moment. Ms Mentor was given everything. They are her telephone records. Now if we are going

to withhold her telephone records from her on the basis that they are confidential I, I do not know where we are headed with this Chair. So, yes they were given to her, but I can assure you they are not in this bundle.

**CHAIRPERSON:** They are not given to?

**ADV MAHLAPE SELLO:** To anybody else.

**CHAIRPERSON:** Anybody else, ja.

**ADV MAHLAPE SELLO:** It is only to her, because they are her records.

**CHAIRPERSON:** Ja. Hm, no I think that that that it is important to have conversations because she might have thought that if they are in hers, in her, in her bundle they are in everybody's bundle and that that they might end up in the public domain. Ms Mentor.

**MS VYTJIE MENTOR:** Chair I think Ms Sello misunderstands the, the part of my cellphone records that the, the complaint about my records.

**CHAIRPERSON:** Hm.

**MS VYTJIE MENTOR:** My question to her yesterday and my concern today is why the Commission would access my telephone conversations that are as recent as 10 days ago.

**CHAIRPERSON:** Oh, yes.

**MS VYTJIE MENTOR:** That is my point.

20 **CHAIRPERSON:** Yes. So your, your point is not just about the public?

**MS VYTJIE MENTOR:** Yes.

**CHAIRPERSON:** It is also about the Commission itself.

**MS VYTJIE MENTOR:** The Commission accessing my.

**CHAIRPERSON:** Why should it know your?

**MS VYTJIE MENTOR:** Yes.

**CHAIRPERSON:** Yes, yes.

**MS VYTJIE MENTOR:** My private conversations.

**CHAIRPERSON:** Yes, yes.

**MS VYTJIE MENTOR:** As they happened.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** About 10 days ago.

**CHAIRPERSON:** Yes, no, no.

**ADV MAHLAPE SELLO:** And if I may answer to that Chair. I, she did; Ms Mentor did raise the concern with me and I responded and I, I repeat my response here before you  
10 today. As the Chair has noticed there is always a period when we prepare our requests for information there is always a period for which we require information. A case in point is the very letter of British Airways that we have dealt with. In their request for information the period was July to November 2010 and we tried to limit that. We are not exact to accommodate margin of error. So we, we always add like a month before a date we are looking for and perhaps add a month or two after and this is to obviate the need to go back in case a witness comes back and says no I have my date wrong. The date I actually had in mind was later within a six month period. So we basically work on a six month period and as soon as requests are made to cellphone providers what they tend to do is to submit thousands of pages. It is like they download the  
20 information from somewhere and they dump it with us. It is, it is not like we requested records up to, Ms Mentor's records let us say up to 2018. We had a specific period, but they tend to give us what they give us. It becomes very difficult for us having been given records to then decide which bit we are withholding from a witness and which bit are giving. We have approached the, the issue on the basis that what we get relevant to the witness is what the witness gets and that will include irrelevant information we



had not asked for, but the moment it is given to us in its totality its forwarded to the witness.

**CHAIRPERSON:** So from that explanation it seems that the problem maybe, may have been with cellphone companies giving information beyond what was asked for in terms of the periods if, if, if that that is the information and they should not actually give, they should not give anybody; they should not give information that has not been asked for. So it maybe that that, that is where the problem is but I, I would encourage conversations between the legal team and Ms Mentor and any witness in regard to such things so that they can be sorted out, but what comes out from your explanation, 10 from Ms Sello's explanation Ms Mentor is that they did not ask for cellphone records or conversations in regard to 2018. Yes you want to say something.

**MS VYTJIE MENTOR:** I would like to correct Ms Sello Chair.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** The issue about the cellphone records are, were about the, the piece of evidence which I gave when we were interacting that I was at the IPID Offices in Bellville in 2016, November and I said to the legal team I spoke telephonically to Mr Robert McBride and I, I, I can verify that having a conversation between myself and him because I was not happy with the response that came from, from, from IP because it was not from Mr Robert McBride. So I said to Ms Sello you can get the records, my 20 telephone records for November 2016 where I communicated with Mr Robert McBride. So the period was to be confined to November 2016. It was not even 2018, but then when the record comes it comes it is not, if you, if you, if you give a, a, a vague brief you will get records like Ms Sello got in terms of my telephone conversations.

**CHAIRPERSON:** Yes, but Ms Mentor do you know that a vague brief was given?

**MS VYTJIE MENTOR:** No, I do not. I am saying, I am concerned that whereas I said

to Ms Sello get my conversations, my telephone records for November 2016 they will prove to you that I communicated with Mr McBride when I was that IPD. What comes for me is all and sundry of my personal conversations with everybody including until 10 days ago.

**CHAIRPERSON:** Yes, but Ms Mentor Ms Sello has given the explanation and her explanation is they did not ask for all the information that they have been given. They asked for information that they needed with some provision for about a month before and a month after just in case there is an error and if it was in relation to 2016 a conversation in 2016 they could not have asked for conversations in 2018. She says  
10 the cellphone companies in this case just provided them with much more than they asked for and they felt that because you are the owner they could pass the same thing onto you, but there was no intention to give it to anybody and they had not asked for it themselves. That is what, what, what her version is.

**MS VYTJIE MENTOR:** I accept that Chair.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** I am, I am very strong on this point, because previously.

**CHAIRPERSON:** Hm.

**MS VYTJIE MENTOR:** Things have leaked from the Commission.

**CHAIRPERSON:** No, no that that is fine. I think we need to make progress. If there  
20 are still any other concerns raise them with the legal team and if they cannot be resolved then they can be brought to my attention, but I think that I now know how it came about that you received records of cellphone conversations that had nothing to do with anything that we wanted. So, but you can talk to the legal team if there are still further concerns. She has indicated that the, the Commission will not give that information to the public. It was not wanted by the Commission. It is just the cellphone

company that provided it. You, you can indicate to have, there is any way in which you want that part that issue to be dealt with those records whether there is any, any way or in the future if there is a similar request that needs to be made to these companies if there is anything you want to say look if they come what should happen. Should they give you, should they not give you, because I guess for the future all they can do is emphasise when they make the request that all we need is records for the following period and nothing more. Okay, thank you.

**ADV MAHLAPE SELLO:** Thank you Chair. Yes, during lunch perhaps we will take up the conversation with Ms Mentor.

10 **CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** And reach agreement on how to deal with the concerns.

**CHAIRPERSON:** Ja.

**ADV MAHLAPE SELLO:** That she has raised.

**CHAIRPERSON:** Ja.

**ADV MAHLAPE SELLO:** And, and Chair we, we accept your direction going forward. We will.

**CHAIRPERSON:** Okay.

**ADV MAHLAPE SELLO:** The legal team will consider how to deal with these matters as they receive responses.

20 **CHAIRPERSON:** Yes, okay.

**ADV MAHLAPE SELLO:** Before I leave the issue of bundles Chair, the issue came up yesterday this and I am not sure if I clarified. So for avoidance of any doubt going forward I deem it necessary to clarify. The Chair will recall before we broke for lunch I had given Ms Mentor a mock-up of Emirates manifest on 22 August on the flight from Johannesburg to Dubai, 2010 and I had asked her to indicate where the “Chairman”

was sitting relative to her own seat as she had wanted. The manifest was requested at the instance of Ms Mentor. When we returned Ms Mentor indicated and I placed on record that she no longer pursues that point. My interest now is just to place on record that I withdraw completely the flight manifest received from Emirates, because again a question of confidentiality. It contains names of people of travelled on that flight and who have nothing to do with this Commission.

**CHAIRPERSON:** Okay.

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

**CHAIRPERSON:** Thank you.

- 10 **ADV MAHLAPE SELLO:** Then turning to, back to Ms, the issue we are discussing Ms Mentor. You want to say something.

**MS VYTJIE MENTOR:** Before we go on a new issue.

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

**MS VYTJIE MENTOR:** Through the Chair. It is about the, the Emirates, Emirates records of Mr Ajay. I agree completely with Ms Sello just proposed now.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** But I just want to say that in relation to information that was put before me yesterday that Mr Ajay Gupta had not flown Emirates for any, for a period of time.

- 20 **ADV MAHLAPE SELLO:** May I correct that Chair if I may? Just so we are clear.

**CHAIRPERSON:** Ja.

**MS VYTJIE MENTOR:** Yes.

**ADV MAHLAPE SELLO:** It is Mr Atul Gupta who was.

**MS VYTJIE MENTOR:** Yes.

**ADV MAHLAPE SELLO:** Not Mr Ajay.

**MS VYTJIE MENTOR:** Sorry.

**ADV MAHLAPE SELLO:** It is Atul Gupta who was not on the flight in August not Ajay.

Ajay was on that flight. Just, I am correcting your name.

**MS VYTJIE MENTOR:** Let me just seek clarity from you.

**ADV MAHLAPE SELLO:** Okay.

**MS VYTJIE MENTOR:** Through the Chair. The, the records of Emirates that you put before me.

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

**MS VYTJIE MENTOR:** Not the one to China. The one that was showing that a  
10 Mr Gupta did not move in and out of the country.

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

**MS VYTJIE MENTOR:** The ones that were related to the Home Affairs records.

**ADV MAHLAPE SELLO:** Yes.

**MS VYTJIE MENTOR:** Were they not the records for Mr Ajay Gupta?

**ADV MAHLAPE SELLO:** If I, let me just locate then for ease of reference. They were in fact everybody's records, the five of you. Chair this the; if I may just quickly.

**CHAIRPERSON:** Well if you are sure as I think you are that they [intervenes].

**MS VYTJIE MENTOR:** I am understand the question.

**CHAIRPERSON:** They related to all the five, is it five people?

20 **ADV MAHLAPE SELLO:** Five people Chair.

**CHAIRPERSON:** That should suffice for now.

**ADV MAHLAPE SELLO:** Yes, yes.

**CHAIRPERSON:** Depending on whether she wants anything else we might be able to move on.

**MS VYTJIE MENTOR:** Yes Chair.

**ADV MAHLAPE SELLO:** If I may Chair. D6 page 279, is that the document?

**CHAIRPERSON:** No, I do not want to look at it.

**ADV MAHLAPE SELLO:** Okay.

**CHAIRPERSON:** If, if it is not necessary. It might not be necessary.

**ADV MAHLAPE SELLO:** Yes.

**CHAIRPERSON:** You have said her it related to her, it related to the other four or five people that had been mentioned?

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

**CHAIRPERSON:** Yes.

10 **MS VYTJIE MENTOR:** I just want to say the record of Emirates that was put before me yesterday that was proving that somebody had not flown for a period of time in and out of South Africa.

**CHAIRPERSON:** So I think what she is, she, she wants to, you to remind her is the purpose of the Emirates record. What were they?

**ADV MAHLAPE SELLO:** Oh.

**CHAIRPERSON:** What was it put up to show?

**ADV MAHLAPE SELLO:** No, the Emirates record, no let me put it this way. The request to Emirates Airlines was to indicate who of the six people listed travelled on the flight from Johannesburg to Dubai and Dubai to China from 22 August 2010. So  
20 provided six names.

**CHAIRPERSON:** Yes and was there somebody who was not reflected out of the five or six people?

**ADV MAHLAPE SELLO:** No, they were all, there was only one person not reflected in the table provided.

**CHAIRPERSON:** Is that?

**ADV MAHLAPE SELLO:** And that was Mr Fana Hlongwane.

**CHAIRPERSON:** Okay.

**MS VYTJIE MENTOR:** No, I do not think Mr, Ms Sello understands. Ms Sello remember when we dealt with Ajay yesterday?

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

**MS VYTJIE MENTOR:** We, you were trying to probe whether my version said Ajay was present in China.

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

**MS VYTJIE MENTOR:** During the State visit. Now you, you put before me an  
10 Emirates record that showed that he had not flown for a period of time. A period of time that would cover the time of the President's visits to China. You tabled that before me together with Home Affairs records as a way to prove that he would not have been in China at the time when I said I spotted him in China during the presidential visit.

**ADV MAHLAPE SELLO:** With your leave Chair.

**CHAIRPERSON:** Ja.

**ADV MAHLAPE SELLO:** May I bet that we go to page 279.

**CHAIRPERSON:** Ja.

**ADV MAHLAPE SELLO:** Because I think we will move faster?

**CHAIRPERSON:** Okay.

20 **ADV MAHLAPE SELLO:** Through this issue.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** It is D61 Ms Mentor.

**MS VYTJIE MENTOR:** D6A?

**ADV MAHLAPE SELLO:** D6A I apologise, D6A.

**CHAIRPERSON:** Please stroke B1, because it will cause confusion.

**ADV MAHLAPE SELLO:** It is confusing.

**CHAIRPERSON:** Ja.

**ADV MAHLAPE SELLO:** It is confusing Chair. D6A it starts at 278.

**MS VYTJIE MENTOR:** 278.

**ADV MAHLAPE SELLO:** And that is the response from Emirates Airlines and at 279 is a table showing who of the six people travelled on Emirates Airlines and when in the period under consideration. Yet again it, the, the request was limited to July or August 2010 to November 2010. You located it?

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

10 **ADV MAHLAPE SELLO:** Now 279 shows that in that period Ms, Mr Hlongwane did not travel on Emirates at all.

**MS VYTJIE MENTOR:** Yes.

**ADV MAHLAPE SELLO:** Only those five people listed including yourself.

**MS VYTJIE MENTOR:** Yes.

**ADV MAHLAPE SELLO:** When one looks against the name of each one of them except Mr Atul Gupta we can locate the flight of 22 August 2010. Only Mr Atul Gupta was on that flight. So that is what that document tells us. You accept that?

**MS VYTJIE MENTOR:** Yes.

**ADV MAHLAPE SELLO:** Okay. Now having given you that background can I  
20 understand what your question is?

**MS VYTJIE MENTOR:** I might.

**CHAIRPERSON:** I think she is concerned with Ajay Gupta.

**MS VYTJIE MENTOR:** Yes.

**CHAIRPERSON:** I think it may be the Home Affairs records.

**ADV MAHLAPE SELLO:** Oh.



**CHAIRPERSON:** If I am not mistaken.

**ADV MAHLAPE SELLO:** Yes Chair.

**CHAIRPERSON:** Where the, the records deal with when he was in and out of the country during the relevant period. I think, is that what you are talking about?

**MS VYTJIE MENTOR:** Yes Chair.

**CHAIRPERSON:** Ja and what do you want to, to be reminded of?

**MS VYTJIE MENTOR:** Yes Chair, it is related to Ajay Gupta because I wanted to put it to you Ms – that Ajay Gupta or Atul Gupta at any given time around that period of July to September 2010 could have travelled on any other airline other than Emirates.

10 **CHAIRPERSON:** Ja but he would have had to leave the country and the Home Affairs records deal with that. I know that you have raised issues about the Home Affairs records but they would – whether whatever airline he used the Home Affairs records should reflect, is it not?

**MS VYTJIE MENTOR:** Yes Chair.

**CHAIRPERSON:** Ja.

**MS VYTJIE MENTOR:** And perhaps...

**CHAIRPERSON:** So the main question becomes the Home Affairs records.

**MS VYTJIE MENTOR:** Yes Chair.

**CHAIRPERSON:** And maybe – maybe another airline but that seems to be critical.

20 **MS VYTJIE MENTOR:** Yes the Home Affairs records become critical whether there is a possibility that he can come in and out of the country without being picked up or the Home Affairs records not being accurately reflecting. Hence the issue I raised earlier on of the Parliamentary enquiry into Home Affairs.

**CHAIRPERSON:** Yes. Okay I think you will be calling a Home Affairs witness.

**ADV MAHLAPE SELLO:** Yes Chair.

**CHAIRPERSON:** You will be calling SAA witness. You will be calling somebody from Parliament as I understand it to cover those records and it seems to me that out of those we should have an idea. Is that alright Ms Mentor?

**MS VYTJIE MENTOR:** Thanks Chair.

**CHAIRPERSON:** Ja.

**ADV MAHLAPE SELLO:** I confirm so thank you Chair.

**CHAIRPERSON:** Okay alright.

**ADV MAHLAPE SELLO:** When we parted Ms Mentor yesterday we were discussing the issue of the inspection in loco, you recall?

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

**ADV MAHLAPE SELLO:** And they put up on the screen the Google F picture of properties 1, 3, 5, 7 Saxonwold Drive.

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

**ADV MAHLAPE SELLO:** And an issue arose whether or not you were taking issue with whether or not on the day of your visit there was a boundary wall between 5 and 3 – between number 5 and number 3, do you recall that discussion? And the Chair suggested that perhaps we show clip of that. Your response was that you were taking issue with boundary between 5 and 7 but not 5 and 3 and I undertook to find the clips where you raise the issue about the boundary between 5 and 3.

20 **MS VYTJIE MENTOR:** I have also gone to do homework about those walls Chair.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** What I found is that I did emphasise that the wall between 5 and 7 should be checked and the report of the experts also speak about that in the report and then my homework suggests that I may also have referred to the wall between 5 and 3. But yesterday I had an impression that Ms Sello is emphatically

saying that I never had an issue between the wall between house number 5 and 7 and the report of the experts refers to that request that I made during the in loco inspection as well.

**CHAIRPERSON:** Oh yes I think there seemed to be uncertainty on whether the wall about which you had raised an issue was the same wall that the experts looked at. Ms Sello made it clear that her understanding was that it was the same wall but I think she was leaving room that you might not be – you might not be thinking they have looked at the right – at the wall about which you had raised an issue. Ms Sello is my recollection correct on that or am?

10 **ADV MAHLAPE SELLO:** In part Chair.

**CHAIRPERSON:** In part ja.

**ADV MAHLAPE SELLO:** But I think the issue is resolved by Ms Mentor's response.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** She refers to the homework she did last night.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** So if I may just pose a question to [indistinct] to test?

**CHAIRPERSON:** Ja do that ja.

**ADV MAHLAPE SELLO:** So if we are in agreement then the showing of the clip will be unnecessary. You accept Ms Mentor that during the inspection you raised both the  
20 existence or the positioning of the wall between 5 and 3 and 5 and 7?

**MS VYTJIE MENTOR:** Yes.

**ADV MAHLAPE SELLO:** So it is two walls.

**MS VYTJIE MENTOR:** From my home.

**ADV MAHLAPE SELLO:** That – boundary walls that the experts must look into.

**MS VYTJIE MENTOR:** Yes that is what I discovered from my homework last night.

**CHAIRPERSON**: Oh okay.

**ADV MAHLAPE SELLO**: Then that falls away. It is resolved Chair.

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

**ADV MAHLAPE SELLO**: Thank – Chair it is brought to my attention it is 11:15 I am happy to proceed but subject to what the Chair says.

**CHAIRPERSON**: [Not speaking into the microphone] Yes, no I think

**ADV MAHLAPE SELLO**: I hope so Chair.

**CHAIRPERSON**: I need us to move fast. So I do not know how much time you will need to ask her questions so that thereafter cross-examination can start.

10 **ADV MAHLAPE SELLO**: I – Chair I have two issues – no in fact one subject now left now that we are no longer showing the clips.

**CHAIRPERSON**: Ja.

**ADV MAHLAPE SELLO**: Only one subject left and it just involves Mr Bloem, Ms Mashile-Nkosi and Ms Mgabadeli.

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

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

**CHAIRPERSON**: We will take the short adjournment we will resume at half past eleven.

**INQUIRY ADJOURNS**

20 **INQUIRY RESUMES**

**CHAIRPERSON**: Okay Ms Sello.

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

**CHAIRPERSON**: Let us get going.

**ADV MAHLAPE SELLO**: During tea break Ms Mentor's legal representatives brought something to my attention which I request to place on record.

**CHAIRPERSON:** Ja.

**ADV MAHLAPE SELLO:** And to confirm Chair that on our research we did establish that in the period August I think to October or to September 2010 – October 2010 there was a strike by Cosatu. The question was – the issue was to try and establish the date on which the President was having a meeting with Cosatu.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** Ms Mentor's legal advisors have been able to locate the secretariat report of Cosatu of 2011.

**CHAIRPERSON:** Yes.

10 **ADV MAHLAPE SELLO:** And in that report if I may read Chair I will hand up copies.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** At page 20 thereof it states and I read: On the 13 September 2010 we held a meeting with the ANC NOB's all of them were present.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** I am led to understand that the NOB's is a top section of...

**CHAIRPERSON:** National Office Bearers I think it should be.

**ADV MAHLAPE SELLO:** Of – yes it is Chair. And they would like me to bring to the attention of the Chair that particular entry.

**CHAIRPERSON:** Yes that is fine.

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

**CHAIRPERSON:** Do we know whether the 13<sup>th</sup> was a Monday?

**ADV MAHLAPE SELLO:** It was a Monday Chair.

**CHAIRPERSON:** It was a Monday okay.

**ADV MAHLAPE SELLO:** It was a Monday and currently we do not have Ms Mentor travelling to Johannesburg on the 13 September.

**CHAIRPERSON**: On that Monday.

**ADV MAHLAPE SELLO**: Yes Chair.

**CHAIRPERSON**: Yes.

**ADV MAHLAPE SELLO**: But it is definitely a Monday.

**CHAIRPERSON**: A Monday.

**ADV MAHLAPE SELLO**: Yes Chair.

**CHAIRPERSON**: Okay. Is there anything Ms Mentor you want to say in regard to this information that has just been brought to my attention?

**MS VYTJIE MENTOR**: Nothing except to add that in the second paragraph of that  
10 same document it is highlighted that the President had to step out for another meeting. Which confirms that the President was in that meeting and that later on he left to step out to another meeting. I am not saying that necessarily that was the meeting with you that I would like to highlight.

**CHAIRPERSON**: Yes, ja, no, no I think that is fair enough ja. Okay you will apply your mind as to whether there is anything further to do in regard to the issue of that Monday and the Cosatu strike and the meeting between Cosatu National Office Bearers and the ANC National Office Bearers but you wanted to put up the – is it a report or what?

**ADV MAHLAPE SELLO**: It is an excerpt of that report Chair.

**CHAIRPERSON**: Sorry?

20 **ADV MAHLAPE SELLO**: An excerpt of that report.

**CHAIRPERSON**: Yes.

**ADV MAHLAPE SELLO**: Yes Chair.

**CHAIRPERSON**: Well do you not want to try and get – is there a full report that is in a public domain?

**ADV MAHLAPE SELLO**: We may be able to locate it.

**CHAIRPERSON:** Ja maybe try.

**ADV MAHLAPE SELLO:** I think. What happened is they extracted that which was relevant for our purposes.

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

**ADV MAHLAPE SELLO:** But I think Chair most importantly the fact has been placed on record.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** And we will then endeavour to obtain the full report.

**CHAIRPERSON:** Yes what may be necessary just for somebody to say this is indeed  
10 an excerpt from a report that exists we might not need to have the whole report but just to confirm that it is an excerpt from that report?

**ADV MAHLAPE SELLO:** We will revert to you Chair once we have obtained the report ourselves. Yes thank you.

**CHAIRPERSON:** Yes okay alright thanks.

**MS VYTJIE MENTOR:** Sorry Chair.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** In addition to the report myself and my legal team we will also try to assist the legal team of the commission.

**CHAIRPERSON:** Yes.

20 **MS VYTJIE MENTOR:** By – we will assist not today.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** With information that would show.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** That all the three Guptas on that particular Monday.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** Were all of them in the country as well.

**CHAIRPERSON:** Yes, yes okay. Thank you.

**ADV MAHLAPE SELLO:** Thank you Chair. And for the record that information can be gleaned from the reports that you already have as to the whereabouts of the ...

**CHAIRPERSON:** The Home Affairs records.

**ADV MAHLAPE SELLO:** All the documents we have as to the whereabouts of the three Guptas.

**CHAIRPERSON:** Ja.

**ADV MAHLAPE SELLO:** And gentlemen or brothers, the President.

10 **CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** With reference to his diary.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** And all that Chair will be readdressed once we have had our full consultation with the SAA.

**CHAIRPERSON:** Ja.

**ADV MAHLAPE SELLO:** Because the records that we currently have do not show Ms Mentor as having travelled to Johannesburg on the 13<sup>th</sup>. Yes Chair.

20 **CHAIRPERSON:** There is – I seem to remember that in respect of either Ms Mentor's evidence about her encounter with one or more now I cannot remember one or more of the Gupta brothers at Saxonwold and her encounter with the former president either in regard to that or in regard to Mr Jonas' evidence of his encounter with one or more of the Gupta brothers at Saxonwold. I seem to remember that Mr Ajay Gupta in his affidavit in support of his application for leave to cross-examine may have said either in that or in that affidavit read with the interview of the Public Protector I cannot remember. He may have said that he was out of the country at the time it is alleged



that he was a part of a meeting either with Ms Mentor or with Mr Jonas or it might have said – he might have said he was at the Sandton offices of the their companies. That might have just to be looked at or it may be that either Mr Jonas or Mr Jonas' attorney in his interview with the Public Protector in terms of that transcript may have said that Mr Ajay Gupta had given a version to the effect that he was out of the country at the time it was alleged it was Mr Jonas' – Mr Jonas had met with him. I am just raising that because I cannot remember whether it is in relation to Ms Mentor's evidence or in relation to Mr Jonas' evidence and to the extent that it may relate to Ms Mentor. If he said he was out of the country then it is important to check whether the Home Affairs

10 records agree with that.

**ADV MAHLAPE SELLO:** Chair if I may shed light on that. On the documents that we have including Mr Ajay Gupta's affidavit nowhere does he allege that at the time he was supposed to have had a meeting with Ms Mentor he either was out of the country or was at the office.

**CHAIRPERSON:** Oh okay.

**ADV MAHLAPE SELLO:** To the best of my recollection those facts relate to Mr Jonas' testimony.

**MS VYTJIE MENTOR:** Mr Jonas.

**CHAIRPERSON:** Mr Jonas.

20 **ADV MAHLAPE SELLO:** And we will bring that to the attention of the evidence later dealing with Mr Jonas.

**CHAIRPERSON:** Ja okay.

**ADV MAHLAPE SELLO:** And they shall deal with it at that point.

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

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

**CHAIRPERSON:** Thank you. Okay let us get going.

**ADV MAHLAPE SELLO:** Thank you Chair. Ms Mentor now that we no longer watching the videos we should move very quickly. What is left is very little for us. I would like you to refer to bundle D6B. And in D6B I would like you to turn to page 453 and you should have at 453 the start of a document called National Assembly Composite Parliamentary Programme 2010.

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

**ADV MAHLAPE SELLO:** Confirm?

**MS VYTJIE MENTOR:** Yes.

10 **ADV MAHLAPE SELLO:** Okay.

**CHAIRPERSON:** That – that is Exhibit D?

**ADV MAHLAPE SELLO:** D6B.

**CHAIRPERSON:** D6B thank you and what is the page?

**ADV MAHLAPE SELLO:** Page 435.

**CHAIRPERSON:** 435?

**ADV MAHLAPE SELLO:** 435 Chair.

**CHAIRPERSON:** Thank you. Yes.

**ADV MAHLAPE SELLO:** And Ms Mentor just to help us understand what appears at 436 and in particular the following. I note that ...

20 **MS VYTJIE MENTOR:** Sorry you said 436?

**ADV MAHLAPE SELLO:** It starts at 435 and I would like you to have particular regard to 436 overleaf.

**MS VYTJIE MENTOR:** Yes I am at 436.

**ADV MAHLAPE SELLO:** Okay that reflects the three terms of Parliament, first, second and third and I see throughout there is an entry Constituency Period, is that the recess

period? Should we – should the Chair understand that to mean the recess period?

**MS VYTJIE MENTOR:** Well – just lead me to the where it says Constituency?

**ADV MAHLAPE SELLO:** Okay let us take the first term January to March, the last entry in that block reads: Constituency Period 29 March to 9 April. And it says that is the constituency period. So my question to you is, do we understand – should we understand constituency period to mean recess?

**CHAIRPERSON:** Okay I am also still trying to find where you are at page 436.

**ADV MAHLAPE SELLO:** I – at 436 there are four blocks Chair.

**CHAIRPERSON:** Yes.

10 **ADV MAHLAPE SELLO:** Headed: First Term, Second, Third and Fourth Term.

**CHAIRPERSON:** Ja.

**ADV MAHLAPE SELLO:** Respectively. The first top left block is First Term.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** And it starts with the entry Leave Period.

**CHAIRPERSON:** And then Constituency Period.

**ADV MAHLAPE SELLO:** And at the – yes. I...

**CHAIRPERSON:** 11 to 22 January?

**ADV MAHLAPE SELLO:** 11 to 22.

**CHAIRPERSON:** I thought you said March so that is what was confusing me.

20 **ADV MAHLAPE SELLO:** No I was looking at the last one Chair. There is another entry.

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

**ADV MAHLAPE SELLO:** So whether it is the one of the 11<sup>th</sup> to the 22 January or the bottom of that block 29 March to 9 April also the Constituency Period. What I needed to establish from Ms Mentor based on her experience as a Parliamentarian is whether

Constituency Period is the recess period or is recess period something else?

**CHAIRPERSON**: In other words what is a Constituency Period in Parliament?

**MS VYTJIE MENTOR**: A Constituency Period in Parliament means the time during which you are predominantly expected as a Member of Parliament to do work within your constituency but it does not prohibit you from – from time to time going to the precinct of Parliament. Sometimes committees are also called during that period. So constituency recess sometimes means where there is no Parliament work at all.

**CHAIRPERSON**: Yes.

**MS VYTJIE MENTOR**: Like for instance we would have a December recess period.

10 **CHAIRPERSON**: Ja.

**MS VYTJIE MENTOR**: Or we would have June recess period. Recess tends to often coincide with

**CHAIRPERSON**: Schools.

**MS VYTJIE MENTOR**: School holidays.

**CHAIRPERSON**: School holidays. Okay.

**MS VYTJIE MENTOR**: Yes so there is a similarity and a difference between constituency period and recess period.

20 **ADV MAHLAPE SELLO**: Thank you Ms Mentor. I asked that question to try again locate when it is you came to Johannesburg and in light of what Mr Bloem says and we will get to that. Just for your own purposes you stated that you travelled in August to China during recess and you state that at your – in your statement at paragraph 29. I do not know if you want to ...

**CHAIRPERSON**: Well if it is – there is nothing important to look at.

**ADV MAHLAPE SELLO**: At page 10.

**CHAIRPERSON**: You can just mention what the period is there.

**ADV MAHLAPE SELLO:** I mentioned it to her I do not know if she wants to satisfy herself.

**MS VYTJIE MENTOR:** Chair I did say that – as I say sometimes you can use recess [indistinct] constituency. I say that in my August month every year Parliament does a kind of a rises for purposes of Woman's Month.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** So I have submitted in my statement – in my witness – my evidence to the commission and to the Public Protector that in August that month it was – we had adjourned for Women's Month and therefore Parliament was not in sitting.

10 **CHAIRPERSON:** Okay.

**ADV MAHLAPE SELLO:** Thank you Ms Mentor. If one then goes forward what we did was you recall that your testimony was your first disclosure about the offer made to you by the Gupta's was in 2010 to members of the portfolio committee or in intelligence.

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

**ADV MAHLAPE SELLO:** We then request Parliament to provide us with a programme for Parliament and to locate all the portfolio committee meetings. We also requested the minutes of those meetings and Chair at this juncture I must place on record that we have been granted access to them but they were not provided with the documents that we received and the explanation for that was that by their very nature those minutes  
20 are secret. They are not permitted to leave Parliament and we have instead been requested somebody to go down to Parliament peruse the minutes. Take – make whatever notes they wish and present whatever they need to you. So we do not have them physically. We have not executed that visit to Parliament because further Parliament required of us to narrow the ambit of our request. Clearly they are not particularly interested in granting us access to all secret minutes. And the purpose of

my conversation with Ms Mentor today is try and see if we can narrow down that period.

**CHAIRPERSON**: My recollection and I had a look at parts of her statement before the commission early this morning is that either in the statement or in the evidence last year before me she said that she raised the issue with specific members of that committee informally. In which case I assume the minutes would not reflect anything informal. Ms Mentor is my recollection of what you said correct?

**MS VYTJIE MENTOR**: Chair I did say that I raised the issue in the foyer before the meeting unofficially and that subsequent to that some opposition members also took up the matter. I have also in my discussions with Ms Sello.

10 **CHAIRPERSON**: Just before that when you say opposition members you mean opposition members serving in that committee?

**MS VYTJIE MENTOR**: Thanks for correcting me Chair. I raised the issue informally and that subsequently members of the committee.

**CHAIRPERSON**: Yes.

**MS VYTJIE MENTOR**: One or two of them also raised the issue but when I raised it in my statement I said that it was informal it was not in a meeting sitting.

**CHAIRPERSON**: Oh. Yes but what you mean is some members of the committee raised the issue formally at a meeting?

20 **MS VYTJIE MENTOR**: Yes but the meeting was – I also further said in the statement the – they proposed the issue to be discussed.

**CHAIRPERSON**: Yes.

**MS VYTJIE MENTOR**: But the Chairperson of the committee

**CHAIRPERSON**: Yes.

**MS VYTJIE MENTOR**: Did not table the issue for discussion.

**CHAIRPERSON**: Yes.

**MS VYTJIE MENTOR:** So it did not end up being discussed.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** Because the Chairperson proposed another way.

**CHAIRPERSON:** Of dealing with it.

**MS VYTJIE MENTOR:** Of dealing with the issue.

**CHAIRPERSON:** Yes. So – and did you say whether you subsequently saw whether whatever was said at the meeting in regard to the issue was reflected in minutes of that day or is it something you have no recollection of?

**MS VYTJIE MENTOR:** I did say that – I do not know if I said that in the evidence or if I  
10 said that in consultation with the legal team. I said that because it was not discussed.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** Officially as part of the agenda.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** Because it was a proposal.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** I would not know if it would have ended in the minutes or not but I doubt it would.

**CHAIRPERSON:** Yes okay. So you do not expect the minutes to include it but it – maybe they do but you do not expect it.

20 **MS VYTJIE MENTOR:** That is what I...

**CHAIRPERSON:** Expect ja?

**MS VYTJIE MENTOR:** Yes Chair.

**CHAIRPERSON:** Okay alright.

**ADV MAHLAPE SELLO:** And Chair if I may it is especially because of that issue that the Chair has just alluded to that we requested access to the minutes to definitively

answer the question whether or not the minutes do so reflect. What follows Mr Mentor from page 484 I do not want to call them programmes – they call them programmes of Parliament and this regarding the various meetings of committees. The first starts at 484 and it is for the period 10 August 2010 to the 22 September 2010. And that would run until 50 – from 484 to 503. We find portfolio committee – we do not find a portfolio committee on intelligence in that period. So we – I want to find out from you whether there – if we propose to exclude the period 10 August to 22 September as a period in which you would have made the disclosure, would you accept that? Because we need to be on a day that the portfolio committee was sitting.

10 **MS VYTJIE MENTOR:** I do not understand what you want me to do Ms Sello.

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

**CHAIRPERSON:** I think what she is saying Ms Mentor is that the – is it the National Assembly or Parliament has provided the commission with documents which reflects meetings that took place of committees of Parliament over a certain period and she will tell you what the period is. I think she says up to sometime in September. From August 10, 2010 to sometime in September. She says there appears to be no meeting of the portfolio committee or intelligence that took place during that period. That is what – she wants you to confirm whether you are happy that we exclude that period covered by those documents as the period when the meeting might have happened where you  
20 made the disclosure informally that you have told us about.

**ADV MAHLAPE SELLO:** Before the witness answers may I qualify my question?

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** Because we received a range of documents from Parliament.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** There is another document that covers the – I would say it



covers an overlap period. So the first document would suggest that between 10 August and 22 September the portfolio committee did not have a meeting. The second document ...

**CHAIRPERSON**: The portfolio committee on intelligence?

**ADV MAHLAPE SELLO**: On intelligence. On intelligence Chair. The second document starts on page 504 that is the period 7 September 2010 to 22 September 2010 and that is where the overlap [indistinct].

**CHAIRPERSON**: Yes.

**ADV MAHLAPE SELLO**: And that document would suggest that there were in fact two.

10 **CHAIRPERSON**: Yes.

**ADV MAHLAPE SELLO**: Portfolio committee meetings in September.

**CHAIRPERSON**: Two meetings of the portfolio committee.

**ADV MAHLAPE SELLO**: Of portfolio committee on intelligence.

**CHAIRPERSON**: On intelligence. Okay.

**ADV MAHLAPE SELLO**: The first appearing at page 506 at the top and the second at page 509 on the 15 September. Now my question to her. The documents do not seem to be consistent. I wanted to find out whether she would accept as the document would suggest that the portfolio committee did not sit at all between – the portfolio committee on intelligence did not sit at all between 10 August and 22 September?

20 **MS VYTJIE MENTOR**: Chair it is difficult for me to say anything.

**CHAIRPERSON**: Yes.

**MS VYTJIE MENTOR**: Firstly I have not thoroughly studied these things but.

**CHAIRPERSON**: Yes.

**MS VYTJIE MENTOR**: I – for me they are immaterial for now.

**CHAIRPERSON**: Ja. Maybe let us do this. Do not forget what you wanted to say.

**MS VYTJIE MENTOR:** Yes.

**CHAIRPERSON:** Okay. There might be confusion set in my mind again whether you have mentioned different times as to when it is likely you had – when it was when you had this encounter with the – at Saxonwold with Mr Ajay Gupta. But I do recall that in either in your evidence or in your statement that you submitted last year that there is a reference to – there is a suggestion that, that meeting, that encounter happened about a week before Minister Barbara Hogan was dismissed as a member of Parliament and from what I recall she was dismissed at the end of October 2010.

10 So if I am correct that there is a suggestion in your evidence that your encounter at Saxonwold was about a week or so before her dismissal then it will put your encounter at Saxonwold round about 20 something, maybe around 25 or thereabout of October 2010. Am I correct that there is that suggestion in your evidence?

I am not saying it is the only one.

**MS VYTJIE MENTOR:** You are correct, Chair, that is what I had initially said.

**CHAIRPERSON:** Yes?

**MS VYTJIE MENTOR:** But then still in my evidence...[intervenes]

**CHAIRPERSON:** Yes?

**MS VYTJIE MENTOR:** And that is reflected in the transcript.

20 **CHAIRPERSON:** Yes?

**MS VYTJIE MENTOR:** When I recalled that I had said to the President apologies for refusing to see you...[intervenes]

**CHAIRPERSON:** Yes?

**MS VYTJIE MENTOR:** Two weeks ago in China...[intervenes]

**CHAIRPERSON:** Yes?

**MS VYTJIE MENTOR:** Then in the transcript I said that that first account of roughly when it could have been...[intervenes]

**CHAIRPERSON:** Yes?

**MS VYTJIE MENTOR:** That it could have been a week before the reshuffling of Barbara Hogan...[intervenes]

**CHAIRPERSON:** Yes?

**MS VYTJIE MENTOR:** Then I considered and corrected myself that that time line was not necessarily correct.

**CHAIRPERSON:** Yes, yes, and then did you put another time as to when it was likely  
10 to have been?

**MS VYTJIE MENTOR:** I did not give an exact date...[intervenes]

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

**MS VYTJIE MENTOR:** Of the encounter, Chair.

**CHAIRPERSON:** Yes, that much I remember.

**MS VYTJIE MENTOR:** Yes.

**CHAIRPERSON:** That you did not put a date, but did you say whether it definitely was in October even though it might not have been a week before the dismissal or could it be September, could it be August?

**MS VYTJIE MENTOR:** I said it could have been September, Chair, because I moved  
20 away from October...[intervenes]

**CHAIRPERSON:** Yes?

**MS VYTJIE MENTOR:** Because I said that the two weeks after China does not put me in October...[intervenes]

**CHAIRPERSON:** Yes?

**MS VYTJIE MENTOR:** If I say to the President forgive me for refusing – I said that puts

me in September.

**CHAIRPERSON:** Yes?

**MS VYTJIE MENTOR:** And for that reason I – in my transcript I moved away completely from October.

**CHAIRPERSON:** Yes, the China visit again was it in July or August?

**MS VYTJIE MENTOR:** End of August, Chair.

**CHAIRPERSON:** End of August?

**MS VYTJIE MENTOR:** Towards the end of August.

**CHAIRPERSON:** Yes.

10 **MS VYTJIE MENTOR:** Towards.

**CHAIRPERSON:** So as you sit here you would say whatever the date is it must have been in September?

**MS VYTJIE MENTOR:** Yes.

**CHAIRPERSON:** Or would you still say maybe it was in October or are you able to exclude or not to exclude and you do not need to exclude if you are not sure, I just want to have an idea in your own mind whether you feel that September definitely is the month when it happened or you say it could be September, it could be October?

**MS VYTJIE MENTOR:** You mean the incident of Saxonwold, Chair?

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

20 **MS VYTJIE MENTOR:** For now the incident of Saxonwold for now resides somewhere in September.

**CHAIRPERSON:** Okay, but with a possibility that it could be October or you say no there is no such possibility?

**MS VYTJIE MENTOR:** I would not want to commit to that, Chair.

**CHAIRPERSON:** You would not like to...[intervenes]

**MS VYTJIE MENTOR:** For now having...[intervenes]

**CHAIRPERSON:** *Ja.*

**MS VYTJIE MENTOR:** Taken all issues into account...[intervenes]

**CHAIRPERSON:** Yes, yes. It could be September...[intervenes]

**MS VYTJIE MENTOR:** Yes, by date...[intervenes]

**CHAIRPERSON:** You think it was September, but you do not want to exclude October?

**MS VYTJIE MENTOR:** Yes.

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

**ADV MAHLAPO SELLO:** Thank you, Chair. For the record on 28 August 2018 it is in  
10 the transcript Ms Sello's, *ag* Ms Mentor's estimation...[intervenes]

**CHAIRPERSON:** You like yourself very much Ms Sello.

**ADV MAHLAPO SELLO:** I see the name on the page, and I apologise, Chair.  
Ms Mentor indicated that her report to members of the portfolio committee and I call it  
members, not necessarily in session.

**CHAIRPERSON:** Yes?

**ADV MAHLAPO SELLO:** And was not the first Wednesday after she had met with the  
Gupta family, but it was not long after that encounter and the Chairperson enquires  
from her at page 67 from line 11 for reference purposes. So maybe it could be the  
following or the week after and Ms Mentor's response is:

20 "Yes, but no further than that."

**CHAIRPERSON:** And are we in September the week thereafter, does that fall within  
September or October?

**ADV MAHLAPO SELLO:** No, what was being discussed here is relative to when she  
met them.

**CHAIRPERSON:** Yes?

**ADV MAHLAPO SELLO:** When she had the conversation...[intervenes]

**CHAIRPERSON:** Yes?

**ADV MAHLAPO SELLO:** With the members of the portfolio committee.

**CHAIRPERSON:** Yes?

**ADV MAHLAPO SELLO:** And her response is that:

"I am inclined to think that it was not the first Wednesday..."

That is the first Wednesday...[intervenes]

**CHAIRPERSON:** Yes.

**ADV MAHLAPO SELLO:** Following the encounter.

10 **CHAIRPERSON:** Yes.

**ADV MAHLAPO SELLO:** "But I know that it was not long after my encounter."

**CHAIRPERSON:** Yes.

**ADV MAHLAPO SELLO:** The, Chair, then asks:

"So maybe it could be the following week or the week after?"

**CHAIRPERSON:** Yes?

**ADV MAHLAPO SELLO:** To which Ms Mentor says:

"Yes, but not further than that."

**CHAIRPERSON:** Okay.

**ADV MAHLAPO SELLO:** So we are looking, if we find the date...[intervenes]

20 **CHAIRPERSON:** *Ja*.

**ADV MAHLAPO SELLO:** Of the meeting...[intervenes]

**CHAIRPERSON:** *Ja*.

**ADV MAHLAPO SELLO:** The disclosure would be about two, maybe on the out three weeks from the date of that encounter.

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

**ADV MAHLAPO SELLO:** So if it is in September then according to the records we received in September there were two portfolio committee meetings at page 506 is the one of Wednesday the 8<sup>th</sup>.

**CHAIRPERSON:** Yes.

**ADV MAHLAPO SELLO:** And Wednesday the 15<sup>th</sup>.

**CHAIRPERSON:** Okay.

**MS VYTJIE MENTOR:** Chair, because I am getting confused...[intervenes]

**CHAIRPERSON:** Yes?

**MS VYTJIE MENTOR:** May I – I am going to deal with this issue, if it is okay with the,  
10 Chair, and with Ms Sello, when I conclude my statement, because the, Chair, is going to put to me questions about my statement whether it was still – I was intending to – what I might do at that time might save us the trouble that we are trying to deal with right now.

**CHAIRPERSON:** Well if there is anything that can assist clarify, let us not delay it. I do not say make a long statement, but if you are able to say one or two points or things in a sentence or two that clarifies, do it now.

**MS VYTJIE MENTOR:** Yes, Chair, I would not want to deal a lot with portfolio committees and dates, because what I would like to deal with what I raised informally.

**CHAIRPERSON:** Yes, no that is fine. You see the reason why the legal team and the  
20 investigators have gone to the trouble that they have gone to try and verify this is one the evidence you gave with regard to the encounter at Saxonwold, raised very important issues which fall within the work of this Commission and if it was found and I think I said this before, it was found that indeed what you say happened did happen, it could have a lot of consequences for certain people.

Okay? It is therefore quite important that we should get as much information

as possible that either corroborates what you say or actually corroborates the opposite. So the Commission looks at all angles and one of the things it was looking here, it was okay, you said not long after you had had this encounter at Saxonwold you made a disclosure informally to certain members of the Committee. The Commission has approached those members of the Committee to establish whether they recall the disclosure and what what and Ms Sello will deal with that and you may be aware already or you may not be aware, I do not know, but also looking at were there meetings of the portfolio committee round about that time, because if there were no meetings it might put a question mark on what on your evidence.

10 But if there were meetings it might be something in your favour. I mean and the next thing is other aspects. So the investigators and the legal team they are looking at all possible things so that in the end when I make any finding everything has been done to try and make sure that there is all the material that I can look at to make a proper finding.

Okay?

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

**CHAIRPERSON:** So to you it might not be important, but to the Commission it might be important to look at those things. Okay, alright, thank you.

**MS VYTJIE MENTOR:** Now Ms Sello – I do not understand if Ms Sello wants me to –  
20 maybe I am battling with what she wants me to do with the dates of meetings.

**CHAIRPERSON:** Well she wanted you – I mean if there is information that they have received which may tend to agree with what you are saying or not to agree it is only fair that they should mention it to you so that you might say – you might make whatever comment. You might say I have no comment, you might say no but that information cannot be correct, because of A, B, C, D, you know? Which is useful in terms of



investigating.

I mean I do not know for example there is a document which has been provided which says meetings of Committees during a certain period of time. You have been a MP, you might know better to what extent that kind of document would be accurate or not accurate.

So the idea is just to give is just to give you a chance to say I have got a comment or I do not have a comment, I dispute what they are saying, that is not correct, this is the correct thing. That is the idea, and you are free to say no comment if you have no comment.

- 10 **MS VYTJIE MENTOR:** I would not dispute the records of Parliament as they are put before you Ms Sello.

**ADV MAHLAPO SELLO:** Yes, madam.

**MS VYTJIE MENTOR:** If the records of Parliament said there was a meeting at that time or there was no meeting at that time.

**ADV MAHLAPO SELLO:** Okay, madam, I take note of that.

**CHAIRPERSON:** Yes?

**ADV MAHLAPO SELLO:** Thank you for the response. I then would like to refer you – I want you to pull out D1, your statement.

**CHAIRPERSON:** Did you get it right this time?

- 20 **ADV MAHLAPO SELLO:** D1.

**CHAIRPERSON:** Oh, okay, yes your D and 1 has caused enough problems.

**ADV MAHLAPO SELLO:** It has, it is a perennial problem, Chair, I hopefully we will be able to address before this Commission is over.

**CHAIRPERSON:** Yes?

**ADV MAHLAPO SELLO:** It is the bundle containing her statement.

**CHAIRPERSON:** Yes, okay, is it necessary to go there?

**ADV MAHLAPO SELLO:** It is, Chair.

**CHAIRPERSON:** It is?

**ADV MAHLAPO SELLO:** It is I submit, yes.

**CHAIRPERSON:** Okay, alright.

**ADV MAHLAPO SELLO:** Have you located your statement Ms Mentor?

**MS VYTJIE MENTOR:** I am locating my statement the one that I study every day from my handbag madam.

**CHAIRPERSON:** I think you might have to take the actual bundle marked, it is  
10 EXHIBIT D1 so you might have a copy of your statement somewhere else, but I think she is saying it is important to use the same bundle that she is using.

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

**CHAIRPERSON:** *Ja.*

**ADV MAHLAPO SELLO:** Thank you, Chair, indeed. And your statement starts at page 1 of that bundle, but I want to refer you in particular to page 29.

**MS VYTJIE MENTOR:** Yes madam?

**ADV MAHLAPO SELLO:** Now at paragraph 103 the bottom of page 29 you state the following:

20 "I did not go public on the Saxonwold incident immediately.  
The joint standing committee on intelligence of which I was a member met on Wednesdays. Shortly after my encounter with Mr Zuma and the Guptas at their residence I did disclose to a few members of the Committee what had happened at my recent meeting with Mr Zuma. There were Hlengiwe Mgabadel, Dennis Bloem and Siabonga Twele (the Chair of

the Committee). They all took an interest in my account."

Do you see that?

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

**ADV MAHLAPO SELLO:** Now what we know is this...[intervenes]

**CHAIRPERSON:** I do not know if you made this amendment, but I made it on mine, which comes after that, which says:

"I made this disclosure informally to members of the Committee who were present as we were having tea before the formal meeting could start."

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

**ADV MAHLAPO SELLO:** You heard the, Chair, Ms Mentor?

**MS VYTJIE MENTOR:** Yes.

**CHAIRPERSON:** At the top of page 30 paragraph 103.

**MS VYTJIE MENTOR:** Yes, Chair. I am looking for the addition the, Chair, just read now.

**CHAIRPERSON:** No, I am saying I made it on mine.

**MS VYTJIE MENTOR:** Oh, okay.

**CHAIRPERSON:** It might not have been made in your one, but Ms Sello has got it too I think, yes, but there might be no significance about that now.

20 **ADV MAHLAPO SELLO:** For purposes of this question...[intervenes]

**CHAIRPERSON:** Ja.

**ADV MAHLAPO SELLO:** Madam, what the, Chair, meant was that during the course of your testimony...[intervenes]

**CHAIRPERSON:** Yes.

**ADV MAHLAPO SELLO:** You added that bit and the, Chair, added it to his statement.

**CHAIRPERSON:** Yes.

**ADV MAHLAPO SELLO:** As I did to mine, but for the moment I am interested in the persons that you list there and in particular Mr Siabonga Twele who you say was the Chair of the portfolio committee. We have done on our research and we know that this is in – I will just say between August and October 2010, I will put it that broadly. What we have been able to determine in our research is that Mr Siabonga Twele became a Minister on 25 September 2008 and he was appointed Minister of Intelligence.

He held that post until 10 May 2009 and after the elections in 2009 until 2014 he was what is listed as the Minister of State Security. My point to you is, if the  
10 research is correct then Mr Twele could not have been a portfolio committee Chairperson as at August 2010, because by then he was appointed a Minister.

**MS VYTJIE MENTOR:** Yes.

**ADV MAHLAPO SELLO:** So your paragraph 103 then suggesting that Mr Twele was the Chair of the Committee at the time you made the disclosure is incorrect?

**MS VYTJIE MENTOR:** Yes, and I was going to correct that later on when I finalised my statement including 104.

**ADV MAHLAPO SELLO:** Please do. I think let us take this...[intervenes]

**CHAIRPERSON:** Yes, if there are any corrections do not wait until the end.

**MS VYTJIE MENTOR:** Oh.

20 **CHAIRPERSON:** We need to correct them so that we know what the position is, yes, okay.

**MS VYTJIE MENTOR:** Okay.

**CHAIRPERSON:** So that is the one and you will let us know if there is another one that you want to make?

**MS VYTJIE MENTOR:** I want to make that correction in terms of 103 and 104.

**ADV MAHLAPO SELLO:** Let us start with 103 first if you may.

**MS VYTJIE MENTOR:** Okay, I wish that 103 should read as thus in addition to what I had added about the tea in voyeur:

"I did not go public in the Saxonwold incident immediately. The intelligent standing committee of intelligence of which I was a member would..."

**CHAIRPERSON:** Okay you are reading from paragraph 103 at the moment?

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

**CHAIRPERSON:** Ja, okay.

10 **MS VYTJIE MENTOR:** "I, however, did discuss the matter of the Guptas with Committee members..."

**CHAIRPERSON:** Well, I am sorry, are you reading or are you amending?

**MS VYTJIE MENTOR:** I am changing, Chair.

**CHAIRPERSON:** Okay, tell us first what it is that is wrong that you see as not correct now and what you want to say before we look at the formulation. Tell us what it is that is not correct that you said in that paragraph and what you want to say about it first, now.

**MS VYTJIE MENTOR:** What I want to remove was reference to the encounter in paragraph 103, but I wanted to retain my discussion, my informal discussion when I  
20 was a member of the portfolio committee with the likes of Hlengiwe Mgabadele, Dennis Bloem and Mr Twele, that I would like to keep.

**CHAIRPERSON:** Okay, let us –

"I did not go public on the Saxonwold incident immediately."

You want that, that is still true? Is that right?

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

**CHAIRPERSON:** Then the next sentence:

"The joint standing committee of intelligence of which I was a member met on Wednesdays."

Is that still true?

**MS VYTJIE MENTOR:** Yes, Chair, I wanted to add to that:

"The joint committee on intelligence of which I was a member met on Wednesday..."

I had also wanted to add the timeframe that would say it was from 2004 to 2000 and whatever, but that would still hold.

10 **CHAIRPERSON:** Yes, well, is there any significance to the dates you wanted to add?

**MS VYTJIE MENTOR:** The dates would only clarify what Ms Sello is saying.

**CHAIRPERSON:** Okay.

**MS VYTJIE MENTOR:** That Mr Twele was not a member of the Committee at the period...[intervenes]

**CHAIRPERSON:** Okay, no...[intervenes]

**MS VYTJIE MENTOR:** Yes.

**CHAIRPERSON:** We do not need to amend this. What you may say when you are asked a question is this is the correct position and you indicate if you were mistaken in any way with what you said here, without us amending this.

20 **MS VYTJIE MENTOR:** I see.

**CHAIRPERSON:** So in other words you just clarify, okay? So maybe let us get back to the question you wanted to put to her.

**ADV MAHLAPO SELLO:** The question I wanted to put to her, Chair, was, reference to Mr Siabonga Twele as the Chair of the Committee in paragraph 103 cannot be correct, because he was a Minister at that time.

**CHAIRPERSON:** She conceded that.

**ADV MAHLAPO SELLO:** Yes.

**CHAIRPERSON:** Yes, next.

**ADV MAHLAPO SELLO:** So we say we remove reference to Mr Siabonga Twele?

**CHAIRPERSON:** Well we do not remove, she put it there, but she is now conceding that it was not correct to include him.

**ADV MAHLAPO SELLO:** Then I want to find out whether the words in the brackets following his name the Chair of the Committee does she maintain that you disclosed to the Chair of the Committee accepting it was not Mr Twele, we made a mistake?

10 **MS VYTJIE MENTOR:** Chair?

**CHAIRPERSON:** Yes?

**MS VYTJIE MENTOR:** I have conceded that Mr Twele at the time of the offer Saxonwold offer was not Chair of the Committee.

**ADV MAHLAPO SELLO:** Okay.

**CHAIRPERSON:** Yes, who was the Chair, do you know?

**MS VYTJIE MENTOR:** No, no, no, Chair, maybe I should do my correction in totality, Chair.

**CHAIRPERSON:** Well, okay, do the correction without interfering with the document.

**MS VYTJIE MENTOR:** Okay.

20 **CHAIRPERSON:** You know what you said in paragraph 103.

**MS VYTJIE MENTOR:** And 104.

**CHAIRPERSON:** And 104.

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

**CHAIRPERSON:** Tell us, this is what you said in that paragraph, this is not correct, this is the correct position and how – and yes?

**MS VYTJIE MENTOR:** What I say in 103 and 104 is that I did not disclose immediately, I disclosed in addition to what I said in the transcript I disclosed informally to a number of Committee members, some of whom were Mr Mgabadeli, Mr Bloem who took the interest in the matter. That is what is reflected currently in my statement.

**CHAIRPERSON:** Yes and Dr Twele, I think it is Dr Twele.

**MS VYTJIE MENTOR:** Yes.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** Now I have conceded that at the time of Saxonwold I was no longer – Mr Twele was no longer the Chair of the portfolio committee, he was no longer  
10 sitting on the portfolio committee. What I want to bring to the, Chair, is that I have disclosed informally – not disclosed, I had proposed informally before members of the Committee that the issue of the Guptas needs to be discussed at one stage.

I may have confused that with the period of the Saxonwold encounter. So I do not know how to deal with 103 and 104.

**CHAIRPERSON:** Okay, I am not sure that I follow the last point you made about you being confused, just repeat that point?

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

**CHAIRPERSON:** What is it that you may have confused? That is what I want to understand.

20 **MS VYTJIE MENTOR:** The period at which I recommended to members of the portfolio committee on intelligence that the Gupta must be discussed.

**CHAIRPERSON:** Okay, are you now telling me that at a certain stage you did ask the portfolio committee on intelligence to discuss the issue of your offer from the Gupta family to you to be Minister of Public Enterprises?

**MS VYTJIE MENTOR:** Chair, that is what is currently reflected in the statement.



**CHAIRPERSON:** Yes, yes.

**MS VYTJIE MENTOR:** But what I am saying right now is, I did propose informally to members of this standing committee on intelligence whilst myself and Mr Twele and others were members that the issue of the Guptas should be discussed.

**CHAIRPERSON:** Now, well, what I just asked you was exactly the same thing, the only difference is that I linked it to the offer that you told us was made to you by Mr Ajay Gupta. So I am asking whether what you are telling me now is that you told the portfolio committee on intelligence or you proposed to them, to that Committee that the issue of the offer that had been made to you by the Guptas should be discussed or  
10 whether it was something else about the Guptas that you wanted to be discussed?

**MS VYTJIE MENTOR:** Thank you, Chair. It was not the issue of the offer. It was the issue of the Guptas.

**CHAIRPERSON:** Okay, now when you made that proposal when was that if you are able to remember? I am not talking about the date, I am just talking even just about the year or month or whatever?

**MS VYTJIE MENTOR:** It was the period during which I was still a member of the portfolio committee, Chair, and when Dr Twele was still the Chairperson of the portfolio committee.

**CHAIRPERSON:** And that was from which year to which year?

20 **MS VYTJIE MENTOR:** I think it was from 2000 and – well we started – we became members of the portfolio committee from 2004 until the end of the term, election terms.

**CHAIRPERSON:** Which was 2009? Early 2009?

**MS VYTJIE MENTOR:** No, Chair, I am actually mistaken, because there was a problem in – remember there was a reshuffling, there are things that happened in 2007.

**CHAIRPERSON:** Well I would not remember any reshuffling at that time.

**MS VYTJIE MENTOR:** I cannot know for sure until what time, Chair...[intervenes]

**CHAIRPERSON:** Well there was a change of President.

**MS VYTJIE MENTOR:** Yes.

**CHAIRPERSON:** In 2008 when President Mbeki was recalled and President Motlanthe was installed.

**MS VYTJIE MENTOR:** Myself and Mr Twele were members – and Mr Mgabadeli were members of the standing committee of intelligence from 2004 I think until that time when that change was effected, if I am not wrong.

**CHAIRPERSON:** Okay, so are you saying that somewhere between 2004 and 2008  
10 maybe 2009 you did propose to the portfolio committee on intelligence that the Guptas be discussed? Now is that what you are saying or something about the Guptas be discussed and I want you to tell us what that was? What that was that you wanted to be discussed.

**MS VYTJIE MENTOR:** I think it was in 2008, Chair.

**CHAIRPERSON:** What did you propose should be discussed concerning the Guptas?

**MS VYTJIE MENTOR:** When we – there was a lot of media reports of the Guptas at that time and in the voyeur of the portfolio committee where we used to hold the meetings there was a picture of President Mbeki with one shoe and one sandal, one foot band, when he was doing an Indian State visit. In that voyeur there was also a  
20 television where when we have tea there would be news and then there was news flashing about the Guptas and then I said informally I think we need to discuss this family.

**CHAIRPERSON:** But how – how is that relevant to the issue of when you made the disclosure to the Committee that you talk about, the disclosure that you talk about in paragraph 103 or 104 or are you saying you may have been mistaken to say that you

made a disclosure in 2010, maybe you are confused with your proposal in 2008 to the portfolio committee on intelligence to say that you needed to discuss the issue of the Guptas?

**MS VYTJIE MENTOR:** Yes, Chair, insofar as my discussion with the Committee which was informal about the Guptas I am submitting that I confused that with the issue of disclosing the offer.

**CHAIRPERSON:** Okay. What is the position now? Did you disclose formally or informally to any member or members of the portfolio committee on intelligence your encounter at Saxonwold?

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

**CHAIRPERSON:** And which year was that when you made the disclosure?

**MS VYTJIE MENTOR:** I know for now for certain that in 2010 I discussed that matter with Mr Bloem. I have said also to the legal team of the Commission I may have discussed it with Mrs Mgabadeli may be able to corroborate. I also said to the SS member of the standing committee on intelligence.

**CHAIRPERSON:** Okay. So you did make a disclosure in 2010 to some members of the Portfolio Committee on Intelligence. Is that right?

**MS VYTJIE MENTOR:** Yes Chair.

**CHAIRPERSON:** That is what you are saying?

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

**CHAIRPERSON:** And you say one of those members of that Committee was Mr Dennis Bloem. Is that right?

**MS VYTJIE MENTOR:** Yes Chair.

**CHAIRPERSON:** And with regard to other members of that Committee are you, is there one in respect of whom you are certain that you did disclose?

**MS VYTJIE MENTOR:** I had asked the, the; I have given a name to the legal team and the legal team have done work and contacted that person. I did not want to go ahead of Ms Sello to, to talk about that, because I understood that she would still.

**CHAIRPERSON:** Ja, no, but the question.

**MS VYTJIE MENTOR:** It is Ms Mgabadeli, yes.

**CHAIRPERSON:** Ja, but my question is simply whether you are certain, because from what you said I think you are saying you are certain that you disclosed to Mr Dennis Bloem.

**MS VYTJIE MENTOR:** Yes.

10 **CHAIRPERSON:** Is that right?

**MS VYTJIE MENTOR:** Yes.

**CHAIRPERSON:** So I am asking you whether there is any other member of that Committee in respect of whom you are able to say I am certain that I disclosed to him or her.

**MS VYTJIE MENTOR:** I am certain that I disclosed to Ms Mgabadeli. Whether she will recall or she will not recall I do not know Chair.

**ADV MAHLAPE SELLO:**

**CHAIRPERSON:** Yes. Are those the only two members of the Committee or are there other members of the Committee to whom you made the disclosure?

20 **MS VYTJIE MENTOR:** Only those two Chair.

**CHAIRPERSON:** And was the disclosure informal or formal?

**MS VYTJIE MENTOR:** Informal Chair.

**CHAIRPERSON:** Informal?

**MS VYTJIE MENTOR:** Yes Chair.

**CHAIRPERSON:** And in, when you gave evidence later on and I made this amendment

here last year on your statement you said you had informally disclosed to members of the Committee who were present and I am reading now as were having tea before the formal reading could start. Now you have conceded that Ms, Dr Cwele could not have been involved there, because he was no longer a member of the Committee. Now what I want to ask is whether these two members who you say you disclosed to do you know whether you disclosed to them individually, separately or whether they were together when you disclosed such as that maybe you were having tea with them before the start of a particular meeting of the Committee?

**MS VYTJIE MENTOR:** Chair the, the, the tea incident as I have already conceded  
10 happened in around 2008.

**CHAIRPERSON:** Oh.

**MS VYTJIE MENTOR:** Which was before the offer.

**CHAIRPERSON:** Oh, okay.

**MS VYTJIE MENTOR:** And I have sought to correct that.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** But then the individuals.

**CHAIRPERSON:** Hm.

**MS VYTJIE MENTOR:** I would still say that I, I, around the tea I said the Guptas must be discussed, but with the members I would have discussed individually and I have said  
20 to the legal team also not in the sessions of the Commission that Ms Mgabadelu was my neighbour in Parliament.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** And that we both had an intelligence background and that we would discuss a whole range of issues that are.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** Of national security.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** Matters.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** So I would in my mind I would have discussed, I disclosed to them individually also.

**CHAIRPERSON:** Ja, okay. Thank you and, and it is in 2010?

**MS VYTJIE MENTOR:** In 2010, Chair.

**CHAIRPERSON:** Yes, thank you. Ms Sello.

10 **ADV MAHLAPE SELLO:** If I may then just clarify one issue. So, so you, you correct the, your testimony insofar as it suggests that you disclose this the offer being made to you to Ms Mgabadeli and Mr Bloem prior to the Portfolio Committee Meeting as you were having tea. You, we should forget that? It is wrong.

**MS VYTJIE MENTOR:** Because I am saying that I discussed, I requested that we discuss the Guptas, not the offer.

**ADV MAHLAPE SELLO:** No, I am saying the offer itself. Insofar as the offer is concerned you were wrong that conversation did not take place.

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

**ADV MAHLAPE SELLO:** Okay and for the record you do recall that Mr Bloem was no  
20 longer a member of the Portfolio Committee.

**CHAIRPERSON:** Well.

**ADV MAHLAPE SELLO:** In 2010.

**CHAIRPERSON:** I am sorry. Just so that it is recorded the witness.

**ADV MAHLAPE SELLO:** Oh, yes.

**CHAIRPERSON:** Has nodded, has nodded when you put that question.

**ADV MAHLAPE SELLO:** The Chair is correct.

**CHAIRPERSON:** Try and.

**MS VYTJIE MENTOR:** Yes.

**CHAIRPERSON:** Make sure it is captured in the record. Yes, thank you. Proceed.

**ADV MAHLAPE SELLO:** So we shall amend paragraph 103 accordingly, thank you Chair.

**MS VYTJIE MENTOR:** And four.

**CHAIRPERSON:** No, no. We are not amending it.

**ADV MAHLAPE SELLO:** Hm.

10 **CHAIRPERSON:** We are hearing what she is saying. We know what she had said before. She is now providing a certain clarification that that statement remains as it is.

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

**CHAIRPERSON:** The time to amend it was when she was giving evidence at that time.

**ADV MAHLAPE SELLO:** Yes Chair.

**CHAIRPERSON:** Because at that time we wanted to know whether after it had been prepared and before she started giving evidence she had picked up any inaccuracies that she wanted to amend we amended. Now if she picks up anything we are not amending the bit. She is clarifying if she has picked up anything, okay.

**ADV MAHLAPE SELLO:** Clarified Chair.

20 **CHAIRPERSON:** Alright.

**ADV MAHLAPE SELLO:** You understood what the Chair says.

**MS VYTJIE MENTOR:** I have, thank you.

**ADV MAHLAPE SELLO:** So we know that Mr Bloem was not a member of the Portfolio Committee on Intelligence in 2010?

**MS VYTJIE MENTOR:** Yes.

**ADV MAHLAPE SELLO:** So it is not in that context that you, you revealed that you made a disclosure to him?

**MS VYTJIE MENTOR:** Yes.

**ADV MAHLAPE SELLO:** Now at Bundle D6A we have the statement of Mr Dennis Bloem at page 176.

**CHAIRPERSON:** What is the page number?

**ADV MAHLAPE SELLO:** 176, Chair.

**CHAIRPERSON:** Okay.

**ADV MAHLAPE SELLO:** And at paragraph 3 in particular paragraph 3.1.2 Mr Bloem  
10 does state that he served in that Committee from 1999 to 2009. You see that?

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

**ADV MAHLAPE SELLO:** Now if you turn over leaf at 117, paragraph 6.

**MS VYTJIE MENTOR:** 177?

**ADV MAHLAPE SELLO:** 177, ma'am. He recounts the conversation he had with you in 2010 and he states and I read for the record:

“Around August 2010 and after recess I recall receiving a call from Ms Mentor then a Member of Parliament representing the African National Congress.”

Next paragraph:

20 “She said she wanted to see me. We met in Parliament in one of the lounges over tea. She said to me the Gupta brothers invited her to the residence in Saxonwold. She further told me that they offered a ministerial position. They said they could make her a Minister of Public Enterprises.”

I have read up to paragraph 11. I will stop for now. Do you understand Mr Bloem to



suggest firstly that this conversation between you and him occurred in August 2010 and would he be correct in so contending?

**CHAIRPERSON:** Well maybe he does not say in August. He says around August.

**ADV MAHLAPE SELLO:** Around August after recess. The Chair will recall earlier when I presented the, the parliamentary program for 2010 I was trying to establish exactly when recess was.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** But so far we have not able to, because.

**CHAIRPERSON:** Ja.

10 **ADV MAHLAPE SELLO:** These refer to a constituency period and Ms Mentor said it could be.

**CHAIRPERSON:** Hm.

**ADV MAHLAPE SELLO:** You know, either way.

**CHAIRPERSON:** Yes. I, I think the question Ms Sello put to you Ms Mentor is simply this. Ms, Mr Bloem acknowledges that there was an occasion when you told him about your encounter at Saxonwold or the offer that you said had been made, but she says he says he thinks that was around August 2010. You want to say anything about either the, the, the time? I mean you said September, but you are not you know. You have never said you are rigid about anything. There was also mention of October. If there is  
20 something you want to say about his suggestion that it was, it, it was August you may say so but if you do not see anything significant it is fine.

**MS VYTJIE MENTOR:** Chair it, it says around August but it, my, the offer would not have been in August, around August in the sense that the State visit was towards the end of August and I am, I was in Saxonwold about two weeks or so.

**CHAIRPERSON:** After that?

**MS VYTJIE MENTOR:** After, after that.

**CHAIRPERSON:** Hm.

**MS VYTJIE MENTOR:** So I.

**CHAIRPERSON:** [Intervenes].

**MS VYTJIE MENTOR:** We sometimes make in our recollections.

**CHAIRPERSON:** Hm.

**MS VYTJIE MENTOR:** We make.

**CHAIRPERSON:** Ja.

**MS VYTJIE MENTOR:** Mistakes with dates.

10 **CHAIRPERSON:** Ja.

**MS VYTJIE MENTOR:** I myself there is a date that I need to correct.

**CHAIRPERSON:** Ja.

**MS VYTJIE MENTOR:** In my statement.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** Pertaining to Ms Mtolo.

**CHAIRPERSON:** Ja.

**MS VYTJIE MENTOR:** So I would not want to hang Mr Bloem.

**CHAIRPERSON:** Ja.

**MS VYTJIE MENTOR:** Over the issue of others.

20 **CHAIRPERSON:** No, no that is fine.

**MS VYTJIE MENTOR:** Especially because there is the one thing.

**CHAIRPERSON:** Ja.

**MS VYTJIE MENTOR:** Other than the, he seems to.

**CHAIRPERSON:** Ja.

**MS VYTJIE MENTOR:** Corroborating.

**CHAIRPERSON:** Ja. No that is fine. So, okay Ms.

**ADV MAHLAPE SELLO:** Thank you Chair. At paragraph 9 and I would invite you to explain this because according to Mr Bloem this he was informed of by yourself and he states:

“She said to me the Gupta brothers invited her to their residence in Saxonwold.”

Were you; my understanding of that is you attending at the Saxonwold residence, at the Gupta residence on the invitation of the Gupta brothers. Is that what you communicated to Mr Bloem?

**MS VYTJIE MENTOR:** Chair I do not know, I do not know why, I do not know how I can  
10 explain the use of language.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** By Mr Bloem. I was not invited.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** On that day I was, I thought I was going to see the President.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** I ended up in the Gupta residence. Now if I must account for the use of language [intervenes].

**CHAIRPERSON:** Well, well what you, you are being given an opportunity to do, is to say yes that is what I told Mr Bloem or no he is mistaken. That is not what I said and  
20 that is not what I could have said, because of A, B, C, D. Maybe he was mistaken, maybe he misunderstood. I could not have said I was invited. I was not invited. This is the position. In other words you have, you have got to look at what you told him or may have told him. It is a long time ago and he might be mistaken, but it might have been his genuine understanding of what you told him. So you are being given an opportunity to say well that is how he understood, but it is not based on what I said or that cannot

be based on what I said, because there is no way I could have said I was invited to the Gupta residence.

**MS VYTJIE MENTOR:** I do not know how Mr Bloem understood me Chair.

**CHAIRPERSON:** Yes, but tell us what you told him or what you must have told him if you cannot remember what you told him.

**MS VYTJIE MENTOR:** What I must have told him is that I ended up in the Gupta residence whilst I thought I was going to see the President and in the Gupta residence I was offered a ministerial position.

**CHAIRPERSON:** Okay.

- 10 **ADV MAHLAPE SELLO:** Thank you Ms Mentor and just to perhaps conclude then on what Mr Bloem states in his statement at paragraph 19 for the record he does state that you said:

“When they took her out of the room...”

Her being you.

“...and on the way out to the car, but in the house she met the former of Head of State President Jacob Zuma and she said to me she told him what happened inside that room where they were.”

So.

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

**ADV MAHLAPE SELLO:** Yes.

**MS VYTJIE MENTOR:** That that might be how Mr Bloem understood or how he recalled because of the passage of time, but actually I met the President inside the house when he walked in and told him inside the house what had happened and at the end of every, everything the President walked me out of the house to the vehicle that

was going to take me to the airport.

**CHAIRPERSON:** Mr Ajay Gupta did not walk you out together with the former President?

**MS VYTJIE MENTOR:** No, he remained seated in the house.

**CHAIRPERSON:** Okay.

**ADV MAHLAPE SELLO:** Thank you Chair. That is all I wanted to bring your attention to as regards Mr Bloem's statement that is relevant for this issue. Returning then to paragraph 104 of your statement, remember earlier you had said you wanted to say something about both 103 and 104. Now at 104 you record what supposedly took  
10 place inside now the Portfolio Committee Meeting itself and you suggest that the Chairperson at the time Mr Cwele persuaded the Committee not to take the matter further and that he would refer to Luthuli House. You see that?

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

**ADV MAHLAPE SELLO:** Now in light of the fact that now we know it could not have been Mr Cwele.

**ADV ANTHONY GOTZ:** Sorry.

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

**ADV ANTHONY GOTZ:** Sorry, Chair. My name is Anthony Gotz.

**CHAIRPERSON:** Yes.

20 **ADV ANTHONY GOTZ:** I am representing Mr Mentor today.

**CHAIRPERSON:** Yes.

**ADV ANTHONY GOTZ:** We would like to make an objection on the manner in which Mr Bloem's statement has been put to Ms Mentor. There have been two paragraphs out of a total of 19 paragraphs which have been put to Ms Mentor with minor insignificant differences between her evidence and that which Mr Bloem says. There

are considerable amounts of, of, of paragraphs in the statement which corroborates this witness' evidence which have not been highlighted and we have an.

**CHAIRPERSON:** But she.

**ADV ANTHONY GOTZ:** Objection to the manner in which, we have an objection to the manner in which the statement is being put. It is very significant Chair. It is the, it is extremely significant.

**CHAIRPERSON:** Hm.

**ADV ANTHONY GOTZ:** That Mr Bloem, sorry Chair.

**CHAIRPERSON:** I, I think what you should do if you have some concern and you may  
10 or may not have done this already. I do not know. If you have got some concern in  
regard to how Ms Sello is dealing with the putting questions to Ms Mentor raise it with  
her. Give her a, a, a note and she would look at that and try and, and apply her mind to  
your concern, but of course if in the end there is; that does not help feel free to raise it,  
but the; I do not think that she intended in any way not to, she contended to conceal  
any part that might support Ms Mentor's version, but also you need to bear in mind, I do  
not know what is in her mind that Mr Bloem is still going to be called who will deal with  
give evidence about her statement in full. So it may well be that all that Ms Sello wants  
to do for now is to say there are only these areas of concern in regard to your version in  
the light of what Ms, Mr Bloem says, but not as if Mr Bloem is not going to be called to  
20 come and deal with her, his entire statement in which whatever it is that he has got in  
his statement that supports Ms Mentor's version will be highlighted.

**ADV ANTHONY GOTZ:** Chair if the position of the evidence leaders is that they accept  
that Mr Bloem's statement and the evidence that he will give corroborates on a  
contemporaneous basis what Ms Mentor has said then we are happy. The concern that  
I am raising is that the suggestion is, the suggestion is that there are issues of

difference between the two without highlighting in a balanced way the fact that Mr Bloem corroborates what she says in all material respects.

**CHAIRPERSON:** Well.

**ADV ANTHONY GOTZ:** Can I say for the record Chair?

**CHAIRPERSON:** Yes.

**ADV ANTHONY GOTZ:** We have at numerous points.

**CHAIRPERSON:** Ja.

**ADV ANTHONY GOTZ:** Raised with Ms Sello.

**CHAIRPERSON:** Yes.

10 **ADV ANTHONY GOTZ:** The fact that evidence does not appear to be put on a balanced basis inter alia for example.

**CHAIRPERSON:** Yes.

**ADV ANTHONY GOTZ:** There were issues raised in relation to, there were issues raised in relation to the Emirates.

**CHAIRPERSON:** Yes.

**ADV ANTHONY GOTZ:** Flight details.

**CHAIRPERSON:** Yes.

**ADV ANTHONY GOTZ:** Yesterday.

**CHAIRPERSON:** Yes.

20 **ADV ANTHONY GOTZ:** Which quite frankly.

**CHAIRPERSON:** Yes.

**ADV ANTHONY GOTZ:** The significance of the fact that Duduzane Zuma.

**CHAIRPERSON:** Hm.

**ADV ANTHONY GOTZ:** Ajay Gupta and Rajesh Gupta.

**CHAIRPERSON:** Yes.

**ADV ANTHONY GOTZ:** Were on that flight.

**CHAIRPERSON:** Yes.

**ADV ANTHONY GOTZ:** Were not highlighted with this witness. So we have highlighted these concerns.

**CHAIRPERSON:** Yes.

**ADV ANTHONY GOTZ:** With Ms Sello.

**CHAIRPERSON:** Yes. Okay. Well I just want to say whether it is in regard to the same trip or not, but I do recall I think both yesterday and today when we dealt with the issue of who was on a certain flight and Ms Sello emphasising that I think expect for  
10 Mr Atul Gupta all the other four or five people together with I think Ms Mentor were there. So, I think let us do it this way, she is now aware of your concern, your concerns. Continue to raise them if they are still concerns, but at the end before Ms Mentor is released she am sure will want to cover, tie all the loose ends and if there are any things or concerns, areas of concerns she, she would try and cover that and if you are still not satisfied you can raise it with me in, in open.

**ADV ANTHONY GOTZ:** Thank you very much Chair.

**CHAIRPERSON:** Yes, okay.

**ADV ANTHONY GOTZ:** Indebted.

**CHAIRPERSON:** Thank you Ms Sello.

20 **ADV MAHLAPE SELLO:** Thank you Chair and Chair just for the record and, and possibly to try and reassure my learned friend Mr Bloem's state is in large, large part constitutes of hearsay. He says Ms Mentor told me and in some respects what he claims Ms Mentor told him is not consistent with what Ms Mentor has testified to. It is incumbent upon me to give Ms Mentor an opportunity to comment on those discrepancies, because the soon she, as soon as she leaves that witness stand she is



gone. When Mr Bloem comes here and insists on his version of what he heard without having given Ms Mentor an opportunity to respond to it would be unfair to her. So the, the purpose of the entire exercise was not to suggest that Mr Desmond disagrees with her or is inconsistent, says stuff that is inconsistent. It was just to highlight specifics, specific aspects.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** As the Chair says Mr Bloem is still coming.

**CHAIRPERSON:** Hm.

**ADV MAHLAPE SELLO:** He will testify.

10 **CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** And it will be put to him.

**CHAIRPERSON:** Hm.

**ADV MAHLAPE SELLO:** That what you allege in this paragraph.

**CHAIRPERSON:** Hm.

**ADV MAHLAPE SELLO:** That Ms Mentor for instance says, you said she was invited.

**CHAIRPERSON:** Yeas.

**ADV MAHLAPE SELLO:** Ms Mentor has indicated that she could not have said that.

Then we take issue.

**CHAIRPERSON:** Yes.

20 **ADV MAHLAPE SELLO:** With Mr Bloem.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** That was the intention Chair.

**CHAIRPERSON:** Ja, basically at this stage it is not the right time to talk about what Ms, Mr Bloem is maybe saying that he is in agreement with what Ms Mentor says.

**ADV MAHLAPE SELLO:** Indeed Chair.

**CHAIRPERSON:** What is important is to say to put to her what Mr Bloem says that is not in line with what Ms Mentor has said and give her a chance to deal with it.

**ADV MAHLAPE SELLO:** Indeed Chair. That is what I am saying.

**CHAIRPERSON:** Because that which is in support of Ms Mentor is not going to be problematic Chair.

**ADV MAHLAPE SELLO:** Indeed Chair.

**CHAIRPERSON:** Because it will be highlighted in due course.

**ADV MAHLAPE SELLO:** [Indistinct].

**CHAIRPERSON:** Like what is in, what is, where, what Mr Bloem says seems to differ  
10 from her evidence it is important to give her a chance to deal with it.

**ADV MAHLAPE SELLO:** Indeed Chair and that was the intention.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** Chair.

**CHAIRPERSON:** Ja, thank you.

**ADV MAHLAPE SELLO:** Thank you. Ms Mentor we were then dealing with your paragraph 104 of the statement.

**MS VYTJIE MENTOR:** Sorry Chair.

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

**CHAIRPERSON:** Yes.

20 **MS VYTJIE MENTOR:** I, I, I accept what the Chair, the Chair's response had been to my Senior Counsel's observation.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** I want to put it on record also.

**CHAIRPERSON:** Hm.

**MS VYTJIE MENTOR:** That to a very large extent.

**CHAIRPERSON:** Hm.

**MS VYTJIE MENTOR:** Mr Bloem corroborates.

**CHAIRPERSON:** Hm.

**MS VYTJIE MENTOR:** Or, or correctly captures.

**CHAIRPERSON:** Ja.

**MS VYTJIE MENTOR:** What I told him.

**CHAIRPERSON:** Okay.

**MS VYTJIE MENTOR:** And I would like to put it on record.

**CHAIRPERSON:** Hm.

10 **MS VYTJIE MENTOR:** That the few things that may not be in line and there are fewer than those.

**CHAIRPERSON:** Hm.

**MS VYTJIE MENTOR:** That are correct in terms of what I told him.

**CHAIRPERSON:** Hm.

**MS VYTJIE MENTOR:** I do not hold those things against him. I do not know if it is an issue of time in terms of his memory, but I would like to point it out that the large part of his statement actually corroborates my version.

**CHAIRPERSON:** No, no that that, that that, that is fine. There is nothing wrong with you saying what you make of his affidavit. Ms Sello has briefly indicated what she  
20 thinks of the affidavit and I think part of what she is saying is there are certain things that seem to be not in line, but that is not to say there are no things that are in line, but she emphasises that largely whatever Mr Bloem says is not something that he independently observed. It is something that he says he got from you. I think that is that is what, what she, she is saying. Okay, let us go.

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

**CHAIRPERSON:** Sorry Mr Mentor.

**ADV MAHLAPE SELLO:** Ms Mentor.

**MS VYTJIE MENTOR:** Chair I would like to ask you a question that is not pertaining to Mr Bloem's necessarily.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** Statement. I would like to ask a question Chair whether, because I am not a lawyer.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** And I do not understand how, how things are done.

10 **CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** I was going to, to, to, to give you my experience at the end, but I might as well give it to you right now and ask this question right now, because an opportunity avails itself.

**CHAIRPERSON:** Well one of the benefits of you having legal representatives who are here is that some of the things you can raise with them, because they can explain them to you away from the hearing and if they give you an explanation you might be happy and there is no need for us to deal with it at the hearing, but maybe that you are not happy and you still feel you need to raise them with me in, in this hearing in which case I will allow you, but it does help if some of the things are raised with the lawyers  
20 because they can talk to the legal team and maybe they clarify it and we do not have to use this time to deal with that, but only if it is something where really whatever explanation has been given is not satisfactory then you raise them. Does that give you a way to deal with them or you would still like to raise it?

**MS VYTJIE MENTOR:** I would still like to address it Chair.

**CHAIRPERSON:** Okay, address me.

**MS VYTJIE MENTOR:** Thank you. Chair for the better part of me being on the witness stand.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** From August last year to date.

**CHAIRPERSON:** Hm.

**MS VYTJIE MENTOR:** I have felt that I had, I had had to deal with in the [indistinct].

**CHAIRPERSON:** Hm.

**MS VYTJIE MENTOR:** Issues that are not corroborating in anyway my version before you.

10 **CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** And my testimony.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** I have felt that all the time. I have been made to feel like my role as a witness all the way is to explain and deal with whatever does not corroborate anything. Whatever has corroborated my evidence so far has never been put to me. I have felt that I have actually throughout the process being cross-examined and being cross-examined on issues that seem to contradict. I, I, whatever contradicts my, my, my version. This is what I have experienced.

**CHAIRPERSON:** Yes.

20 **MS VYTJIE MENTOR:** And this is what I feel.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** It hangs even in my supplementary statement that was sent two days ago. It is an effort to say, but there had been issues and people that have corroborated whatever evidence I have put before the Commission. So I, I have felt that I have been cross-examined all the way and questioned all the way. My evidence

has been questions all the way and all the time.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** And nothing that corroborates my evidence has actually been forward.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** And I think.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** That is a disbalance.

**CHAIRPERSON:** Yes. Okay. Let me explain this. One, I indicated last year when you  
10 came for the first time how much I and this Commission appreciated you coming  
forward to assist the Commission. That remains the position. We appreciate each and  
every witness who comes and shares what they know or what they experienced that  
falls under our terms of reference. That is the first point, but the second point is that as  
a Commission we do not take any particular position in regard to any witnesses'  
evidence as to whether that is the evidence or version that we like and we want to hear  
and we want to be corroborated. What we do is we try and look at evidence as is  
presented and look at all possible areas or perspectives from which it can be looked at.  
We look at what may corroborate you. We look at what may not corroborate you. It  
may be that at certain times the focus might seem to be on what might not be in line  
20 necessary with your evidence. If that does happen it can only be because there might  
be no need to worry about what supports what you are saying. But there is a need to  
check what about that which seems not to be in line with you. To see if it is valid or not  
valid. Because we have got to look at all angles. Okay. And the questions that are put  
to you both by a member of the legal team and by myself are intended to satisfy me of  
whatever areas. Yesterday I said to you the question of whether there is – of your

having travelled from Cape Town to Johannesburg is very important. I mentioned that. I mentioned that in part because I wanted you to appreciate that it is very important that if there is any evidence that indicates one way or another whether that travelling – that trip took place we must look at it. Because I think as I said to you if I cannot say how you got to Saxonwold there might be difficulty with saying yes there was this encounter at Saxonwold. Now if I mention something like that namely it is very important it is so that you know what is going on in my mind and it gives you an opportunity to say the Chairperson has said this is important so if we need to do some work to put evidence before we must do that. In other words I am not going to sit back and not tell you this is

10 important and you rest and you think it is okay and then you do not bring more information when you could have. So this is all part of making sure that there is transparency and there is fairness but there are time constraints as we do all of these things and resources are limited both in terms of time and in terms of money. We can do certain things up to a certain point you know. So we try to strike a balance okay. So as I say therefore where you might think why am I not being – why is not being – why is this thing not being mentioned because it corroborates what I am saying. It may be because the member of the legal team is not so concerned about that for now. He is concerned about what might be against you and if we are satisfied how you have dealt with that and we have no questions on what supports you that is – that might be a way

20 of dealing with it rather than dealing with everything even if there is no particular concern about it. You understand? But I can assure you – I can assure you that this legal team is not intending to favour your version or not favour your version. What they are interested in is to make sure that they ask questions which will enable me when all this is finished to have enough evidence to be able to make findings one way or another. And I have said there will be fairness to witnesses. There will be fairness to

implicated persons and so on and so on. You might realise that earlier on last year maybe you might not have been asked some of the – some of the questions that you may perceive as may be difficult or not difficult but since then there has been times to reflect on issues, look at other evidence, do further investigations and it is only fair that certain issues be raised with you. But I can assure you that there is no intention on the part any member of the legal team not to treat you fairly. I do not say that they do not make mistakes. We all do but certainly in terms of the intention and the commitment to do the right thing that is there. But I – as I have said before where there are concerns do raise them with your legal team and if need be they can be raised with me. I want to

10 hear them. Okay. Okay, alright. Thank you. Does that help you in any way in terms of perspectives?

**MS VYTJIE MENTOR:** It helps me Chair and what helps me a lot also is your – your fairness and your balanced approach. So that helps me a lot and that eases my fears Chair.

**CHAIRPERSON:** No as I told you you mentioned this morning that you – you had asked the legal team to investigate with regard to the issue of that cab – that car for the Gupta's that you talk about and I mentioned that I had also asked them to investigate that and find out. So some of these things we – we want them to be looked into and so that in the end what is before the commission is as much information that is relevant as

20 possible.

**MS VYTJIE MENTOR:** Whilst we are here may I also submit that I had requested the legal team to try and get hold of Ms Siza Mzimela who was the CEO of SAA at the time in 2010 when I was given the offer because I had said to the legal team including in my statement. I had called her to my office in Parliament and said to her – what would you say if somebody said to you, you must cancel the SAA route to India? So I hope when



the team goes to dig – to investigate the issue of the twin cam they would also still as I had requested last year seek to get a statement from Siza – Ms Siza Mzimela.

**CHAIRPERSON**: Yes okay. Thank you. I am very keen that you finished so that when we come back it would be cross-examination.

**ADV MAHLAPE SELLO**: Yes Chair I appreciate that.

**CHAIRPERSON**: How far are you from finishing? I am not saying do not raise issues that you wanted to raise but I just want us to get to a point where we start with cross-examination.

**ADV MAHLAPE SELLO**: I had hoped to have finished by now but Chair if I may  
10 quickly probably go through certain things.

**CHAIRPERSON**: Yes, yes. Then we can take the lunch break after you are done.

**ADV MAHLAPE SELLO**: I – then after I have done that. We are still dealing with paragraph 104 of Ms Mentor's statement.

**CHAIRPERSON**: Ja.

**ADV MAHLAPE SELLO**: Where she relates a discussion that took place in the portfolio committee regarding the offer made to her by the Gupta's. Now for the record Ms Mentor we have established that when Mr – Doctor Cwele to be precise was appointed Minister Mr Cecil Burgess if I am calling it correctly. For the record that is B-u-r-g-e-s-s took over as Chairperson of the committee – portfolio committee, do you  
20 have any recollection of that period?

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

**ADV MAHLAPE SELLO**: Okay now if I look at paragraph 104 then and we know that is no longer Mr Cwele, did this discussion take place with the Chair being Mr Burgess or what is the position?

**MS VYTJIE MENTOR**: 104 relates – was related to 103 and it was related to the

discussion in the foyer which we have already spoken about. So I do not know what you want me to do with 104 Ms Sello?

**CHAIRPERSON:** I think what she has said is that the amendment that at her request were effected at the end of paragraph 103.

**MS VYTJIE MENTOR:** Yes Chair.

**CHAIRPERSON:** Which talked about an informal disclosure to certain members of the committee at the foyer I think or when we were having tea she said that related to 2008 and not the issue of the offer made to her by the Gupta family.

**ADV MAHLAPE SELLO:** Yes Chair.

10 **CHAIRPERSON:** Yes. So that is how she distinguished it I think.

**ADV MAHLAPE SELLO:** May I repose then?

**CHAIRPERSON:** Ja.

**ADV MAHLAPE SELLO:** Does – what you state in 104 also relate to that event in 2008 and not the 2010?

**MS VYTJIE MENTOR:** Yes Ma'am and you are right to say that then the issue of the name of Mr Cwele becomes irrelevant and do not belong to 104.

**ADV MAHLAPE SELLO:** No, no I – the Chair pointed out to me that in terms of what you said in 103 that is a conversation that was had in 2008.

**MS VYTJIE MENTOR:** Yes.

20 **ADV MAHLAPE SELLO:** So should we also accept that what the Chairperson Mr Cwele said at 104 is also in 2008 not in 2010? Is that – should we read it that way?

**MS VYTJIE MENTOR:** Say again.

**CHAIRPERSON:** I think you need – just need to – to break it up. You originally or rather your statement as it stand here before you have clarified it is to the effect that Doctor Cwele was present together with Ms Mgabadeli and Mr Bloem when you made

an informal disclosure to them about Saxonwold when you were having tea. You have clarified that to say that conversation actually relates to 2008 and does not relate to the offer that the Gupta's made to you. It relates to a proposal you had made in 2008 to the committee that there be a discussion about the Gupta's. There – that is what you have clarified. Now in the statement one of the things you had said was that when you – was that when certain members of the portfolio committee on intelligence requested that there be a discussion of your encounter as I understand it. The Chairperson Mr Cwele – Doctor Cwele had suggested another route to handle that. Her question is whether this suggestion of another route belonged to the discussion in 2008 and not to the 2010 discussion.

10

**MS VYTJIE MENTOR:** Yes Chair it belongs to the discussion of 2008 where I said the Gupta's must be discussed.

**CHAIRPERSON:** Discussed.

**MS VYTJIE MENTOR:** As I had explained to day.

**CHAIRPERSON:** Yes. Because you say now – you say now that in 2010 the disclosure that you made was to individual members of the committee and there were only two Mr Bloem and Ms Mgabedeli.

**MS VYTJIE MENTOR:** Yes Chair.

**CHAIRPERSON:** Ja okay.

20

**ADV MAHLAPE SELLO:** Then Chair if I may conclude and thank you for that clarification Ms Mentor – conclude on that aspect. We have Mr Bloem's statement. We currently do not have Ms Mgabedeli's statement although we have engaged and consulted with her. Her difficulty was that she did not recall a discussion with the – in the portfolio committee and in the terms that Ms Mentor has stated in the statement which I will now revert to her and give her the correct position and see if she has a

recollection on those issues Chair.

**CHAIRPERSON**: Okay, alright.

**ADV MAHLAPE SELLO**: You understand Ms Mentor?

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

**ADV MAHLAPE SELLO**: Thank you. I then would like to move on to the question of IPID very quickly if I may.

**CHAIRPERSON**: Question of?

**ADV MAHLAPE SELLO**: IPID. I-P-I-D.

**CHAIRPERSON**: Yes okay.

10 **ADV MAHLAPE SELLO**: And you had indicated in your previous – the previous time you testified that we should obtain the statement of Captain Vearey, you recall Ms Mentor?

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

**ADV MAHLAPE SELLO**: And we have done so and that is to be found at bundle D6A page 179.

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

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

**MS VYTJIE MENTOR**: You said we dealing with IPID.

**ADV MAHLAPE SELLO**: Yes.

20 **MS VYTJIE MENTOR**: And then you dealing with Mr Vearey.

**ADV MAHLAPE SELLO**: I noticed that in your – in your – unless I make a mistake – in your supplementary affidavit you make mention of the fact that you required insofar as the IPID issue is concerned to obtain the statement of Captain Vearey. Did I – did we misunderstand your instructions?

**MS VYTJIE MENTOR**: No you did not. It is just that in – what sprang to my mind when

you said Vearey and you said – I associate Vearey with the police and I associate IPID with McBride. So I might have confused myself.

**ADV MAHLAPE SELLO:** Okay. Then while we are on it then let us take away IPID. We have the statement of Captain Vearey as you have requested. Maybe we should dispose of it. And it refers to the time that you went to the police – you required the services of the police station to lodge a complaint or a charge sometime during May 2016, do you recall that?

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

**ADV MAHLAPE SELLO:** And this statement Captain Vearey does confirm your  
10 communication with him.

**MS VYTJIE MENTOR:** Where are you in the bundle?

**ADV MAHLAPE SELLO:** Page 179. D6A. I am saying he does confirm that you had that discussion with him and how he acted pursuant thereto. He confirms that he took charge of your statement for safekeeping, that is your handwritten statement until it was transferred or taken to Lieutenant General Ngomeza. So the – Mr Vearey – Captain Vearey's statement deals with your allegation that you made a statement which statement you have subsequently told was transferred or handed over to General Ngomeza and nothing was done about the statement further. So Captain Vearey says that yes he kept – he kept it or he had it for safekeeping until he was instructed to hand  
20 it over to General Ngomeza. So it accords with what you have – you have testified to.

**MS VYTJIE MENTOR:** I am following you Ma'am.

**ADV MAHLAPE SELLO:** Okay so you agree? I just wanted you to satisfy yourself that insofar as that is concerned Captain Vearey agrees with what you have testified before us.

**MS VYTJIE MENTOR:** Yes Captain Vearey agrees with a whole lot of things that I

detailed in my statement in terms of what happened to my statement.

**ADV MAHLAPE SELLO:** Yes.

**MS VYTJIE MENTOR:** My original statement.

**ADV MAHLAPE SELLO:** Yes.

**MS VYTJIE MENTOR:** And everything else. So it is a lengthy thing but most of it corroborates the – in fact all of it corroborates what I have said in my statement. I would like ask Ma'am Captain Vearey's ID number appears here. Is it only appearing before me?

**ADV MAHLAPE SELLO:** Yes.

10 **MS VYTJIE MENTOR:** Oh.

**MS VYTJIE MENTOR:** Yes. As I indicated earlier because you are the witness we tend not to tamper with the witness' bundle so that it looks exactly the same as what the Chair has before him. But before all these statements are released the details will be removed including the telephone numbers. That is the standard procedure. Okay then if – that takes care of your statement which is dealt with further and we have dealt with this in your engagement with Mr Mtolo and Ms Mnonopi you recall that? Ms Mentor?

**MS VYTJIE MENTOR:** Just before we go to Mr Mtolo and Ms Mnonopi Chair.

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

**MS VYTJIE MENTOR:** Whilst we are still on Mr Vearey.

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

**MS VYTJIE MENTOR:** I just want to bring this document to your attention and to the attention of the Chair that relates to my further interactions with Mr Vearey.

**ADV MAHLAPE SELLO:** I do not have an issue and I am sure the Chair would like to hear that.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** Can you explain what document that is?

**MS VYTJIE MENTOR:** It is a copy of my message to Brigadier General Vearey on the 1 November 2017 at 5:20 in which I was – the message reads: Hi Comrade please help me to get a copy of my original statement that I made when I opened that case against corruption of Zuma, ministers and SOE's people. I bring – I tabled this right now Chair but this is – I am also going to refer to it when I deal with the Mtolo case later. I just want to submit it.

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

**CHAIRPERSON:** Okay.

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

**CHAIRPERSON:** Ja.

**ADV MAHLAPE SELLO:** We were provided with that

**CHAIRPERSON:** Yes document.

**ADV MAHLAPE SELLO:** Document this morning.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** By Ms Mentor's legal team.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** And it has yet to be submitted into evidence.

**CHAIRPERSON:** Yes, ja.

20 **ADV MAHLAPE SELLO:** And we have taken note of it.

**CHAIRPERSON:** Ja okay.

**ADV MAHLAPE SELLO:** I just point out that that is a conversation she had with Captain Vearey in November 2017.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** And it is post the events that Captain Vearey speaks of at

page 179.

**CHAIRPERSON**: Okay alright.

**ADV MAHLAPE SELLO**: Yes. So Chair if...

**CHAIRPERSON**: You will still deal with it? You have not had time to apply your mind to it?

**ADV MAHLAPE SELLO**: We have.

**CHAIRPERSON**: Oh okay.

**ADV MAHLAPE SELLO**: And we would like to submit it into evidence Chair through Ms Mentor's legal representatives.

10 **CHAIRPERSON**: Yes.

**ADV MAHLAPE SELLO**: Ms Mentor would like to have it on record and as she had indicated.

**CHAIRPERSON**: Well do you want – do you want to put it up now or do you want to do that later? Have you applied your mind to it properly?

**ADV MAHLAPE SELLO**: I was attempting to do it now because I still had the hope that I will finish with Ms Mentor before she rises for lunch.

**CHAIRPERSON**: Yes let us try and finish that but all I want is that you do not give me something that you have not had time to apply your mind to that is all. If you say you have applied your mind.

20 **ADV MAHLAPE SELLO**: No I have. I have it was given to me in the morning Chair before [indistinct].

**CHAIRPERSON**: Yes okay. You want to put it up to ...

**ADV MAHLAPE SELLO**: Yes I would like to put it up and submit it. It is a two page document.

**CHAIRPERSON**: Let us do that then.



**ADV MAHLAPE SELLO:** And it follow – it should then follow on the numbering – after the...

**CHAIRPERSON:** Will somebody work that out.

**ADV MAHLAPE SELLO:** Yes.

**CHAIRPERSON:** And then it will be put up later. Let us...

**ADV MAHLAPE SELLO:** It is a two page document.

**CHAIRPERSON:** Let us finish with...

**ADV MAHLAPE SELLO:** That will take us to 619.

**CHAIRPERSON:** For now ja.

10 **ADV MAHLAPE SELLO:** Moving on then so you are satisfied with the issue of Captain Vearey. The issue then is you testified that you had laid certain complaints at IPID and we communicated with IPID and we forwarded you their response which was a letter. The letter indicated that the complaint that you had brought to them is not what you testified to in the commission. You rejected that and you called upon them to file formal statements to the commission. That response was communicated to IPID Chair. The letter had been received from a Mr T S Leholo, that is L-e-h-o-l-o who is the provincial head of IPID in the Western Cape and it suggested that Mr Meyer, M-e-y-e-r dealt with Ms Mentor's complaint on the day. And the complaint was not what she had testified to before you. We have requested statements and we are to date we have not received  
20 them Chair.

**CHAIRPERSON:** Okay.

**ADV MAHLAPE SELLO:** So to the extent that it may be necessary we will request the Chair to invoke his powers to call both Mr Leholo of the provincial IPID in the Western Cape and Mr Meyer who suggest that he is the person who dealt directly with Ms Mentor on the day.

**CHAIRPERSON**: Well you must – you must have that dealt with properly because you are able to get people to do certain things in regard to assist the commission and I can do certain things. Just apply your mind to what needs to be done. They have been given her reaction response but they have not come back. You have not told me you have gone back to them and say what is going on, why are you taking so long and you have not spoken – you have not told me you have spoken to the head of IPID to say your people are not dealing with matters expeditiously.

**ADV MAHLAPE SELLO**: Oh what I can confirm Chair is indeed we have been in contact with them to obtain the statements after we informed them of the direct  
10 request and notwithstanding persistent requests we have failed to obtain the statements.

**CHAIRPERSON**: Have you spoken to the head of IPID?

**ADV MAHLAPE SELLO**: No. No, no, no I qualify that Chair.

**CHAIRPERSON**: Ja.

**ADV MAHLAPE SELLO**: This is being undertaken by our investigators I will have to establish how far high they took it Chair.

**CHAIRPERSON**: Ja.

**ADV MAHLAPE SELLO**: So the issue of IPID as far as the persons are concerned that is where it stands.

20 **CHAIRPERSON**: Well you must take the necessary steps to have finality on what we should have in term of documents, statements or whatever and information. Ms Mentor.

**MS VYTJIE MENTOR**: Chair I am – it is not my intention to argue with Ms Sello I just want to further submit that she did provide us with a response from the IPID and myself and the legal team had requested that indeed Mr Meyer refused to assist me and there

is a guy that refused to assist me on that day because their letter claims that I did not lay a complaint. But then I forwarded – that is when I said – I ended up speaking to the head of IPID himself Mr McBride and then I said even the telephonic records would prove that. And in the second page of the – that I have just given now Chair.

**CHAIRPERSON:** The letter. Ja.

**MS VYTJIE MENTOR:** It is my Facebook post which contradicts the response that the letter of IPID says because in their letter they claim that I did not go to complain about members of the Hawks and how they handled my statement from Mr Vearey.

**CHAIRPERSON:** Ja.

10 **MS VYTJIE MENTOR:** But then there is proof that I have attached.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** That on that day I went to complain about the Hawks and how they...

**CHAIRPERSON:** Well the legal team and investigators must sort this thing out.

**ADV MAHLAPE SELLO:** We are trying to sort it out Chair.

**CHAIRPERSON:** Ja.

**ADV MAHLAPE SELLO:** And

**CHAIRPERSON:** Urgently.

**ADV MAHLAPE SELLO:** Urgently Chair.

20 **CHAIRPERSON:** Ja.

**ADV MAHLAPE SELLO:** And what Ms Mentor refers to is her conversation with Mr McBride around that complaint she had.

**CHAIRPERSON:** Yes okay.

**ADV MAHLAPE SELLO:** And the – I may place on record that the cell phone records we provided her do indicate communication between herself and Captain – and Mr

McBride I do not know this thing.

**CHAIRPERSON:** Ja.

**ADV MAHLAPE SELLO:** But much as ...

**CHAIRPERSON:** Such investigation has – needs to be done – must be done. Steps that need to be taken must be taken and then I will hear about this again when that has been completed.

**ADV MAHLAPE SELLO:** That is ongoing Chair.

**CHAIRPERSON:** Okay.

**ADV MAHLAPE SELLO:** And equally so to get Mr McBride's statement which also has  
10 not been filed.

**CHAIRPERSON:** Ja.

**ADV MAHLAPE SELLO:** Thank you Chair. Is there anything else you would like to add as regards this? I would then like to move onto the question of Mr Mtolo. You will recall and they are in the bundle Mr Mtolo provided two recordings and two transcripts of a consultation for lack of a better expression he had with you regarding your statement. You recall that?

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

**ADV MAHLAPE SELLO:** It transpires and it became apparent to the legal team on Friday this past that you two had submitted to the attorney a recording of one of the  
20 conversations you had with Mr Mtolo, you also had recorded that consultation.

**MS VYTJIE MENTOR:** We might – my legal team has communicated with the commission as way back as November last year not on Friday to bring it to the attention – to forward the recording and to request in writing repeatedly that that recording should also be made available into commission records and that as much as Mr Mtolo's recordings have been made into transcript that the recording should be made into

transcript. We wrote several times and we have also outlined that complaint in my ...

**CHAIRPERSON:** Supplementary affidavit.

**MS VYTJIE MENTOR:** Yes Chair. So it is not Friday.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** It is since last year November.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** Okay if I may clarify because that is what I would like to place on record. I was talking about the legal team. We confirm that as of November the 7<sup>th</sup> 2018 the attorney for the legal team was served it would turn out with a  
10 recording provided by Ms Mentor. The subsequent communication to the commission consistently made reference to the second transcript and the commission understood that to be the second transcript of Mr Mtolo's recording. And it took steps for it to be provided. It only became apparent on Friday that there actually are three recordings one of which is Ms Mentor's and it was only then on Friday that we could act upon it and try and have the recordings transcribed Chair.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** Now I am not suggesting Ms Mentor that you only brought it up on the 7<sup>th</sup>. I am putting on record that it came to my attention that there were three instead of two only on Friday when you brought it to my attention.

20 **MS VYTJIE MENTOR:** But to Mr Mabunda we made it abundantly clear in November already that that is a third recording from me and that it should be submitted to the commission record and that it should be made into a transcript also just as much as the two of Mr Mtolo had been made into transcripts.

**ADV MAHLAPE SELLO:** We confirm that and that was your communication of the 7<sup>th</sup> and we have since so established.

**CHAIRPERSON:** Let us put this to a stop.

**ADV MAHLAPE SELLO:** Yes Chair.

**CHAIRPERSON:** I have been told about all of this and I assume that Ms Mentor that the legal team has told Ms Mentor what happened.

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

**CHAIRPERSON:** I am very unhappy about the fact that the recording that she made available to the attorney for the Commission, Mr Mabunda in November was not passed onto the Commission's legal team until as I understand last week.

**ADV MAHLAPO SELLO:** Friday, Chair.

10 **CHAIRPERSON:** Friday. So the legal team was not aware of it as I understand.

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

**CHAIRPERSON:** I have called for an affidavit from him explaining what happened. I have been told that there is an affidavit and I am here to read it. I am made to understand that there is no denial that the recording was received by his office in November. I am made to understand that there were some administrative or other issues within the office that resulted in it not being sent to the legal team.

I am saying administrative or other issues. I was told it seems to have fallen through the cracks. So I am unhappy about what had happened, but we have a situation where Ms Mentor and her legal team are ready to proceed to try and finalise  
20 her evidence and let us not waste time on that. It will be dealt with in the way that it should be dealt with.

It should not have happened, but we need to get on.

**ADV MAHLAPO SELLO:** Thank you, Chair, and I may just place on record we do apologise. The system has let Ms Mentor down and we do apologise for that error as a Commission on the whole. Ms Mentor...[intervenes]

**CHAIRPERSON:** We are now about 13:28. As I understand you still want to put some questions to her in regard to Mr Mtolo?

**ADV MAHLAPO SELLO:** And I am on that right now.

**CHAIRPERSON:** And how long do you think that will take?

**ADV MAHLAPO SELLO:** That should not take more than two minutes, depending on her attitude, Chair.

**CHAIRPERSON:** Okay, alright.

**ADV MAHLAPO SELLO:** Because my question was, Ms Mentor you are aware of the contents of your own recording of that meeting with Mr Mtolo?

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

**ADV MAHLAPO SELLO:** You have been provided with and have had opportunity to consider the two transcripts provided by Mr Mtolo?

**MS VYTJIE MENTOR:** Yes madam.

**ADV MAHLAPO SELLO:** What I would like to find out from you is have you picked up any inconsistencies between any of the transcripts and the recording that you have?

**MS VYTJIE MENTOR:** Madam I recorded only one meeting.

**ADV MAHLAPO SELLO:** Yes madam.

**MS VYTJIE MENTOR:** Mr Mtolo recorded two meetings.

**ADV MAHLAPO SELLO:** Yes.

20 **MS VYTJIE MENTOR:** He recorded the meeting of June and the meeting of December.

**CHAIRPERSON:** Yes?

**MS VYTJIE MENTOR:** So I picked up a discrepancy between his recording of December and my recording of December.

**ADV MAHLAPO SELLO:** And I ask as to is the discrepancy significant and what is the

nature of the discrepancy if you may briefly state?

**MS VYTJIE MENTOR:** I thought I was going to deal with this – with when we deal with Mr Mtolo's when his legal team cross-examines me, but firstly his recording and my recording there is almost a nine minute difference. Mine starts much earlier than his, but it is a recording of the same meeting. And then the significance of both his recording and my recording is that in his own affidavit or statement he claims that in December when he met me he was alone, but in both his recording and my recording he is not alone.

**ADV MAHLAPO SELLO:** Now I wanted to find out as regards the content of your  
10 discussions, what do you hear from your own recording and what do you read from Mr Mtolo's transcript, are there any discrepancies that you find?

**MS VYTJIE MENTOR:** No the content is just that my content for nine minutes is missing in his recording.

**CHAIRPERSON:** So in other words that which covers the same period between the two recordings is the same? The difference is simply that yours covers another nine minutes which his does not have?

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

**CHAIRPERSON:** That is the only difference, in terms of something important?

**MS VYTJIE MENTOR:** In terms of content.

20 **CHAIRPERSON:** Yes.

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

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** But I would like to go back to his first recording now, the material issue about his first recording.

**CHAIRPERSON:** Okay.



**MS VYTJIE MENTOR:** If we are done with the...[intervenes]

**CHAIRPERSON:** Okay.

**ADV MAHLAPO SELLO:** If I may just clarify, Chair?

**CHAIRPERSON:** Yes.

**ADV MAHLAPO SELLO:** You do not have a recording of your own of the first meeting, do you?

**MS VYTJIE MENTOR:** Yes, I do not.

**ADV MAHLAPO SELLO:** Okay.

**CHAIRPERSON:** Yes, okay.

10 **ADV MAHLAPO SELLO:** There is no conflict there.

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

**ADV MAHLAPO SELLO:** Yes madam?

**MS VYTJIE MENTOR:** Chair, in Mr – regarding my statement and Mr Mtolo's affidavits in his own recording I looked for – he makes reference to the issue of my complaint about President Zuma when I made charges and in the recording that he made there is a material issue that I would raise, and I think maybe I would raise when I deal with the cross-examination.

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

20 **ADV MAHLAPO SELLO:** Thank you, Chair. I wanted to clarify that, because Mr Mtolo is scheduled to cross-examine and I wanted to appreciate whether Ms Mentor is in a position to deal with issues arising therefrom.

**CHAIRPERSON:** Yes, okay.

**ADV MAHLAPO SELLO:** Chair, that would bring me to an end.

**CHAIRPERSON:** Ja.

**ADV MAHLAPO SELLO:** There is an issue that I would like to canvas very briefly with

Ms Mentor if I may? Ms Mentor during the inspection *in loco* you had indicated that you wanted to know where Mr Duduzane Zuma lived, do you recall that?

**MS VYTJIE MENTOR:** Yes.

**ADV MAHLAPO SELLO:** We have since been provided with that detail, Chair, and at the time you explained that you wanted to have an understanding of where he lived relative to number 5 Saxonwold, because the President had said his son lived next door. We have obtained the address, we have obtained the images, would you like to satisfy yourself or is that a matter you...[intervenes]

**MS VYTJIE MENTOR:** It is not a...[intervenes]

10 **CHAIRPERSON:** What is the relevance?

**ADV MAHLAPO SELLO:** The relevance for her was that where she was was next door to where Mr Duduzane Zuma lived as according to the President.

**CHAIRPERSON:** Yes, yes Ms Mentor?

**MS VYTJIE MENTOR:** It is not an important issue, Chair.

**ADV MAHLAPO SELLO:** Okay.

**MS VYTJIE MENTOR:** It is not an important issue.

**CHAIRPERSON:** It is not an important issue, okay, thank you.

**ADV MAHLAPO SELLO:** Thank you, Chair, that would be...[intervenes]

**CHAIRPERSON:** You are done?

20 **ADV MAHLAPO SELLO:** I am done with Ms Mentor.

**CHAIRPERSON:** Alright.

**ADV MAHLAPO SELLO:** Thank you.

**CHAIRPERSON:** Before we adjourn to the legal team maybe Mr Pretorius you could inform Mr Hellens with regard to his request yesterday that I am disinclined to grant his request for the admission of any video recording that he wanted us – he wanted to be

admitted until there is – I am satisfied that he is entitled to represent the clients that he represent in this Commission in the light of Regulation 6 that I read out to him.

In other words if he seeks to pursue that request he would have to take necessary steps so that I can have full argument on that point as well as whether on the merits that request should be granted. So I would like you to convey that to him so that he knows that if he wants me to make a decision at this stage I am disinclined, because I want to be satisfied about that issue of whether he is entitled to represent the clients he represents here, but also I would then like to have that request dealt with on the merits if we get over that hurdle.

10 **ADV PAUL PRETORIUS SC:** Yes, I understand, Chair, that there are two requests. The first is that if the video is to be played the legal representatives must convince you that they have standing in relation to their clients and the second is on the merits of whether the video should be played at all.

**CHAIRPERSON:** Yes.

**ADV PAUL PRETORIUS SC:** There is a third issue and that is the status of the, let us call it Gupta video recording in relation to its release to the public.

**CHAIRPERSON:** Yes, you see that is why I have said one, what he said was that he was requesting that the video recording that his clients have in relation to the inspection *in loco* be admitted and that it be shown, but as I understood him at least if it was  
20 admitted I understood him to say well maybe even if it is not shown, but at least if it is admitted then that would be fine.

I may or may not have understood him correctly. And I said at the time that it might not be necessary. I made no decision and I said it might not be necessary to make a ruling on whether he is entitled to represent his clients. So I am now saying that – I am now asking you to convey to him that if he persists in that request I would

need to hear argument on the issue of whether he may represent the clients that he represents, number one.

Number two, in addition there would not be a need to address me on the need or justification for the admission of any video recording other than the one that was officially approved by the Commission.

**ADV PAUL PRETORIUS SC:** I understand the request.

**CHAIRPERSON:** Yes.

**ADV PAUL PRETORIUS SC:** It will be conveyed.

**CHAIRPERSON:** Yes.

10 **ADV PAUL PRETORIUS SC:** I just need to add the third issue.

**CHAIRPERSON:** Yes.

**ADV PAUL PRETORIUS SC:** Which may be an issue on which your direction is required.

**CHAIRPERSON:** Yes, or you mean the publication?

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

**CHAIRPERSON:** I think when he – well at this stage I certainly have not said it is admitted. At this stage, I think when he considers these issues he would apply his mind to all of those things.

**ADV PAUL PRETORIUS SC:** Yes, but even if it is not admitted the issue will still arise.

20 **CHAIRPERSON:** Well I am not sure about that in the light of the formulation of the relevant Regulation.

**ADV PAUL PRETORIUS SC:** Yes, and I think his attitude maybe, Chair, that if it is not admitted it does not form part of the investigative work of the Commission.

**CHAIRPERSON:** Yes, but that is what I am talking about, that he might not be in breach.

**ADV PAUL PRETORIUS SC:** Yes.

**CHAIRPERSON:** He might not be in breach of that Regulation if he chooses to publish it and it is not part of what is in the Commission.

**ADV PAUL PRETORIUS SC:** Correct.

**CHAIRPERSON:** Yes, so all I am simply saying is I have not made any ruling and if he pursues and wants me to make any ruling those issues would need to be dealt with.

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

**CHAIRPERSON:** *Ja*, okay. We are going to...[intervenes]

**ADV MAHLAPO SELLO:** Chair, if I may before we adjourn for lunch. Chair, we  
10 normally sit until 17:00 may I request we consider perhaps sitting until 17:00. We have  
two cross-examiners to deal with. Ms Kaunda and Mr Mtolo. We have Mr Bloem and  
then we have the experts who have submitted the report and I think all of them could be  
accommodated in the three hours this afternoon.

**CHAIRPERSON:** Well I do not know whether all of them will be accommodated, but let  
us play it by ear.

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

**CHAIRPERSON:** I did contemplate that we might have to sit beyond 16:00. Ms Mentor  
if we were to go up to 17:00 would that be fine with you?

**MS VYTJIE MENTOR:** As long as I do not return tomorrow we can sit until 00:00,  
20 Chair.

**CHAIRPERSON:** Yes, okay, alright. No if at all possible I would not like you to come  
back tomorrow. We will not adjourn before 17:00.

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

**CHAIRPERSON:** And we will see how much we are able to cover and we will try and  
cover as much as we can.

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

**CHAIRPERSON:** We will take the lunch adjournment now and we will resume at 14:45.

We adjourn.

**INQUIRY ADJOURNS**

**INQUIRY RESUMES**

**CHAIRPERSON:** Yes Ms Sello.

**ADV MAHLAPE SELLO:** Thank you Chair. Chair we are as I indicated we are ready to hand Ms Mentor over for cross-examination, but before we do the Chair will recall yesterday we stood down the issue of the video of the inspection and its admission and giving it a number. I have conferred with my leader and I understand the practice thus far has been any video submitted or voice recordings they assume the same type of numbering as the bundles as with Mr Agrizzi. So they do not have a particular; the practice in this Commission Chair that is right.

**CHAIRPERSON:** Well that is not the practice I wanted.

**MS VYTJIE MENTOR:** Huh-uh.

**CHAIRPERSON:** This commission has a very short life.

[Laughter]

**CHAIRPERSON:** Whatever practice you are talking about is very limited.

**ADV MAHLAPE SELLO:** In that period Chair.

20 **CHAIRPERSON:** But it might be that for convenience we have to do it that way.

**ADV MAHLAPE SELLO:** [Intervenes] Chair.

**CHAIRPERSON:** But I wanted the practice in other fora particular in court I think there may be a different practice, but we will not be held back by that. So what is the one you suggest?

**ADV MAHLAPE SELLO:** I, I, I would suggest the next would be D7.

**CHAIRPERSON:** D7?

**ADV MAHLAPE SELLO:** D7 and.

**CHAIRPERSON:** Alright, but where is the recording?

**ADV MAHLAPE SELLO:** The, the recording is available being handed over to.

**CHAIRPERSON:** Ja.

**ADV MAHLAPE SELLO:** To the technical team.

**CHAIRPERSON:** Okay, alright.

**ADV MAHLAPE SELLO:** And.

**CHAIRPERSON:** So that would be D7?

- 10 **ADV MAHLAPE SELLO:** As I indicated Chair there are two versions. There is what we call the long version which is the full inspection and there is the abridged version of one and a half hours. May I also request that that be tendered into evidence as D7A?

**CHAIRPERSON:** D7A and D7B.

**ADV MAHLAPE SELLO:** Oh D7A and D7B, yes Chair.

**CHAIRPERSON:** Ja. D7A being the long version. D7B being the shorter version.

**ADV MAHLAPE SELLO:** The abridged version Chair, yes.

**CHAIRPERSON:** Okay. They, they will be marked accordingly.

**ADV MAHLAPE SELLO:** And I have two more to address you on Chair.

**CHAIRPERSON:** Ja.

- 20 **ADV MAHLAPE SELLO:** We have the, in the files the transcripts of the consultation between Ms Mentor and Mr Mtolo, there are two.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** But those transcripts actually are derived from actual recordings which have been tendered.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** And I would like them also to be tendered into evidence and to acquire a number Chair.

**CHAIRPERSON:** But they relate to a recording that is yet to be put up is it not?

**ADV MAHLAPE SELLO:** It, it is yet to be put up, unless they tender it and then the third would be Ms Mentor's own recording as well.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** I am in your hands as to how to deal with this.

**CHAIRPERSON:** Oh, her own recording?

**ADV MAHLAPE SELLO:** Yes Chair.

10 **CHAIRPERSON:** Okay. I think that that we can, let us deal with that first.

**ADV MAHLAPE SELLO:** Then I would suggest that we number D8.

**CHAIRPERSON:** Do I already have it?

**ADV MAHLAPE SELLO:** You have the transcript of that recording.

**CHAIRPERSON:** Hm.

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

**CHAIRPERSON:** Has it been put into one of the bundles?

**ADV MAHLAPE SELLO:** It is the first on D6, Chair D6A.

**CHAIRPERSON:** What page, because what I have?

**ADV MAHLAPE SELLO:** Page.

20 **CHAIRPERSON:** The first document on that it says transcript page 1 to that is the filing notice and then it says affidavit. That is page 3. Page 5 is.

**ADV MAHLAPE SELLO:** Chair.

**CHAIRPERSON:** Another affidavit.

**ADV MAHLAPE SELLO:** Chair let me, if you permit me to, to shorten this.

**CHAIRPERSON:** Which one?



**ADV MAHLAPE SELLO:** My mistake.

**CHAIRPERSON:** Huh-uh.

**ADV MAHLAPE SELLO:** The transcript is not in the bundle and the reason being that Ms Mentor is unhappy with that transcript in that it does, the conversation was both in English and Xhosa and instead of writing out the Xhosa version or translating it, it just has insertions of Xhosa speaks or speaking in Xhosa.

**CHAIRPERSON:** Well if it is still to be corrected.

**ADV MAHLAPE SELLO:** So it is still to be corrected Chair.

**CHAIRPERSON:** Let us not, let us; it should not be admitted until it is, it is corrected.

10 **ADV MAHLAPE SELLO:** Although it is part of the record already at D6B.

**CHAIRPERSON:** Ja and when it is corrected what will happen?

**ADV MAHLAPE SELLO:** It would be correcting the transcription.

**CHAIRPERSON:** Hm.

**ADV MAHLAPE SELLO:** But, it will be correcting the transcription, but the actual recording stands.

**CHAIRPERSON:** Ja. Why was this not done, all done prior so that what we admit is something as accurately as possible?

**ADV MAHLAPE SELLO:** Unfortunately Chair it is that recording of Saturday the 8<sup>th</sup> of.

**CHAIRPERSON:** Hm.

20 **ADV MAHLAPE SELLO:** February. It is that recording that Ms Mentor said she.

**CHAIRPERSON:** Well if it is already in one of the exhibits then it is, it is, it is part of that. We will deal with that. That way what you should do is that once there is a correction the corrected version must be put up afresh.

**ADV MAHLAPE SELLO:** [Intervenes].

**CHAIRPERSON:** And it must be indicated that that is the more accurate recording.

**ADV MAHLAPE SELLO:** May, may we then Chair at the time we put in the corrected transcription then tender the voice recording such transcribed.

**CHAIRPERSON:** Ja, I think that that is what should happen and actually the corrected version should carry a different number.

**ADV MAHLAPE SELLO:** [Intervenes].

**CHAIRPERSON:** As a separate exhibit and comparisons can always be made.

**ADV MAHLAPE SELLO:** We will Chair.

**CHAIRPERSON:** Yes, okay.

**ADV MAHLAPE SELLO:** I will not then submit it at this juncture Chair.

10 **CHAIRPERSON:** Ja.

**ADV MAHLAPE SELLO:** Thank you. Chair we have had a brief discussion with the representatives of both Ms Kaunda and Mr Mtolo.

**CHAIRPERSON:** Ja.

**ADV MAHLAPE SELLO:** The parties have agreed that Ms Mtolo's no, Ms Kaunda's legal representatives will be the first to cross-examine and thereafter Mr Mtolo's representatives.

**CHAIRPERSON:** Ja that is in order.

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

**ADV HENRY COWLEY:** Thank you Mr Chair.

20 **CHAIRPERSON:** Yes.

**ADV HENRY COWLEY:** Johannesburg Bar.

**CHAIRPERSON:** Yes, just remind me. I know you, you did introduce yourself some time back and you have been around, but it has been quite some time.

**ADV HENRY COWLEY:** Certainly Chair.

**CHAIRPERSON:** Yes.

**ADV HENRY COWLEY:** Henry Cowley, Johannesburg Bar.

**CHAIRPERSON:** Just give me the spelling.

**ADV HENRY COWLEY:** C-O-W.

**CHAIRPERSON:** C-O-W.

**ADV HENRY COWLEY:** L-E-Y.

**CHAIRPERSON:** L-E-Y, Cowley.

**ADV HENRY COWLEY:** Yes.

**CHAIRPERSON:** Yes.

**ADV HENRY COWLEY:** Yes Chair.

- 10 **CHAIRPERSON:** Cowley okay. Okay, thank you. You are for Ms Kaunda. Now I do not remember that I fixed the time that I will give you for cross-examination, but I may have indicated what my inclination was and I had asked that those concerned be invited to make written submissions as to what they thought of the time. I thought I would give them. I never received anything or I am not aware that I have received anything, but I cannot remember what the periods are that I had indicated. Do you know anything about that?

**ADV HENRY COWLEY:** According to my recollection we have been given or afforded half an hour. I endeavour to, to, to, to keep to that, yes.

**CHAIRPERSON:** Okay. Half an hour is fine. Thank you.

- 20 **ADV HENRY COWLEY:** Thank you.

**CHAIRPERSON:** Thank you.

**ADV HENRY COWLEY:** Good afternoon Ms Mentor.

**MS VYTJIE MENTOR:** Good afternoon Mr Cowley.

**ADV HENRY COWLEY:** May I ask you to turn to EXHIBIT D1 which contains your statement before the Commission and particularly at page 18.

**MS VYTJIE MENTOR:** 18?

**ADV HENRY COWLEY:** Yes.

**CHAIRPERSON:** Did you say page 18?

**ADV HENRY COWLEY:** 1-8.

**CHAIRPERSON:** 1-8?

**ADV HENRY COWLEY:** Yes.

**CHAIRPERSON:** Thank you.

**ADV HENRY COWLEY:** Do you have it in front of you Ms Mentor?

**MS VYTJIE MENTOR:** I am there Mr Cowley.

10 **ADV HENRY COWLEY:** Thank you Ms Mentor. Paragraph 16 of your statement reads as follows:

“I communicated with Ms Lakela Kaunda, Ms Kaunda, who at the time I thought was Mr Zuma’s personal assistant in order to secure a meeting with Mr Zuma. On one Sunday evening in around October 2010 about a week or so before the Cabinet reshuffle I received a telephone call from Ms Kaunda to say that the President could see me the following day. I think Ms Kaunda was the PA although it could have been a different position, but she definitely appeared to be from the President’s office.”

20

And then paragraphs 61 and 62 going over to 64 all deals with what you allege Ms Kaunda informed you about the Johannesburg meeting if we can call it that. Do you still persist to that this is your version in respect of Ms Kaunda?

**MS VYTJIE MENTOR:** In terms of paragraph 60 which you read first I would like to bring your attention to the month of October that that would not be correct.

**ADV HENRY COWLEY:** Yes, I have heard your evidence and it seems as though that you now of the opinion that it may have been in September. Is that the correction that you wish to make?

**MS VYTJIE MENTOR:** Yes.

**ADV HENRY COWLEY:** We will return to that, but the question still; the question still remains whether you persist with the rest to be your version in respect of Ms Kaunda.

**MS VYTJIE MENTOR:** I persist that the evening before I flew to Cape Town I was in communication with Ms Kaunda after she phoned me that subsequent to that I got the number for the person who would pick me up from the airport from.

10 **ADV HENRY COWLEY:** And that it was Ms Kaunda?

**MS VYTJIE MENTOR:** Yes.

**ADV HENRY COWLEY:** Since that is the position I am required to debate with you the version of Ms Kaunda, but before we get to that I first want to ask a few questions about your, this version as well as what you have said at different points during the run up to the Commission's evidence. In this regard may I ask you to turn to the record of your evidence that would be day five, 28 August at page 57?

**MS VYTJIE MENTOR:** Of the same bundle.

**ADV HENRY COWLEY:** No.

**CHAIRPERSON:** Hm.

20 **ADV HENRY COWLEY:** In the record of the proceedings.

**CHAIRPERSON:** I think you are referring to the transcript.

**ADV HENRY COWLEY:** Transcript yes.

**CHAIRPERSON:** Somebody must just make sure she knows where to find that. Have you been told where to find that Ms Mentor?

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

**CHAIRPERSON:** I think somebody must go to her and find that lever arch file for her. Well I had said yesterday it must be marked transcript so that it is clear to see it. The one I have here is not marked on the outside. So if I want to know where the transcript is I have got to look at the pages inside.

**ADV HENRY COWLEY:** Where I am referring her to is.

**CHAIRPERSON:** So please take care of that.

**ADV HENRY COWLEY:** Sorry, sorry Chair.

**CHAIRPERSON:** Yes. You may proceed.

**MS VYTJIE MENTOR:** Excuse me, which page?

10 **ADV HENRY COWLEY:** Page 57 of day five. That would be 28 August 2018.

**MS VYTJIE MENTOR:** 57. I am at 57.

**ADV HENRY COWLEY:** Thank you. Right at the top there it is recorded that you have said:

“I said I did not know her personally.”

That is now Ms Kaunda.

“We had not met, but we had communicated.”

Is that still your position?

**MS VYTJIE MENTOR:** Yes.

20 **ADV HENRY COWLEY:** Now insofar as the, the nature of the communication is concerned may I ask you to turn in that same record to page 54? It is recorded that you have said there:

“Because I think on paragraph 105 of my statement I attest to the fact that I had two meetings at Luthuli House between myself and Jessie Duarte [indistinct]. I speak largely about the second meeting there, because it relates to the China trip

which is a component of my statement before the Commission, but above in that 105 I refer to the first meeting with myself Jessie [indistinct] at Luthuli House. The agenda of that meeting was to complain to them that I am struggling to get the President to discuss the issue of the pebble bed modular reactor and it is in Luthuli House that it was suggested to me that I get the President through Ms Kaunda and that is where I got her number.”

And then at line 10.

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

The question is you will recall at page 57 you said that you have not personally met Ms Kaunda, but you had communicated with her. Is the form of communication that you refer to?

**MS VYTJIE MENTOR:** Before the night that Ms Kaunda called me we had exchanged SMS by means of which I had tried to get hold of the President.

**ADV HENRY COWLEY:** So that is a yes to the question. The form of communication that I had before that night was with SMS?

20 **MS VYTJIE MENTOR:** Yes.

**ADV HENRY COWLEY:** You sure about that?

**MS VYTJIE MENTOR:** Yes. The first, yes.

**CHAIRPERSON:** There had been no written communication other than SMS’ between the two of you?

**MS VYTJIE MENTOR:** I had never written to Ms Kaunda *per se*. I had written to the

Presidency.

**CHAIRPERSON:** Okay. That is fine.

**ADV HENRY COWLEY:** If I may then ask you to again return to Bundle D1 or EXHIBIT D1. In that is contained a number of statements that you have made over, over time. I am going to concentrate on two statements.

**MS VYTJIE MENTOR:** Which bundle sir?

**ADV HENRY COWLEY:** Bundle D1.

**MS VYTJIE MENTOR:** D1.

**ADV HENRY COWLEY:** I will, I will draw your attention to the specific.

10 **MS VYTJIE MENTOR:** Yes, D1.

**ADV HENRY COWLEY:** To the specific statements just to reinforce.

**MS VYTJIE MENTOR:** Yes.

**ADV HENRY COWLEY:** But just by way of explaining I am going to draw your attention to least two of these statements of which the first one is the written statement that you make to the Hawks that you insisted that it be produced to you and then the so called corrupted statement the typed one which you will recall you have made certain notes in and called it the corrupted statement. Now firstly the.

**CHAIRPERSON:** You confirm that you do remember those two statements?

**MS VYTJIE MENTOR:** Yes Chair.

20 **CHAIRPERSON:** Okay, alright.

**ADV HENRY COWLEY:** Thank you Mr Chair. Referring then to your written statement please turn to page 269 of D1.

**ADV MAHLAPE SELLO:** Chair if I, if I may with your permission. I am here Chair. Sello addressing you Chair. For avoidance of confusion I think the record has it that the document that my learned friend is referring to has been admitted as D5.



**CHAIRPERSON:** D5?

**ADV MAHLAPE SELLO:** D5. It is the handwritten statement that starts at page 269.

**CHAIRPERSON:** Do they not appear in D1, because [intervenes]?

**ADV MAHLAPE SELLO:** No the, the record.

**CHAIRPERSON:** I thought he is talking about statements that he says are in D1.

**ADV MAHLAPE SELLO:** It is when he said page 265.

**CHAIRPERSON:** Ja.

**ADV MAHLAPE SELLO:** That it confuses.

**CHAIRPERSON:** Oh.

- 10 **ADV MAHLAPE SELLO:** 265 is, relates to D5. Otherwise he may locate the same statement with a different page number.

**CHAIRPERSON:** Oh.

**ADV MAHLAPE SELLO:** In another file.

**CHAIRPERSON:** Oh, okay.

**ADV MAHLAPE SELLO:** In another file.

**CHAIRPERSON:** Okay.

**ADV MAHLAPE SELLO:** So I just wanted, it is D5.

**CHAIRPERSON:** Okay.

**ADV MAHLAPE SELLO:** [Indistinct].

- 20 **CHAIRPERSON:** Okay. No that is alright.

**ADV MAHLAPE SELLO:** Chair.

**CHAIRPERSON:** No that is alright.

**MS VYTJIE MENTOR:** Actually I have this one from my own handbag. So I will.

**ADV HENRY COWLEY:** I see there is on the system there.

**MS VYTJIE MENTOR:** Use this at home. Yes.

**ADV HENRY COWLEY:** Do you have a written statement.

**CHAIRPERSON:** Okay, thank you.

**ADV HENRY COWLEY:** In front of you?

**MS VYTJIE MENTOR:** I have only this one not the corrupted one.

**ADV HENRY COWLEY:** Okay. That will suffice.

**MS VYTJIE MENTOR:** Okay.

**ADV HENRY COWLEY:** If you, if you turn.

**CHAIRPERSON:** But, I am sorry Mr Cowley I, I have not been checking, because I am not sure, I am waiting to see how important it is for me to see what is, what is, what is  
10 in the particular page. Are those two statements that you said you are going to focus on are they not on D1?

**ADV HENRY COWLEY:** It seems as though I, I have been mistaken about this, the one that I am now dealing with.

**CHAIRPERSON:** Oh.

**ADV HENRY COWLEY:** The written one.

**CHAIRPERSON:** Okay.

**ADV HENRY COWLEY:** It may be my mistake.

**CHAIRPERSON:** Okay.

**ADV HENRY COWLEY:** I am, I am, I am indebted to my learned friend that she  
20 pointed that out.

**CHAIRPERSON:** Because I just want to make sure we are all on the same page.

**ADV HENRY COWLEY:** Certainly.

**CHAIRPERSON:** All three of us.

**ADV HENRY COWLEY:** Certainly.

**CHAIRPERSON:** So at the moment you, you that statement is in what document as far

as you are concerned?

**ADV HENRY COWLEY:** Ms Sello informed us it is D5.

**CHAIRPERSON:** Yes.

**ADV HENRY COWLEY:** And it starts at page 269.

**CHAIRPERSON:** Oh, okay. Now, okay that is my D5. Would hers be like that as well Ms Sello or not?

**ADV MAHLAPE SELLO:** It, it, she; I understand Chair that she has been directed to it. Ms Mentor can you confirm if you have your statement that starts at page 265?

**UNKNOWN PERSON:** 269.

10 **ADV MAHLAPE SELLO:** 269, my apologies.

**MS VYTJIE MENTOR:** Yes, I have this one that I have always carried in my handbag.

**CHAIRPERSON:** But that that is that is separate. She must be able.

**ADV MAHLAPE SELLO:** Ja.

**CHAIRPERSON:** To find it in the same documents.

**ADV MAHLAPE SELLO:** She has D5.

**CHAIRPERSON:** That we are finding it.

**ADV MAHLAPE SELLO:** Ms [indistinct] suggests that she gave it to her from D5 Chair. It is not one from her bag.

**CHAIRPERSON:** Tell her it is like that, but if it is not like this.

20 **ADV MAHLAPE SELLO:** At, at.

**CHAIRPERSON:** On the outside.

**ADV MAHLAPE SELLO:** It is not bound like that Chair. It was bound that way for you.

**CHAIRPERSON:** Okay. Try and make sure we all have the same thing. Now Ms [indistinct] will come to you and try and find the statement not that you use your own that you have been carrying, but you use the one that we, we have here.

**MS VYTJIE MENTOR:** This is, I have D5 the handwritten statement.

**ADV HENRY COWLEY:** Thank you. Okay and I want to direct your attention to paragraph 25 of it. For the record it would then be in D5 at 273. Do you have it Ms Mentor? Paragraph 25.

**CHAIRPERSON:** I am sorry. My D5 has got page numbers at the bottom starting at 1897. I thought you are mentioning a page number that is different.

**ADV MAHLAPE SELLO:** Chair because these are recycled documents. Our numbering is at the top right hand corner.

**UNKNOWN PERSON:** Ja.

10 **CHAIRPERSON:** But I do not have that numbering at the right hand corner.

**ADV HENRY COWLEY:** Chair if I may be of assistance. Maybe we can use simply the paragraph numbers and I want to refer to paragraph 25.

**CHAIRPERSON:** Ja, it is just that it is unacceptable.

**ADV HENRY COWLEY:** Certainly.

**ADV MAHLAPE SELLO:** Chair I.

**CHAIRPERSON:** We were talking about these things yesterday as well and we are wasting time trying to find which document is the right one and who has what document.

**ADV MAHLAPE SELLO:** Chair I was not aware that it is not numbered. It comes from  
20 August 2018. So when, when we corrected the numbering we concentrated on.

**CHAIRPERSON:** Yes, but.

**ADV MAHLAPE SELLO:** The bundle that we [intervenes].

**CHAIRPERSON:** But it is your responsibility to make sure that what I have is in the form in which it should be.

**ADV MAHLAPE SELLO:** I accept that Chair.

**CHAIRPERSON:** And it is supposed to be paginated. You are the one who must make sure that it is paginated if you are going to be leading the witness.

**ADV MAHLAPE SELLO:** I, I accept that Chair. I, I apologise that it is not paginated. I worked off the premise that up to D5 everything is in order Chair.

**CHAIRPERSON:** D4 also does not have any numbering on the right hand corner as you say. It has got numbering at the bottom.

**ADV MAHLAPE SELLO:** Chair may, may we?

**CHAIRPERSON:** Hm.

**ADV MAHLAPE SELLO:** Provide you with a paginated file for reference purposes  
10 during this cross-examination and will attend to your pagination.

**CHAIRPERSON:** Well I think what we should do in order to, not to waste time Mr Cowley in regard to D5 I think in terms of page numbers I see that there are handwritten, these handwritten numbers at the top are not helpful, because the first page is marked 1, but the next one is marked 11. The next one is marked 15. So that is not going to help. I thought we were going to use those.

**ADV MAHLAPE SELLO:** Chair I beg leave to hand through the Registrar D5 properly paginated for reference purposes and [intervenes].

**CHAIRPERSON:** Will the witness has, have the same thing?

**ADV MAHLAPE SELLO:** I, I, Ms [indistinct] advises that her D5 is properly paginated.

20 **CHAIRPERSON:** Okay and Mr Cowley will you be able to manage?

**ADV HENRY COWLEY:** Yes, thank you Chair. Mine is, is paginated.

**CHAIRPERSON:** Is it the same?

**ADV HENRY COWLEY:** Yes, yes, yes.

**CHAIRPERSON:** Okay. So I was the only one.

**ADV MAHLAPE SELLO:** I.

**CHAIRPERSON:** Who was not given a paginated one.

**ADV MAHLAPE SELLO:** I apologise Chair with your leave. Thank you.

**CHAIRPERSON:** Yes Mr Cowley.

**ADV HENRY COWLEY:** Thank you Mr Chair. Ms Mentor at paragraph 25 you have stated:

“I struggled for two months to arrange a meeting with the President. I went to Tuynhuys with a letter requesting a meeting.”

**CHAIRPERSON:** Okay. I am sorry Mr Cowley. What page of D5 are you on?

10 **ADV HENRY COWLEY:** 273.

**CHAIRPERSON:** 270, okay.

**ADV MAHLAPE SELLO:** 273.

**ADV HENRY COWLEY:** No, 273.

**CHAIRPERSON:** 273?

**ADV HENRY COWLEY:** Yes.

**CHAIRPERSON:** Okay. Yes, okay.

**ADV HENRY COWLEY:** Thank you. I take it, I pick it up then the second sentence.

“I followed protocol in arranging the meeting. I also phoned Ms Lakela Kaunda at Luthuli House.”

20 I am going over to paragraph 26.

“After speaking to Ms Kaunda she made contact with me on Sunday evening after 10 on my official phone. She just informed me that a person will phone me with regard to my meeting with the President together with the arrangements.”

Just bear that in mind and then I ask you to turn to D1.

**CHAIRPERSON:** I am sorry before you move on Mr Cowley I am at page 273. I have been trying to find where you are reading from. There is a paragraph marked 22 at the centre and then 23, 24, 25.

**ADV HENRY COWLEY:** Fine.

**CHAIRPERSON:** And 26.

**ADV HENRY COWLEY:** Yes I read from 25 and 26 going over to the page, going over the page.

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

**ADV HENRY COWLEY:** So.

10 **MS VYTJIE MENTOR:** From, from 25 you are sending to where?

**ADV HENRY COWLEY:** I am sending you to D1 at page 153. My apologies. It is, let us start at the beginning of that statement 150, 1-5-0.

**MS VYTJIE MENTOR:** To D5?

**ADV HENRY COWLEY:** D1.

**MS VYTJIE MENTOR:** D1. Page?

**ADV HENRY COWLEY:** 1-5-0.

**MS VYTJIE MENTOR:** I am there, thank you.

**ADV HENRY COWLEY:** Thank you and then just by way of confirmation is this the corrupted statement that you testified about in your evidence in chief?

20 **MS VYTJIE MENTOR:** Yes.

**CHAIRPERSON:** In other words is this the statement you referred to as corrupted?

**MS VYTJIE MENTOR:** From page 150?

**ADV HENRY COWLEY:** Yes.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** Yes.

**CHAIRPERSON:** This is the statement that you refer to when you talked about a corrupted statement?

**MS VYTJIE MENTOR:** Yes sir.

**CHAIRPERSON:** Okay.

**ADV HENRY COWLEY:** And then may I ask you to turn to page 152 of that same document? Paragraph 25 with the added A, have you got that in front of you?

**CHAIRPERSON:**

**MS VYTJIE MENTOR:** Yes sir.

**ADV HENRY COWLEY:** It reads:

10                    “I struggled for two months to arrange a meeting with the President. I went to the Tuynhuys with a letter requesting a meeting. I followed protocol in arranging the meeting. I also phoned Ms Lakela Kaunda at Luthuli House.”

Then added in, in script.

“Eventually I also phoned Luthuli House repeatedly to get an appointment with the President.”

And then going over to 26:

20                    “After speaking to Ms or Mr L Kaunda she made contact with me one, a Sunday evening after 10 on my official phone. She had just informed me that a person will phone me with regard to my meeting with the President together with arrangements that was to be for the next day which was a Monday.”

Now I want to propose to you that the written statement and the one you refer to as the corrupted statement insofar as paragraphs 25 and 26 are concerned where substantially the same. Do you agree?



**MS VYTJIE MENTOR:** Yes.

**ADV HENRY COWLEY:** What I want to point out in these paragraphs is that you quite clearly state here that you have actually spoken to Ms Kaunda. Do you persist with that? Sorry, sorry, may I rephrase? You have actually spoken with Ms Kaunda before she phoned you on the Sunday night.

**MS VYTJIE MENTOR:** That 25 where it is written I phoned it should be I contacted. The same applies to the corrupted statement and in, yes. So instead of phoned I contacted her by SMS.

**ADV HENRY COWLEY:** So you want to then revert to what you have said in evidence  
10 in chief before the Commission namely that the communication that preceded the phone call of the Sunday night had been SMS and not telephonic conversation?

**MS VYTJIE MENTOR:** Yes.

**ADV HENRY COWLEY:** If I may then ask you to turn in the same bundle, D1 to page 38. It the transcript of the Public Protector's interview with you dated 21 July 2016.

**CHAIRPERSON:** I am sorry. What, what page?

**MS VYTJIE MENTOR:** [Intervenes].

**ADV HENRY COWLEY:** D1, page 38 Chair.

**CHAIRPERSON:** Page 38. My – my 38 oh okay I have got it here. Thank you.

**ADV HENRY COWLEY:** If you page through that do you confirm that that was the  
20 record of the interview that you had with the Public Protector?

**MS VYTJIE MENTOR:** Yes Sir.

**ADV HENRY COWLEY:** Then I want to ask you to turn specifically to page 81. Now that...

**MS VYTJIE MENTOR:** I have 81 missing in my bundle. It is 80 and 82.

**ADV HENRY COWLEY:** I noticed that the copies that had been supplied to me Mr

Chair had double – has double sides.

**MS VYTJIE MENTOR:** Oh, oh.

**CHAIRPERSON:** Yes the same. You must just have a look on both sides.

**MS VYTJIE MENTOR:** My 80 it is blank at the back.

**ADV HENRY COWLEY:** No it looks as though she has that problem Mr Chair.

**MS VYTJIE MENTOR:** In fact I only have the even numbers in this transcript. I am at 81.

**ADV HENRY COWLEY:** Thank you. You will see that the lines are numbered on the left hand side. Please go down to line number 18, 18. That reads: I went to Luthuli  
10 House on the phone Jessie had given me the hint that maybe I should speak to Lakela Kaunda who worked with or for the president but eventually I did not get – go to Luthuli House and I met both Jessie and SG and I told them – I told them my displeasure about the whole affair of the China trip. The important thing here is do you confirm that you have told the Public Protector that this is the way that you managed to get the telephone number of Ms Kaunda?

**MS VYTJIE MENTOR:** I do not understand your question.

**ADV HENRY COWLEY:** Do you confirm that this the way in which you obtained the telephone number of Ms Kaunda through this conversation with Ms Jessie Duarte?

**MS VYTJIE MENTOR:** Yes but you are aware that in my evidence before the  
20 commission I have stated that I went to Luthuli House twice and I met with Ms Jessie Duarte twice in Luthuli House in the SG's office.

**CHAIRPERSON:** No Ms Mentor. The question to you is whether you confirm that the way in which you got to be – got to have Ms Kaunda's number was the way described at page 81. That is the question to you. Do you confirm that that is the way how – that is how you got Ms Kaunda's number?

**MS VYTJIE MENTOR:** That I got Ms Lakela's phone number from Jessie?

**CHAIRPERSON:** Mr Cowley I do not know if you want to...

**ADV HENRY COWLEY:** Is that a question or is – do you confirm that to be the position?

**MS VYTJIE MENTOR:** I am

**CHAIRPERSON:** Okay how did you get Ms Kaunda's number? How did you come to have it, who gave it to you, how did you find it?

**MS VYTJIE MENTOR:** I got Ms Kaunda's number from Jessie Duarte.

**CHAIRPERSON:** At Luthuli House or you do not know whether – where you were when  
10 you got it from her?

**MS VYTJIE MENTOR:** It might have been at Luthuli House.

**CHAIRPERSON:** But you got it from Ms...

**MS VYTJIE MENTOR:** I definitely got it from Jessie.

**CHAIRPERSON:** Okay alright.

**ADV HENRY COWLEY:** Now in the same record of the Public Protector please turn to  
page 84. Do you have it? Line number 7. There you say: Lo and behold I read I  
heard over the radio and in the media that I have been removed as the Chair of Public  
Enterprises and that the reason was the China trip. But then before that Lakela Kaunda  
whom Jessie advised me to call called me one Sunday evening even before I called  
20 her. That is before my removal from the portfolio committee as Chair. She said to me:  
You have been wanting to see the President for a long time. What you say here has it  
to do with the Sunday night call?

**MS VYTJIE MENTOR:** I have mentioned the Sunday night call there. It does...

**ADV HENRY COWLEY:** So is it yes?

**MS VYTJIE MENTOR:** It has got to do with that and more than that.

**ADV HENRY COWLEY:** What I want to draw your attention to is the fact that...

**CHAIRPERSON:** Mr Cowley I know we have not made much progress and part of it has got nothing to do with you. I see that we probably are close to the expiry of thirty minutes. I think you should get at least another ten minutes or so and let us see how far we go.

**ADV HENRY COWLEY:** I am indebted to you Chair.

**CHAIRPERSON:** So – but I think try and make the best of it.

**ADV HENRY COWLEY:** Certainly will do so. What I want to draw your attention to is the fact that you say here that even before you managed to call her Ms Kaunda had  
10 phoned you. No mention of any sms's. No mentions – mention as you have said in your statements of any phone calls. Care to comment why there are three versions about your earlier communication before the Sunday night call?

**MS VYTJIE MENTOR:** I do not understand your question.

**ADV HENRY COWLEY:** There are three versions about how you communicated with Ms Kaunda before the Sunday night call. The first version is that you had sms contact. The second version I put it to you is according to those two statements that I dealt with that you had phoned – that there had been – that you had phoned her. The third version is that there has not been a phone call, Kaunda phoned you first. So can you explain the discrepancies?

20 **MS VYTJIE MENTOR:** I said that before Ms Kaunda called me the Sunday evening there had been sms communication between myself and Ms Kaunda. And I stand by that.

**ADV HENRY COWLEY:** Why did you not repeat that to the Public Protector?

**CHAIRPERSON:** Protector.

**MS VYTJIE MENTOR:** It is not here but that is how it stands. I have explained that

before the commission that there had been sms communication between myself and Ms Kaunda. Otherwise I would not even have recognised her number or who she was when she called me the Sunday evening when she called me about the meeting of the Monday morning.

**CHAIRPERSON:** Well maybe let us put it this way. You were asked earlier on whether the way in which you had communicated with Ms Kaunda prior to the evening the Sunday evening that you say she called you was through sms's and you confirmed that. Is that right?

**MS VYTJIE MENTOR:** Yes Chair.

- 10 **CHAIRPERSON:** Mr Cowley has drawn your attention to certain parts of the record before the – before me which reflects that you actually did call Ms Kaunda or the two of you did speak prior to that evening. Do you accept that the record has reflected that or do you not accept that? In other words the record reflects that you have said that you had phoned her before or the two of you had spoken, is that not your understanding of part of what Mr Cowley has referred you to?

**MS VYTJIE MENTOR:** We have communicated – we had communicated myself with Ms Kaunda before the Sunday evening when she called. That form of communication was by sms hence on the paragraph 25 of the handwritten statement I said the phone should have been contacted.

- 20 **CHAIRPERSON:** Ja but Mr Cowley you might be able to take this further. But my understanding of parts of the record to which he has referred to you suggests that your communication with Ms Kaunda prior to the Sunday evening when you say she called you was not limited to sms's. That is my understanding. Mr Cowley.

**ADV HENRY COWLEY:** Indeed My Chair.

**CHAIRPERSON:** Yes.

**ADV HENRY COWLEY:** That seems to have been the – in the statements, the contents of the statements.

**CHAIRPERSON:** Yes so Mr Cowley is giving you a chance to say which one is correct. Is it that your only communication with Ms Kaunda prior to that Sunday evening was through sms's as I thought you were suggesting earlier or is the correct position that prior to the Sunday evening you and Ms Kuanda had communicated with each other in other ways other than sms's as well?

**MS VYTJIE MENTOR:** Prior to the Sunday evening call I had communicated – me and Ms Kaunda through sms's.

10 **ADV HENRY COWLEY:** Only?

**CHAIRPERSON:** And in no other manner?

**MS VYTJIE MENTOR:** Not telephonically. I had written to the presidency but not to her specifically.

**CHAIRPERSON:** Yes but you never spoke to her on the phone prior to that Sunday evening?

**MS VYTJIE MENTOR:** No.

**CHAIRPERSON:** She never called you and you never called her prior to that Sunday?

**MS VYTJIE MENTOR:** I recall that we had had sms's exchanges where I said I got your number from Jessie. Jessie [indistinct].

20 **CHAIRPERSON:** No, no let us forget about sms's. That you have made clear. We are looking at other forms of communication. So I just want to make sure that what you are saying is prior to that Sunday evening when she called you according to your version you and Ms Kaunda had never communicated in any other way other than through sms's?

**MS VYTJIE MENTOR:** What I remember is sms's communication before the Sunday

evening.

**CHAIRPERSON:** Okay, alright. Okay.

**ADV HENRY COWLEY:** Thank you Mr Chair. So – where this is all heading is what reaction did it prompt with Ms Kaunda in anticipation of this cross-examination? She considered your evidence. She considered your statements and then she acquired the records of her official cell phone for the period October and she also called for all your telephone numbers and from a careful consideration of all of that it then appeared that during the month of October there had been no communication recorded in her official cell phone records bearing any reference to any of your numbers. Now all of this has  
10 been known in an additional affidavit that has been supplied to the commission. Have you also been supplied with that affidavit?

**MS VYTJIE MENTOR:** I have received the affidavit.

**ADV HENRY COWLEY:** And you confirm that that was the version of Ms Kaunda?

**MS VYTJIE MENTOR:** I confirm that Ms Kaunda has sent a record of her cell phone communication – of her 082 number and that record is – appears to be from her own billing records. It is not a record from the service provider. It is her own record.

**CHAIRPERSON:** Why should they be – why should it make a difference Ms Mentor whether it is her own records or records from the cell provider, is there a difference?

**MS VYTJIE MENTOR:** Because we had – I had wanted to know when I had also asked  
20 for the records from the – asked the – the legal team to ask for my records from the service provider the response was that the service provider does not keep records that are beyond five years old. So my records could not be brought to me and – but then I asked how then Ms Kaunda has cell phone records if the service provider only keeps cell phone records for five years. So that is...

**CHAIRPERSON:** Were you the same service provider?

**MS VYTJIE MENTOR:** Sorry Chair.

**CHAIRPERSON:** The two of you? Did you use the same service provider you and Ms Kaunda do you know?

**MS VYTJIE MENTOR:** Yes her records were Vodacom and my number was also Vodacom that I was using at the time.

**CHAIRPERSON:** Yes.

**ADV HENRY COWLEY:** Mr Mentor will you please turn to bundle D6A.

**MS VYTJIE MENTOR:** Page?

**ADV HENRY COWLEY:** 392 oh sorry 127, 127. Do you have it?

10 **MS VYTJIE MENTOR:** I am almost there. I am at 127.

**ADV HENRY COWLEY:** Thank you. That is the first page of Ms Kaunda's cell phone record for that period October 2010 and it goes through all the way to 174. Let me understand what you have said just earlier. Do you dispute the veracity and the correctness of these records?

**MS VYTJIE MENTOR:** I cannot attest to the veracity of this records because they are not from the service provider. They are from Ms Kaunda herself. Because the service provider could not provide any records that were older than five years.

**ADV HENRY COWLEY:** And that is why you dispute these records?

**MS VYTJIE MENTOR:** I said I cannot attest to their veracity.

20 **ADV HENRY COWLEY:** But you cannot dispute the correctness?

**CHAIRPERSON:** Let us handle like this. I know when lawyers say can you dispute it can be confusing to a lay person. Ms Kaunda has together with her legal team placed before the commission certain records, cell phone records. She says this cell phone records are correct, she believes they are correct and she says if you had phoned her or had communicated with her then that your number should be reflected here. Now



you are insisting that she did call you. In the light of these records are you saying these records cannot be true or are not true or are you saying I do not know whether they are true or not all I know is that I did receive a call from her. Or are you saying I challenge them because I believe they are not from the service provider?

**MS VYTJIE MENTOR:** I do not know if they are true or not because they are not from the service provider. In addition Ms Kaunda in her own affidavit said that she also had an MTN number at the time and we had requested also in a similar way if she could provide the list of her own itemised billing records from the MTN number. But I cannot say are they true or are they not true because they are not from the service provider.

10 **CHAIRPERSON:** Well look at the top of page 127. As I see it it seems to have Vodacom's logo or emblem and it written below that Vodacom. Do you not take that as suggesting that they are from Vodacom, the records?

**MS VYTJIE MENTOR:** Chair if they are from Vodacom then I have been treated unfairly by both Vodacom as well as the legal team. Because I also asked the legal team to request from Vodacom my cell records for the same period and for me the response was the cell phone – the service provider does not keep records going back to that period of time. Hence I then asked then how come she has a record. And then the explanation was this might be her own itemised billing that she might have saved in her own computer.

20 **CHAIRPERSON:** But do you see what I am talking about the logo or emblem plus the [indistinct].

**MS VYTJIE MENTOR:** Yes Chair I do. I do see that.

**CHAIRPERSON:** You did see it. On the face of it you – would you accept that that seems to suggest they are from Vodacom or you do not want to commit yourself on that?

**MS VYTJIE MENTOR:** I do not want to commit myself on that Chair.

**CHAIRPERSON:** Okay. But let us assume that they are – they have been provided by Vodacom. Let us assume that for present purposes. And they do not reflect that you were in communication with Ms Kaunda. If that is the position what would be your position with regard to the version that she called you on that Sunday evening? Would you persist with that or would you say that maybe you are mistaken she is not the one who called you?

**MS VYTJIE MENTOR:** If they are from Vodacom Chair I would be able to respond that when equally Vodacom gives me my own records that I put against Ms Kaunda's  
10 records that are also from Vodacom.

**CHAIRPERSON:** But in your own mind are you quite clear that Ms Kaunda did call you on that Sunday evening and you spoke to her or are you saying you think you did speak to her, there is room that you may be mistaken about that?

**MS VYTJIE MENTOR:** I am very clear that Ms Kaunda spoke to me that night Chair.

**CHAIRPERSON:** Okay thank you.

**ADV HENRY COWLEY:** Thank you Mr Chairman. Just one more aspect.

**CHAIRPERSON:** Yes.

**ADV HENRY COWLEY:** Insofar as the September and the October issue is concerned as recently as Sunday night my instructing attorney, myself and my client had been  
20 informed about your supplementary affidavit. That is the first time that we heard that you took the position that the Sunday night call took place in September. Do you agree that – that information was brought to bear only as late as Sunday night the 10 February 2019?

**MS VYTJIE MENTOR:** Insofar as that affidavit was submitted on that day but prior to that in my evidence I had dealt with the dates. I had shifted away from the date of

October in relation to many things.

**ADV HENRY COWLEY:** Well I just shortly want to test that with you. Please turn to D1 page 18. I have already referred you to paragraph 60 of your – of your statement.

**MS VYTJIE MENTOR:** D1?

**ADV HENRY COWLEY:** Yes.

**CHAIRPERSON:** What page in D1?

**ADV HENRY COWLEY:** 18.

**CHAIRPERSON:** 18 thank you. We will try and round off.

**MS VYTJIE MENTOR:** You mean this statement?

10 **ADV HENRY COWLEY:** No D1 is a – is the one with your statement in before the commission.

**CHAIRPERSON:** Mr Cowley we will try and round off in five minutes?

**MS VYTJIE MENTOR:** This old one might [indistinct].

**ADV HENRY COWLEY:** I beg your pardon.

**CHAIRPERSON:** Will you try and round off in five minutes.

**ADV HENRY COWLEY:** Yes certainly.

**CHAIRPERSON:** Is that alright.

**MS VYTJIE MENTOR:** Oh yes which page?

**ADV HENRY COWLEY:** 18.

20 **MS VYTJIE MENTOR:** I am at page 18.

**ADV HENRY COWLEY:** There you said that that Sunday evening was around October 2010 and then you hung it onto a particular memory about a week or so before the cabinet reshuffle, you see that?

**MS VYTJIE MENTOR:** yes.

**ADV HENRY COWLEY:** And you seem to have moved away from that position?

**MS VYTJIE MENTOR:** Yes.

**ADV HENRY COWLEY:** That position was confirmed before the Public Protector please turn in that same bundle to page 86 line 4. You saying but I fly a lot of times but I know how I try to arrive at a date when I issued the statement to the police. I remembered – I recalled that that was a Monday before the Sunday of which the President announced the cabinet reshuffle in which the – I suppose he removed Barbara Hogan. Further down that line 18 you are being questioned by Ms [indistinct] Sello and you respond now more specifically about the dates. Yes if today is the – if today is the Sunday the 7<sup>th</sup> I get the call Sunday the 7<sup>th</sup> in the evening I will meet the  
10 President on the 18<sup>th</sup>. I mean on the 8<sup>th</sup> the next day. The reshuffle happened – reshuffle happened on the 14<sup>th</sup> with his – the Sunday following the one of which I spoke to Lakela. Just as a matter of record the reshuffling took place on the 31 October. That coupled with these two places which you have hung the Sunday night onto a particular event puts it in October, do you agree?

**MS VYTJIE MENTOR:** I have since – yes that is what the record before the Public Protector says but I have since before the commission turned around with the dates and said and moved away from October. When I recalled that I had something to the President in terms of the time line in relation to the China trip. So I said this. I do not dispute the record as it stands as part of the transcript before the Public Protector.

20 **ADV HENRY COWLEY:** Ms Mentor I propose to you that you took a different tact. You averted to September once you learnt of the telephone records of Ms Kaunda. Do you care to respond to that?

**MS VYTJIE MENTOR:** I do not agree.

**ADV HENRY COWLEY:** The version of Ms Kaunda is that she had not made contact with you and she did not arrange this meeting the Sunday evening that was supposed

to have taken place in Johannesburg, your comment?

**MS VYTJIE MENTOR:** I maintain that Ms Kaunda phoned me the Sunday night before the meeting with the President.

**ADV HENRY COWLEY:** Thank you Mr Chair.

**CHAIRPERSON:** Thank you. Well Ms Mentor I think one of the statements to which Ms Kaunda refers in one of her affidavits or statements before this commission in relation to your evidence that she called you that Sunday evening. One of the things she mentions is that there is a statement – one of the statements that you have made and I am not sure whether it is the one that you refer to – to which you refer as the  
10 corrupted statement or it is another one. She draws attention to the fact that there you said you received a call from a woman whose name you did not know. Do you remember that any of your statement has got that? Either statement or your inter – the transcript of your interview with the Public Protector. She draws attention to that, do you remember that?

**MS VYTJIE MENTOR:** I do not remember that Chair. I remember that if my memory serves me well because I read the transcript with the Public Protector again last night. I remember that initially I battled with her name. I said a woman called me but later down in the transcript then I said Kaunda. So I do not know if that...

**CHAIRPERSON:** It might or might not be the same but I think she draws attention to  
20 the fact that at some stage when you either made a statement which would have been 2016 if I remember correctly because I think there is not any statement you made before 2016. Either 2016 or when you met with the Public Protector she is saying Ms Mentor said she did not know the name of the woman who called her. In other words she is saying how can she say now that I am the one who called her when actually at that time she did not know who called her. That is what she is saying and I am just

giving you a chance to respond to that.

**MS VYTJIE MENTOR:** Chair I think both in the statement to the Hawks in 2016 and in the transcript to the Public Protector the name Kaunda features.

**CHAIRPERSON:** Well let me refer you to page 152 in Exhibit D1. It is to paragraph 25A to which Mr Cowley referred you to earlier on and you might or might not need to go to it. Let me tell you. There is that sentence which...

**MS VYTJIE MENTOR:** Which page Chair sorry?

**CHAIRPERSON:** Page 152 of EXHIBIT D1, but you might not need to go and look at it. Let me first tell you the question, you might be able to respond without looking at it. It  
10 is a sentence that Mr Cowley drew your attention to. You say in paragraph 25.2A sentence 3 or no number 4, the last sentence typed sentence:

"I also phoned Ms Lakela Kaunda at Luthuli House."

You have said that to say you phoned her is not correct, it should be you contacted her, because you say prior to that evening Sunday evening your only manner of communication with her was through SMS's is that right?

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

**CHAIRPERSON:** Now when you look at that page you will see that there are a number of additions or amendments that were written by hand in that statement and on that page, do you see that?

20 **MS VYTJIE MENTOR:** Yes, Chair.

**CHAIRPERSON:** Were they corrections made by you? Were they meant to be additions or corrections that you wanted to be included in the statement?

**MS VYTJIE MENTOR:** If I may address you on that, Chair? It was my attempt to demonstrate to the person that brought the statement to me that there was a lot, because I had been looking for my handwritten statement and they had not brought it.

On that day they brought this and I was trying to say if my handwritten record was here these things do not actually reflect or should not have been like this.

So it was a quick precursor in terms of correcting, but this is my handwriting.

**CHAIRPERSON:** Yes, in other words you had read the typed statement before you made the additions that you made by hand, is that right?

**MS VYTJIE MENTOR:** As I was reading I was writing at the same time.

**CHAIRPERSON:** You were writing?

**MS VYTJIE MENTOR:** Yes.

**CHAIRPERSON:** Oh, okay, yes. And at that time when you came to paragraph 25A  
10 where it says:

"I also phoned Ms Lakela Kaunda at Luthuli House..."

You did not pick up anything wrong that there was something wrong with that?

**MS VYTJIE MENTOR:** I missed that.

**CHAIRPERSON:** You missed that?

**MS VYTJIE MENTOR:** I even missed the issue that...[intervenes]

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** Ms Kaunda has never been at Luthuli House, Chair.

**CHAIRPERSON:** Yes, okay, no that is fine. Now you might wish to say something  
20 about this and I am bringing this to your attention, because it may or may not be that at some stage somebody will address me and say I should not accept that you had this encounter at Saxonwold and look at the evidence you have given and the statements you have given and say they are unsatisfactory for a number of reasons.

Okay? So now one of the things that maybe somebody will say is SAA records were put up and you had issues with them. Parliamentary records were put up

you had issues with them. Home Affairs records were put up you had issues with them. Ms Kaunda has put up cell phone records you have issues with them and somebody might say you seem to have issues with all records and that for that and other reasons maybe I should not accept your version, your evidence, that indeed there was this encounter that you say you had at Saxonwold.

What would you say to that?

**MS VYTJIE MENTOR:** I would say, Chair, a lot of time has elapsed since I went public on blowing the whistle on State Capture and since I spoke about my encounter at Saxonwold and how it came about and a lot of time also had lapsed before this  
10 Commission could see the light of day. And I would say that it is possible that that length of time had given people time to interfere with records.

And also some of the records that I query, Chair, I also query the authenticity of those records or whether those records are official. For instance I query the SAA records. I also query whether the records of Ms Kaunda are from the service provider, because the service provider could not provide my own records.

So there could have been an interference with records, because a lot of time has lapsed given – it may have given – I am not saying that people interfered with records, but it has created a possibility of people interfering with records and some of the records do not even look official and some of them are not even on official  
20 letterheads.

Some of them appear to be computer generated.

**CHAIRPERSON:** Yes, no that is fine. And I also just as I said to you yesterday with regard to your trip from Cape Town to Johannesburg. Just as I say it is very important in regard to your evidence and your version, also the question whether there was this call from Ms Kaunda is quite important, because on your own version it seems to me if



there was no call from Ms Kaunda and as I understand it you are not entertaining the idea that the call could have come from somebody else. If there was no call from Ms Kaunda then you would not have come to Johannesburg, because you only came to Johannesburg, because of this call from Ms Kaunda, is that right?

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

**CHAIRPERSON:** Yes, but you say there is no room that you might be mistaken as to who made the call?

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

**CHAIRPERSON:** Yes, okay.

10 **MS VYTJIE MENTOR:** But also in addition to that we do not have the cell phone records of MTN of Ms Kaunda that herself had alluded that she had that number also at that time, and, Chair, I know that there is an issue of cost.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** And resource shortage.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** I would request if it is possible that the, Chair, should call for forensic investigation. I know that is costly, but justice can sometimes be very expensive.

**CHAIRPERSON:** Thank you. I do not know if there is anything, I do not expect you  
20 Ms Sello to have anything to clear up, but if there is you must just do that quickly and we move onto to counsel for Mr Mtolo.

**ADV MAHLAPO SELLO:** Thank you, Chair, no I did not have any issues I wanted to clear up with Ms Mentor, but if the, Chair, would just permit me to look behind me and check that her team does not have anything to clear up?

**CHAIRPERSON:** Yes.

**ADV MAHLAPO SELLO:** Mr Gotz would like to address you, Chair.

**CHAIRPERSON:** Okay.

**ADV ANTHONY GOTZ:** Sorry, Chair.

**CHAIRPERSON:** Yes?

**ADV ANTHONY GOTZ:** I know – I appreciate that I do not have an automatic right of re-examination.

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

**ADV ANTHONY GOTZ:** So I am applying for the right to re-examine Ms Mentor either now or at the appropriate time. I have approximately five minutes of questions in  
10 relation to certain issues that have arisen in the cross-examination, but, Chair, I am in your hands. I appreciate that it is an indulgence.

**CHAIRPERSON:** Yes, because it is something that we did not cater for. Well why do we not do this? Why do we not go into cross-examination by counsel for Mr Mtolo and when that is finished it may be that there are things to be sorted out in relation to that evidence as well and this one and in the meantime maybe you and Ms Sello might have been able to have some communication about the areas of your concerning case, they coincide with her and if we can sort them out with her dealing with that all the better and only if that is really problematic then I can look at you doing it. Is that right?

**ADV ANTHONY GOTZ:** Thank you, Chair.

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

**ADV MAHLAPO SELLO:** Thank you, Chair, at this juncture then I believe that the legal representatives for Mr Mtolo.

**CHAIRPERSON:** Yes.

**ADV MAHLAPO SELLO:** Ready to cross-examine.

**CHAIRPERSON:** Yes. Yes, just remind me of your name again?

**ADV VINCENT SIWELA:** Vincent Siwela.

**CHAIRPERSON:** You have been mentioning it a number of times, but yes, Mr?

**ADV VINCENT SIWELA:** Siwela.

**CHAIRPERSON:** Siwela?

**ADV VINCENT SIWELA:** Yes.

**CHAIRPERSON:** Okay for Mr Mtolo?

**ADV VINCENT SIWELA:** Yes.

**CHAIRPERSON:** Did I indicate to you what I was thinking what I would give you – how much time I would give to you previously or not?

10 **ADV VINCENT SIWELA:** I cannot recall, Chair, but I think...[intervenes]

**CHAIRPERSON:** 30 minutes should do?

**ADV VINCENT SIWELA:** 30 minutes should do.

**CHAIRPERSON:** Okay, I am giving you 30 minutes then. Yes?

**ADV VINCENT SIWELA:** Before I proceed a pleasant afternoon to you, Chair, and to you Ms Mentor.

**MS VYTJIE MENTOR:** Good afternoon sir.

**CHAIRPERSON:** Thank you Mr Siwela.

**ADV VINCENT SIWELA:** Thank you sir. Without waste of time may I kindly refer you to D1 of your evidence Ms Mentor? And at page 34.

20 **MS VYTJIE MENTOR:** I am at 34 sir.

**ADV VINCENT SIWELA:** And at paragraph 120.

**MS VYTJIE MENTOR:** Yes?

**ADV VINCENT SIWELA:** This is your first encounter with adv Mtolo is that correct? It relates to the first encounter between yourself and adv Mtolo is that correct?

**MS VYTJIE MENTOR:** Yes.

**ADV VINCENT SIWELA:** Do you remember the date and the year?

**MS VYTJIE MENTOR:** Yes, sir. My first encounter with Mr Mtolo was on 21 June in 2016.

**ADV VINCENT SIWELA:** Yes, that is correct and you had some concern and at that stage adv Mtolo you allege advised you that there is nothing they can do about your matter, because as their hands were tied, because you have to remove the name of Mr Zuma from the affidavit, is that correct?

**MS VYTJIE MENTOR:** Yes.

**ADV VINCENT SIWELA:** Do you still stand by that version?

10 **MS VYTJIE MENTOR:** Yes.

**ADV VINCENT SIWELA:** And subsequently after some deliberations you agreed to remove the name, is that correct?

**MS VYTJIE MENTOR:** Yes.

**ADV VINCENT SIWELA:** Now can you explain to us what you mean by deliberations?

**MS VYTJIE MENTOR:** What I mean by?

**ADV VINCENT SIWELA:** Deliberations.

**MS VYTJIE MENTOR:** As mentioned in which paragraph?

**CHAIRPERSON:** 120 I think, 120 where it says:

20                                "After much deliberations I agreed to remove Mr Zuma's name  
                                     from the affidavit in the hope that the HAWKS would  
                                     investigate my complaints"

**ADV VINCENT SIWELA:** Yes.

**MS VYTJIE MENTOR:** Okay.

**CHAIRPERSON:** So what he is asking is what do you – what are you referring to when you say deliberation after deliberation?

**MS VYTJIE MENTOR:** I am referring to the conversation that occurred between myself and Mr Mtolo from the moment he entered the threshold of my door.

**CHAIRPERSON:** Ja, okay.

**ADV VINCENT SIWELA:** So if I hear you correct you are referring to a discussion between you two?

**MS VYTJIE MENTOR:** I beg your pardon?

**ADV VINCENT SIWELA:** You are referring to a discussion between you and adv Mtolo?

**MS VYTJIE MENTOR:** Yes.

10 **ADV VINCENT SIWELA:** Can you tell us what was actually discussed?

**MS VYTJIE MENTOR:** When I encountered...[intervenes]

**CHAIRPERSON:** Maybe you need to be more clear about that question. Are you asking her what was discussed under what she calls deliberation or are you asking her what was discussed since Mr Mtolo came into the room or the two of them met even if it falls outside the reference to deliberation?

**ADV VINCENT SIWELA:** I just want to find out the essence of the discussion the deliberation. For example were you promised anything?

**MS VYTJIE MENTOR:** By Mr Mtolo?

**ADV VINCENT SIWELA:** Yes.

20 **MS VYTJIE MENTOR:** I do not understand.

**CHAIRPERSON:** Okay, let us put it this way. When you say after much deliberation you agreed to remove Mr Zuma's name from the affidavit. Is it correct that that deliberation between the two of you, yourself and Mr Mtolo, would it be a discussion about the pros and cons of removing Mr Zuma's name from the affidavit?

**MS VYTJIE MENTOR:** Chair, it would be much easier for me if I give you a gist of what

transpired.

**CHAIRPERSON:** Well what was the deliberation about?

**MS VYTJIE MENTOR:** The deliberation was the fact that I have been looking for my statement from the HAWKS and I was not getting it and that the HAWKS have not been acting on my statement and asking and then being given the reasons why the HAWKS have not acted on my statement.

**CHAIRPERSON:** It was not about – it was not a discussion between you and Mr Mtolo concerning whether or not you should remove Mr Zuma's name from the affidavit or did it include that and other things?

10 **MS VYTJIE MENTOR:** It included that and other things.

**CHAIRPERSON:** Okay, alright.

**ADV VINCENT SIWELA:** Now you are aware that your conversation on that particular day with Mr Mtolo was recorded, not so? And the transcript has been duly served.

**MS VYTJIE MENTOR:** Yes.

**ADV VINCENT SIWELA:** On the attorneys for the Commission as well as your attorneys, are you aware of that?

**CHAIRPERSON:** Well let us ask this, let us put it this way, are you aware that that conversation or discussion between yourself and Mr Mtolo was recorded?

**MS VYTJIE MENTOR:** Not in its totality.

20 **CHAIRPERSON:** But you are aware that it...[intervenes]

**MS VYTJIE MENTOR:** I am aware that there is a recording...[intervenes]

**CHAIRPERSON:** There is some recording?

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

**CHAIRPERSON:** Yes. That recording does it cover the whole discussion as far as you know?

**MS VYTJIE MENTOR:** It does not cover the whole discussion, Chair.

**CHAIRPERSON:** Yes, are you able to say how long the – how much of the discussion the recording covers and how much was left out? I know that you referred at some stage to nine minutes.

**MS VYTJIE MENTOR:** No, Chair, the nine minutes...[intervenes]

**CHAIRPERSON:** Is for the other one?

**MS VYTJIE MENTOR:** Pertains to another recording.

**CHAIRPERSON:** Okay, alright. This one are you able to say or are you not able to say how much of a discussion is not covered by the recording?

10 **MS VYTJIE MENTOR:** The part where Mr Mtolo entered and I confronted him and we went through my first lounge is not covered. The part where I sat with Mr Mtolo in my second lounge is covered in his recording.

**CHAIRPERSON:** Okay, alright. Continue Mr Siwela.

**ADV VINCENT SIWELA:** You subsequently agreed to remove the name according to what is contained in paragraph 120. Let me read it to you.

**CHAIRPERSON:** Well she – we have read it Mr Siwela.

**ADV VINCENT SIWELA:** Yes.

**CHAIRPERSON:** I think just move on, it is in her affidavit that she agreed to remove the name. Put the next question.

20 **ADV VINCENT SIWELA:** So you agreed to remove the name?

**MS VYTJIE MENTOR:** Yes, because the HAWKS were not going to do anything with my statement according to him if I was not removing – I had tied their hands by mentioning the name of President Zuma and if I wanted my – the HAWKS to proceed with the case I laid I had to do something with the name of President Zuma as it appeared in my statement.

**ADV VINCENT SIWELA:** But now you are a seasoned parliamentarian of 14 years, why would you do this? Because this will constitute an offence?

**MS VYTJIE MENTOR:** Because I knew that I could reinstate that charge again when I wanted to once they begin with attending to the charges that I have laid.

**ADV VINCENT SIWELA:** So if I hear you correctly you were conniving with Mtolo to commit an offence?

**MS VYTJIE MENTOR:** If you say that is conniving I was forcing them to deal with the charges that I have laid.

**ADV VINCENT SIWELA:** But I put it to you that this is an offence, is it not?

10 **MS VYTJIE MENTOR:** I was going to reinstate the charge against President Zuma.

**ADV VINCENT SIWELA:** Let us go to paragraph 122 of the same page. Just below. You say at some point and I read:

"I want to lay a charge against Mr Ntlameza and adv Mtolo. I

laid a charge of obstructing justice at the IP offices..."

**CHAIRPERSON:** Hang on Mr Siwela. Hang on Mr Siwela.

**ADV VINCENT SIWELA:** Yes?

**CHAIRPERSON:** My record reflects that last year Ms Mentor corrected or amended that first sentence of paragraph 122 where it says and adv Mtolo she said it should be Mr Pathlane.

20 **ADV VINCENT SIWELA:** That is correct.

**CHAIRPERSON:** But I see I have got and, but Mtolo's name is crossed out, I am not sure if I recorded it correctly. Ms Mentor can you see paragraph 122?

**MS VYTJIE MENTOR:** Yes, Chair, you are right, I have corrected that.

**CHAIRPERSON:** Yes.

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



**CHAIRPERSON:** But in terms of the latest should Mtolo's name still be there at the end of that sentence or not?

**MS VYTJIE MENTOR:** His name?

**CHAIRPERSON:** His name?

**MS VYTJIE MENTOR:** No, Mr Mtolo's name should not feature on 122.

**CHAIRPERSON:** Oh, so the first sentence should read:

"At some point I went to lay a charge against Mr Ntlameza and  
Mr Pathlane."

Well I have got here that you said Mr Pathlane?

10 **MS VYTJIE MENTOR:** Yes it was Mr Ntlameza, Mr Pathlane and a certain lady.

**CHAIRPERSON:** Oh, you do not remember the name of the lady?

**MS VYTJIE MENTOR:** It is Ms or Mrs Mononope, Chair.

**CHAIRPERSON:** Oh, okay.

**MS VYTJIE MENTOR:** Yes, but at that time I was battling with her name.

**CHAIRPERSON:** With her name, okay, alright. So Mr Siwela your client's name...[intervenes]

**ADV VINCENT SIWELA:** Has been excluded, Your Worship.

**CHAIRPERSON:** Yes.

**ADV VINCENT SIWELA:** I am consciously aware of that, Your Worship.

20 **CHAIRPERSON:** Yes.

**ADV VINCENT SIWELA:** Yes, that is where my next question emanates from.

**CHAIRPERSON:** No that is fine, I just wanted to make sure that we are on the same page, because you read adv Mtolo on a sentence that I do not have adv Mtolo in terms of the correction, but originally it was there.

**ADV VINCENT SIWELA:** Well, Ms Mentor we have diligently perused the transcript

and at nowhere or at no stage is it apparent that adv Mtolo made this assertions contained in your paragraph 120. What is your comment?

**MS VYTJIE MENTOR:** I maintain that Mr Mtolo made that assertion to me when he entered my house and I would later refer you to the – maybe I should not go there I should wait for you until you arrive there, maybe you will arrive there when you ask me that question.

**CHAIRPERSON:** Well just deal with the question that he is putting to you. He is saying when you look at paragraph 120 there you made a number of allegations against Mr Mtolo in terms of what you say he said. His counsel is saying Mr Mtolo's  
10 version is that he never said any of those things that you attribute to him in paragraph 120.

What do you say to that?

**MS VYTJIE MENTOR:** I maintain that Mr Mtolo said those things to me.

**CHAIRPERSON:** Okay, alright, Mr Siwela?

**ADV VINCENT SIWELA:** Assuming that your story is something to go by, why did you not report him to the police, because you have a legal duty to do so? Why did you not open a case against him for defeating of ends of justice?

**MS VYTJIE MENTOR:** Because I was looking for my statement from the HAWKS.

**ADV VINCENT SIWELA:** I put it to you Ms Mentor it is because these allegations are  
20 false and malicious. What is your comment?

**MS VYTJIE MENTOR:** I maintain that the reason why I deleted the name of the President from the statement it was under the influence of Mr Mtolo and that subsequent to that even the additional statements that he purport that I made to him seek to arrive at the same determination which is the determination of doing away with the name of President Zuma from the charges I had laid or the statement I had made.

**ADV VINCENT SIWELA:** Due to time constraint I am not going to be dillydallying. Can I refer you to page 120 of your D1 bundles? 150 rather.

**MS VYTJIE MENTOR:** 1?

**ADV VINCENT SIWELA:** 150. Pardon me, Chair.

**MS VYTJIE MENTOR:** 50?

**ADV VINCENT SIWELA:** Yes, 150.

**MS VYTJIE MENTOR:** I am 150.

**ADV VINCENT SIWELA:** Yes, this is your statement which was termed corrupted statement, is that correct?

10 **MS VYTJIE MENTOR:** Yes.

**ADV VINCENT SIWELA:** Corrupted by who?

**MS VYTJIE MENTOR:** By the HAWKS.

**ADV VINCENT SIWELA:** Now there are alterations handwriting here, whose handwriting is this from page 150 to 157, 158?

**MS VYTJIE MENTOR:** Because I had demanded my handwritten statement from the HAWKS and because Mr Mtolo was supposed to bring it with him on that...[intervenes]

**CHAIRPERSON:** Ms Mentor, Ms Mentor I am sorry. Just listen to the questions carefully. The question does not require reasons, it simply says whose handwriting is this?

20 **MS VYTJIE MENTOR:** It is my handwriting, I beg your pardon, Chair.

**CHAIRPERSON:** Okay.

**ADV VINCENT SIWELA:** So you made these alterations correct?

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

**ADV VINCENT SIWELA:** Now I refer you to paragraph 43A, 43B on page 155.

**MS VYTJIE MENTOR:** 43A and B?

**ADV VINCENT SIWELA:** Yes, are you there?

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

**ADV VINCENT SIWELA:** And it reads as follows:

"He did not even look surprised. I was the person made to be the mad one. The President did not even have the meeting with me. He walked me out of the house to the vehicles and so I walked with crutches. He told me that if he was aware he would have made other arrangements."

And then to paragraph 44(3), I cannot deduce what is written here, but where  
10 it is typed it reads as follows:

"As we walked out the President took my handbag."

Do you note that?

**MS VYTJIE MENTOR:** Yes.

**ADV VINCENT SIWELA:** Now you made alterations, but the name of the President is still here. So the name was not removed from the statement.

**MS VYTJIE MENTOR:** But there is a point that the name that reference to the President is scratched out in the same document.

**ADV VINCENT SIWELA:** Can you show us please?

**MS VYTJIE MENTOR:** May I refer you to paragraph 61A page 157 of that very same  
20 statement.

**ADV VINCENT SIWELA:** Page what?

**MS VYTJIE MENTOR:** 157.

**ADV VINCENT SIWELA:** Yes?

**MS VYTJIE MENTOR:** Paragraph 61A.

**ADV VINCENT SIWELA:** Yes?

**MS VYTJIE MENTOR:** "I am..."

It is supposed to be of.

"I am of the conclusion that the Gupta family, the son of the President and some Ministers whom I have named in this statement as well as the President to a certain extent that is plotted out."

**CHAIRPERSON:** I am sorry. You said 157?

**MS VYTJIE MENTOR:** Page 157, Chair.

**CHAIRPERSON:** The top paragraph?

10 **MS VYTJIE MENTOR:** No paragraph 61A on page 157.

**CHAIRPERSON:** Oh, okay, alright, I see it now. You may continue Mr Siwela.

**ADV VINCENT SIWELA:** Yes, you are still on the forum Ms Mentor?

**MS VYTJIE MENTOR:** No, I was showing...[intervenes]

**CHAIRPERSON:** You asked her to tell you where she had removed the name of the President and she has indicated to you that she did so in paragraph 61A and I think she is referring to the second line where there appears to be the reference to the President appears to be crossed out.

**ADV VINCENT SIWELA:** And then now how about the, do you have a reason for not removing the President at paragraph 43(a) and 43(b) I mentioned earlier on?

20 **MS VYTJIE MENTOR:** I was directed to paragraph 61(a).

**ADV VINCENT SIWELA:** You were directed by who?

**MS VYTJIE MENTOR:** Mr Mtolo.

**ADV VINCENT SIWELA:** But this is surprising, because this is not apparent on the transcript Ms Mentor.

**MS VYTJIE MENTOR:** Remember I said that the, Mr, do you remember that in, in the

transcript there is the name of the President mentioned?

**ADV VINCENT SIWELA:** Is that a question to me or a comment to me?

**CHAIRPERSON:** Just put your question to the witness again Mr Siwela. Let me hear what is going on.

**ADV VINCENT SIWELA:** Yes. I am saying you have removed the name of the President on the other part, but omitted paragraphs 43(a) and 43(b). I want to know what the reason for doing that is.

**MS VYTJIE MENTOR:** Because in paragraph 61 Mr Mtolo advised, showed me that I mentioned the President insofar as a corrupt relationship exists between himself and  
10 the Guptas.

**CHAIRPERSON:** So in other words was he saying that you must not mention in your statement that there was a corrupt relationship between the former President and the Gupta family. Is that what he was saying must not be reflected in your statement?

**MS VYTJIE MENTOR:** It amounted to that Chair.

**CHAIRPERSON:** Yes, okay alright. In other words not that you should not mention, you should not.

**MS VYTJIE MENTOR:** If at all.

**CHAIRPERSON:** Make reference to the President at all, okay.

**ADV VINCENT SIWELA:** Now can I refer you to paragraph 123 on page 35. Are you  
20 there?

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

**CHAIRPERSON:** You have about 10 minutes or so left.

**ADV VINCENT SIWELA:** I am trying to wrap up.

**CHAIRPERSON:** Yes, okay.

**ADV VINCENT SIWELA:** Thank you Chair for alerting me.

**CHAIRPERSON:** Thank you. Okay.

**MS VYTJIE MENTOR:**

**ADV VINCENT SIWELA:** Yes. I am, I am not going to read in, in total. I am, I am just going to summarise that at this particular point in time you were supposed to meet Advocate Mtolo and a certain Advocate Vogel from the NPA and that the meeting was scheduled for 14 December. Although you do not mention the year, but we, we, I assume it is 2016. Do you note that?

**MS VYTJIE MENTOR:** The 2016 is an error Mr Siwela. It should be 2017.

**ADV VINCENT SIWELA:** It should be 2017?

10 **MS VYTJIE MENTOR:** Yes.

**ADV VINCENT SIWELA:** But you, you note here that there is no year stated?

**MS VYTJIE MENTOR:** Before me there is a year.

**CHAIRPERSON:** Are you on?

**MS VYTJIE MENTOR:** In all the documents I have.

**CHAIRPERSON:** Are you on paragraph 125 Mr Siwela?

**ADV VINCENT SIWELA:** 123 on page 35, Chair.

**CHAIRPERSON:** There is a reference on mine mid December 2016.

**ADV VINCENT SIWELA:** Yes.

**CHAIRPERSON:** Is that the one that Ms Mentor you say should be 2017?

20 **MS VYTJIE MENTOR:** Yes. It is an error Chair.

**CHAIRPERSON:** Hm, okay. Thank you.

**ADV VINCENT SIWELA:** So you are rectifying it now?

**MS VYTJIE MENTOR:** Yes.

**ADV VINCENT SIWELA:** Now the, your submission is that the meeting did not materialise?

**MS VYTJIE MENTOR:** In 2017, yes.

**ADV VINCENT SIWELA:** Now let us just clarify this. This was a meeting scheduled for 14 December 2017 or 2016?

**MS VYTJIE MENTOR:** Let me assist you Mr Siwela, because I also battled with the same problem initially. There was a meeting in 2016, December with myself and Mr Mtolo with Ms Mnonopi.

**CHAIRPERSON:** Mnonopi.

**ADV VINCENT SIWELA:** Mnonopi.

**MS VYTJIE MENTOR:** Mnonopi?

10 **CHAIRPERSON:** *Ja.*

**MS VYTJIE MENTOR:** That was 14 December 2016. There was supposed to be a meeting between myself and Advocate Mtolo as well as Advocate Vogel of the NPA in December 2017. A, a meeting that Mr Mtolo correctly says I cancelled within a short space of time, because something happened. That meeting did not take place and that meeting is the one that is referred to, 123 refers to it.

**ADV VINCENT SIWELA:** Chair we have been talking about the transcript. I do not know if you are in possession thereof, but I have proof before me that there were evenly filed on 1 November 2018 with the attorney for the Commission.

20 **CHAIRPERSON:** Is that something that the legal team would have, because they would know if I have got?

**ADV VINCENT SIWELA:** They, they should have because your worship this took place in, on 1 November 2018 and I have proof of receipt. They are from [indistinct].

**CHAIRPERSON:** Well let us check with Ms Sello. She will know what I have and what I do not have.

**ADV VINCENT SIWELA:** Because apparently it appears that they are not in



possession hereof.

**CHAIRPERSON:** *Ja*, let me hear from.

**ADV VINCENT SIWELA:** Maybe you should clarify with my colleague.

**CHAIRPERSON:** *Ja* she, she will talk to me. Take a seat Mr Siwela for the time being.

**ADV MAHLAPE SELLO:** Thank you Chair. Chair the transcripts that I think Mr Siwela are referring to are the transcripts in Bundle D6. Hm.

**CHAIRPERSON:** D6?

**ADV MAHLAPE SELLO:** D6.

**CHAIRPERSON:** Okay, [intervenes].

10 **ADV MAHLAPE SELLO:** D6A.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** The first two documents are the transcripts that.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** Mr Mtolo's lawyer submitted.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** I will accept that it was on that date.

**CHAIRPERSON:** *Ja*.

**ADV MAHLAPE SELLO:** They are in the file Chair.

**CHAIRPERSON:** Okay, alright.

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

**CHAIRPERSON:** I think you will have to refer to all the transcripts as they appear in EXHIBIT D6A to the extent if you need to refer to it at all but so that we, we use that.

**ADV VINCENT SIWELA:** I do not have D6 unfortunately Chair.

**CHAIRPERSON:** Hm.

**ADV VINCENT SIWELA:** But I do not.

**CHAIRPERSON:** Well, I know that Ms Mentor has indicated that Mr Mtolo has two recordings. He has recordings of two meetings. One of the recordings relates to a meeting that she also recorded and another one relates to a meeting that she did not record and in respect of the meeting that both of them had a recording she has said her recording is [indistinct] the discussion including a discussion that, a nine minutes discussion that Mr Mtolo's recording does not cover and if I remember correctly she has said that in terms of content there is really nothing she disputes in Mr Mtolo's recording. All she, all her concern is that it is not copied. Ms Mentor is my recollection of what you said correct?

10 **MS VYTJIE MENTOR:** [Sigh].

**CHAIRPERSON:** You are tired now.

**MS VYTJIE MENTOR:** Yes Chair. I think I am tired. I, I.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** I do not want to, I feel embarrassed to ask the Chair to.

**CHAIRPERSON:** To go for a.

**MS VYTJIE MENTOR:** Yes, but I would ask Mr Siwela to proceed with questioning.

**CHAIRPERSON:** Okay, alright. Okay. I think he, he is about to wrap up, there is not much time left.

20 **ADV VINCENT SIWELA:** In your evidence in chief with regards to your sessions on paragraphs 1 to three on page 35 you stated that the meeting never materialised. You also sent an SMS saying you, you are sick and then that was it. You never met ever since.

**MS VYTJIE MENTOR:** The.

**ADV VINCENT SIWELA:** Do you remember?

**MS VYTJIE MENTOR:** The meeting between myself, Advocate Mtolo and

Advocate Vogel.

**ADV VINCENT SIWELA:** Yes.

**MS VYTJIE MENTOR:** Never materialised.

**ADV VINCENT SIWELA:** Yes. I put it to you ma'am that you in error. This was not the meeting of 2017, 14 December. It was actually 14 December 2016. What is your comment?

**MS VYTJIE MENTOR:** Chair the meeting of 14 December 2016 did take place. It was a [intervenes].

**CHAIRPERSON:** Yes.

10 **MS VYTJIE MENTOR:** Yes. The meeting of December, the 14<sup>th</sup> 2017 did not take place because I cancelled it by SMS at short notice.

**CHAIRPERSON:** Okay.

**ADV VINCENT SIWELA:** And do you remember who was at the meeting on 14 December 2016?

**MS VYTJIE MENTOR:** Ms Mnonopi was at the meeting with another person. They arrived nine minutes, about nine minutes ahead of Mr Mtolo.

**ADV VINCENT SIWELA:** But ma'am the record shows, the transcript shows that the meeting took place. It was only Mr Mtolo and General Mnonopi. It is on record. What is your comment?

20 **CHAIRPERSON:** How does the transcript shows that?

**ADV VINCENT SIWELA:** It shows that. It.

**CHAIRPERSON:** Does it say who attended? I assume when you talk about transcript that is a transcript of a recording of the conversation. Now I do not know if that shows who attended, but what it can show is who spoke.

**ADV VINCENT SIWELA:** Yes that is what I am.

**CHAIRPERSON:** What if somebody was there.

**ADV VINCENT SIWELA:** Yes.

**CHAIRPERSON:** But did not speak.

**ADV VINCENT SIWELA:** Yes and I also put it to you.

**CHAIRPERSON:** So in other words I am saying it, it, just because the transcript may reflect that only two people spoke does not necessarily mean those were the only two people at the meeting. It could be that there was somebody else, but who did not speak and therefore.

**ADV VINCENT SIWELA:** You said it, yes.

10 **CHAIRPERSON:** Is not reflected in the transcript.

**ADV VINCENT SIWELA:** Yes. Due to time constraints your worship it is my instructions, rather Chair, it is my instructions Ms Mentor that the said meeting was between you, Advocate Mtolo and General Mnonopi and nobody else. What is your comment?

**MS VYTJIE MENTOR:** Before I, I, I comment I, I, I note that your client is conceding contrary to his statement that the, in the meeting of the 20<sup>th</sup>, on 14 December it was not only myself and him. He had purported in his statement that that meeting was only myself and him, but my both my recording and his recording shows that there was a General Mnonopi as well.

20 **CHAIRPERSON:** Well you have just spoken now about the meeting of 14 December and you did not say the year and yet we know from what you have told us that apparently there was a meeting on 14 December 2016 and then of course you said there was a meeting scheduled for 14 December 2017 which did not take place, but the one you are talking about is the one that did take place.

**MS VYTJIE MENTOR:** Yes Chair.

**CHAIRPERSON:** Namely 14 December 2016.

**MS VYTJIE MENTOR:** Yes Chair.

**CHAIRPERSON:** And you say the people who attended the meeting were yourself, Mr Mtolo and Ms Mnonopi.

**MS VYTJIE MENTOR:** There was a third person.

**CHAIRPERSON:** Yes, but do you, do you; are you saying that third person was Ms Mnonopi or are you saying you are not sure?

**MS VYTJIE MENTOR:** No, no, no in addition to Ms Mnonopi.

**CHAIRPERSON:** There was a third person not a fourth person?

10 **MS VYTJIE MENTOR:** The fourth Chair, sorry.

**CHAIRPERSON:** *Ja*, okay and you do not know the name of the fourth person?

**MS VYTJIE MENTOR:** I do not remember.

**CHAIRPERSON:** You do not remember?

**MS VYTJIE MENTOR:** Yes Chair.

**CHAIRPERSON:** Yes, okay.

**ADV VINCENT SIWELA:** Was.

**CHAIRPERSON:** Hm.

**ADV VINCENT SIWELA:** Was it a male or a female?

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

20 **ADV VINCENT SIWELA:** I guess you do not remember either.

**MS VYTJIE MENTOR:** No, I am trying to recall.

**CHAIRPERSON:** *Ja*, she is trying to remember.

**ADV VINCENT SIWELA:** [Intervenes].

**CHAIRPERSON:** But if there is nothing.

**ADV VINCENT SIWELA:** Compromise my.

**CHAIRPERSON:** *Ja.*

**ADV VINCENT SIWELA:** Time, Chair.

**CHAIRPERSON:** *Ja.* I think, *ja* if you have.

**ADV VINCENT SIWELA:** Maybe I should proceed. Can you go to 165 of your bundle of evidence that D1?

**CHAIRPERSON:** You.

**ADV VINCENT SIWELA:** Page 165.

**CHAIRPERSON:** You are on overtime, but that is okay a few minutes.

**ADV VINCENT SIWELA:** Please Chair.

10 **CHAIRPERSON:** Okay.

**MS VYTJIE MENTOR:** I am at 165.

**ADV VINCENT SIWELA:** Yes, do you see 166?

**MS VYTJIE MENTOR:** Page 166.

**ADV VINCENT SIWELA:** *Ja*, do you see 167.

**MS VYTJIE MENTOR:** I am at 167.

**ADV VINCENT SIWELA:** *Ja*, is that your signature at the end of the affidavit?

**MS VYTJIE MENTOR:** Yes, I have said that that looks like my signature, yes.

**ADV VINCENT SIWELA:** Is it yours or looks like yours?

**MS VYTJIE MENTOR:** It is.

20 **ADV VINCENT SIWELA:** Okay and then you go down, you, you see that it was taken on 14/12/2016. Is that correct? You see the date there.

**MS VYTJIE MENTOR:** Yes.

**ADV VINCENT SIWELA:** And then that, it was commissioned by Mandla Mtolo which is Advocate Mtolo. Do you see that?

**MS VYTJIE MENTOR:** Yes.

**ADV VINCENT SIWELA:** So you agree that the meeting of 14 December 2016 did take place?

**MS VYTJIE MENTOR:** I have never disputed that.

**CHAIRPERSON:** She said that a number of times.

**ADV VINCENT SIWELA:** Yes. Now you also went to the state capture. Is that correct?

**MS VYTJIE MENTOR:** I beg yours.

**ADV VINCENT SIWELA:** I want to say the Public Protector.

**MS VYTJIE MENTOR:** Yes.

10 **ADV VINCENT SIWELA:** Yes and I have, we have perused your record which is from page 38 to page 149 and the said meeting took place on 21 July 2016. Do you remember that meeting?

**MS VYTJIE MENTOR:** I do. Are you on bundle, the same bundle?

**ADV VINCENT SIWELA:** Same bundle, yes.

**MS VYTJIE MENTOR:** Which is.

**ADV VINCENT SIWELA:** From page 38 to page 149. It is your interview with the Public Protector.

**MS VYTJIE MENTOR:** Yes.

20 **ADV VINCENT SIWELA:** Yes. We have also perused this document and at no stage do you mention that you were offered by the Hawks to remove the name of the President in your statement. What is your comment?

**CHAIRPERSON:** What, what Mr Siwela is saying is that your, according to the transcript of your interview with the Public Protector it seems that you never told the Public Protector that Mr Mtolo had asked you to remove any, remove the reference to President Zuma from your statement.

**MS VYTJIE MENTOR:** Yes. I did not do that.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** I, I, I concede because, because this, the meeting of the, me and the Public Protector related largely about the Saxonwold also, but I concede that I did not tell her.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** It is nowhere in the transcript.

**CHAIRPERSON:** Okay, but what you are saying is the focus was on Saxonwold?

**MS VYTJIE MENTOR:** Yes Chair.

10 **CHAIRPERSON:** Okay.

**ADV VINCENT SIWELA:** I think Chair I have done what I could. Time is against me and.

**MS VYTJIE MENTOR:** Sorry Chair may I say something?

**CHAIRPERSON:** Before you say anything you, you, you were saying something Mr Siwela.

**ADV VINCENT SIWELA:** Yes. I think my time is over.

**CHAIRPERSON:** Yes, your time is over, but is there something quite important that you still want to ask?

**ADV VINCENT SIWELA:** Yes, just one aspect.

20 **CHAIRPERSON:** Okay, ask deal with that.

**MS VYTJIE MENTOR:** Which may have escaped my mind. On paragraph 120.

**CHAIRPERSON:** Huh-uh.

**ADV VINCENT SIWELA:** On page 34.

**CHAIRPERSON:** I will give you a chance to say what you needed to say Ms Mentor, but let us just deal with this first.



**MS VYTJIE MENTOR:** Page?

**ADV VINCENT SIWELA:** 134, paragraph 1, 120.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** No, hang on. Page?

**ADV VINCENT SIWELA:** 34.

**MS VYTJIE MENTOR:** Oh, 34?

**ADV VINCENT SIWELA:** Yes, at paragraph 120.

**CHAIRPERSON:** Yes that is the same paragraph to which.

**ADV VINCENT SIWELA:** It is the same paragraph. I just [intervenes].

10 **CHAIRPERSON:** You referred to earlier.

**ADV VINCENT SIWELA:** Yes Chair. The first, just the first statement. You say:

“A member of the Hawks Advocate Mtolo along with another  
member of the Hawks visited you.”

Do you see that?

**MS VYTJIE MENTOR:** I do.

**ADV VINCENT SIWELA:** And my instructions is that on the day in question  
Advocate Mtolo spent two hours in your house. What is your comment?

**MS VYTJIE MENTOR:** I was not looking at the time.

20 **ADV VINCENT SIWELA:** And you offered him cool drink and some water or  
beverages. Is that correct?

**MS VYTJIE MENTOR:** Everybody who comes into my house is offered something to  
drink or eat.

**ADV VINCENT SIWELA:** And nowhere is it apparent on the record where you offer  
another or the other member of the Hawks.

**MS VYTJIE MENTOR:** [Sigh]. May I draw your?

**CHAIRPERSON:** [Intervenes] I am sorry. Is Mr Mtolo's version that he came alone?

**ADV VINCENT SIWELA:** He was alone. That is what is also.

**CHAIRPERSON:** Yes.

**ADV VINCENT SIWELA:** Incorporated in our affidavit.

**CHAIRPERSON:** Okay.

**ADV VINCENT SIWELA:** Yes.

**MS VYTJIE MENTOR:** Chairperson.

**CHAIRPERSON:** I, I, are you certain Ms Mentor that he was not alone or is there room that you could be mistaken about him having come with somebody else?

10 **MS VYTJIE MENTOR:** I am certain Chair. I am certain to the extent that even to the Public Protector.

**CHAIRPERSON:** Ja.

**MS VYTJIE MENTOR:** In my transcript.

**CHAIRPERSON:** Hm.

**MS VYTJIE MENTOR:** I said to the Public Protector Mr Mtolo was accompanied by another person that he told me is a cyber security specialist and in my trusted with the Public Protector I even asked the Public Protector I wonder what the cyber security specialist had to do with his visit to me.

**CHAIRPERSON:** Okay.

20 **ADV VINCENT SIWELA:** Lastly but not least Chair do you know what the purpose of the cyber specialist's presence was?

**CHAIRPERSON:** Well she has just told you she said to the Public Protector she wondered why the cyber specialist was there.

**ADV VINCENT SIWELA:** No further questions.

**CHAIRPERSON:** But she might wish to say something to that question.

**MS VYTJIE MENTOR:** I wondered.

**CHAIRPERSON:** Hm.

**MS VYTJIE MENTOR:** But I now think he is the person who recorded the, the meeting between Mr Mtolo and myself on that day, but I wondered when I stood before the Public Protector.

**CHAIRPERSON:** At that time.

**MS VYTJIE MENTOR:** I was still wondering what his role was, because at that time it was, I was not aware.

**CHAIRPERSON:** Hm.

10 **MS VYTJIE MENTOR:** That there was a recording.

**CHAIRPERSON:** Okay, alright. Thank you. Are you done?

**ADV VINCENT SIWELA:** I am done.

**CHAIRPERSON:** Okay, thank you very much.

**ADV MAHLAPE SELLO:** Chair.

**CHAIRPERSON:** Have you and?

**ADV MAHLAPE SELLO:** We, we have been trying to signal one another.

**CHAIRPERSON:** But it is has been difficult to [intervenes].

**ADV MAHLAPE SELLO:** [Intervenes].

**CHAIRPERSON:** Going on.

20 **ADV MAHLAPE SELLO:** Because he needed to concentrate on what Ms Mentor was saying.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** At the same time.

**CHAIRPERSON:** Okay.

**ADV MAHLAPE SELLO:** But I will stay for the record Chair. I, I have no

cross-examination.

**CHAIRPERSON:** There is no.

**ADV MAHLAPE SELLO:** Even in respect of this. However.

**CHAIRPERSON:** No re-examination?

**ADV MAHLAPE SELLO:** No re-examination Chair.

**CHAIRPERSON:** If it can be called that.

**ADV MAHLAPE SELLO:** If it can.

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

**ADV MAHLAPE SELLO:** However Chair I would like to correct, to place certain things

10 on record.

**CHAIRPERSON:** *Ja*.

**ADV MAHLAPE SELLO:** Firstly the transcripts that Mr Mtolo has cross-examined on.

**CHAIRPERSON:** Hm.

**ADV MAHLAPE SELLO:** Which is the transcripts, the two transcripts appearing at D6A  
from page 1.

**CHAIRPERSON:** Hm.

**ADV MAHLAPE SELLO:** These transcripts were provided by Mr Mtolo.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** They are not by the Commission.

20 **CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** Earlier the Chair will recall that I, I proposed to submit the  
actual recording into evidence.

**CHAIRPERSON:** Hm.

**ADV MAHLAPE SELLO:** And the Chair indicated that perhaps for Mr Mtolo to do so if  
he is going to rely.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** On what, on those recordings.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** I, unfortunately I tried to remind Mr Siwela.

**CHAIRPERSON:** Ja.

**ADV MAHLAPE SELLO:** That the actual recordings themselves.

**CHAIRPERSON:** Ja.

**ADV MAHLAPE SELLO:** Have not been submitted and he should do so.

**CHAIRPERSON:** Ja.

10 **ADV MAHLAPE SELLO:** But I think he misunderstood me somehow.

**CHAIRPERSON:** Ja.

**ADV MAHLAPE SELLO:** So the result is you have the transcript.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** But you do not have the recording.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** And we deem it imperative that the recording must be submitted.

**CHAIRPERSON:** Yes.

20 **ADV MAHLAPE SELLO:** This is particularly important Chair because a number of questions Mr Siwela put to Ms Mentor.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** As to the conversation she had with Mr Mtolo on the two occasions.

**CHAIRPERSON:** Hm.

**ADV MAHLAPE SELLO:** He refers to the transcript.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** And we have not tested whether the recording itself provided is complete, has been tampered with and whether the transcript is a true reflection of the recording. That process still has to take place. So.

**CHAIRPERSON:** Well Ms Mentor has said that insofar as the contents is concerned that is in respect of the meeting where both of them have a recording.

**ADV MAHLAPE SELLO:** Yes.

**CHAIRPERSON:** She has no issues with the content except that the recording does not cover a certain part of the conversation.

10 **ADV MAHLAPE SELLO:** Indeed Chair.

**CHAIRPERSON:** Now if there is a, and, and Mr Siwela has not in his cross-examination challenged that namely Mr Mtolo's recording is not complete. Now if it is common cause that it is not complete, but where it is provided there are no disputes between Ms Mentor and Mr Mtolo in terms of what was discussed there may be no need for that admission of the actual recording. The actual recording might be important where there is a dispute, a material dispute in relation to the content.

**ADV MAHLAPE SELLO:** Chair, if, if, with your permission, as regards the second and yes we know it is common cause that there is a difference of nine minutes. Having the actual recording submitted into evidence will enable us to determine why there is that  
20 difference. Is it because Mr Mtolo transcribed from the tenth minute only? Is it because he removed from the recording the first nine minutes or it could potentially be he recorded.

**CHAIRPERSON:** No, no, no.

**ADV MAHLAPE SELLO:** From that juncture.

**CHAIRPERSON:** I do not think you need admission of that in order to do that task.

Once it has been made available to you without admission you can do that homework and when you have the result the result may suggest that there is no need for the admission of the actual recording as long as the transcript is there and there is no dispute about the content.

**ADV MAHLAPE SELLO:** We are happy to do so Chair except that we would have preferred to work with the official version submitted before you.

**CHAIRPERSON:** No.

**ADV MAHLAPE SELLO:** But if the Chair would like

**CHAIRPERSON:** *Ja.*

10 **ADV MAHLAPE SELLO:** Us to deal with that.

**CHAIRPERSON:** Work.

**ADV MAHLAPE SELLO:** We will proceed.

**CHAIRPERSON:** Do, work on it first, because that will enable you to be able to say to me is there a need or is there no need for the admission of the recording, because if there is no dispute and the transcript, the two transcripts insofar as they cover the same period in the discussion are materially the same and Mr Mtolo does not dispute the transcript of Ms Mentor insofar as the nine minutes are concerned.

**ADV MAHLAPE SELLO:** Then there is no issue.

**CHAIRPERSON:** We will not need the recording.

20 **ADV MAHLAPE SELLO:** Noted Chair and we will deal with it along those lines.

**CHAIRPERSON:** *Ja.*

**ADV MAHLAPE SELLO:** That takes me then to the first recording.

**CHAIRPERSON:** Hm.

**ADV MAHLAPE SELLO:** Which there would appear to be some I think contradiction between Mr Mtolo sets out and what Ms Mentor says actually went down or actually

transpired on the day. Would?

**CHAIRPERSON:** I did not gather that from Mr Siwela's cross-examination.

**ADV MAHLAPE SELLO:** Mr Siwela, what we have in regards to the second occasion is two records. So they are comparable. What we have in regard to the first there is only Mr Mtolo's.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** And Ms Mentor said, Ms Mentor has testified that in the course of the first consultation Mr Mtolo indicated that she should make certain removals in particular reference to the former President.

10 **CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** What appears in the transcript is there is no reference to such a conversation?

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** Now we, we make that submitted into evidence because that is what now Mr Mtolo relying upon and it was put to Ms Mentor that such never happened and we need to subject the recording itself to verify that it has not been tampered with.

**CHAIRPERSON:** *Ja*, but what I am saying you can do that homework before it is admitted.

20 **ADV MAHLAPE SELLO:** We, we are happy to do that [intervenes] as well.

**CHAIRPERSON:** Because if you at some stage you have got to look at Mr Mtolo's transcript of the discussions of that meeting.

**ADV MAHLAPE SELLO:** Yes Chair.

**CHAIRPERSON:** His is the only recording that is there.

**ADV MAHLAPE SELLO:** Indeed Chair.



**CHAIRPERSON:** And Ms Mentor and his lawyers, her lawyers need to look at that transcript, need to listen to the recording if they can and be able to say we have some issues with this transcript. We do not have issues or we do have issues with the recording or we do not have issues with the recording. If we do these are the issues. Those should be sorted out if at all possible outside of the hearing and if they cannot be sorted out then they come here at a time when everybody knows where the areas of disagreement are.

**ADV MAHLAPE SELLO:** We are happy to follow that course Chair.

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

10 **ADV MAHLAPE SELLO:** I think Ms Mentor wanted to mention something.

**CHAIRPERSON:** Ms Mentor.

**MS VYTJIE MENTOR:** Sorry, I beg your pardon Chair. It is not, does not have anything to do with this.

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

**ADV MAHLAPE SELLO:** Okay.

**MS VYTJIE MENTOR:** When you are finished.

**ADV MAHLAPE SELLO:** Thank you. May we conclude?

**CHAIRPERSON:** *Ja*.

**ADV MAHLAPE SELLO:** As I indicated I.

20 **CHAIRPERSON:** You have no questions for re-examination.

**ADV MAHLAPE SELLO:** For her.

**CHAIRPERSON:** *Ja*.

**ADV MAHLAPE SELLO:** But.

**CHAIRPERSON:** I will allow.

**ADV MAHLAPE SELLO:** Mr Gotz had.

**CHAIRPERSON:** Her counsel, *ja*. I hold you to the five minutes you mentioned earlier on. Is that right?

**ADV ANTHONY GOTZ:** Thank you Chair and.

**CHAIRPERSON:** And just give me your surname again.

**ADV ANTHONY GOTZ:** It is Gotz, G-O-T-Z.

**CHAIRPERSON:** G-A?

**ADV ANTHONY GOTZ:** G-O.

**CHAIRPERSON:** O.

**ADV ANTHONY GOTZ:** T-Z.

10 **CHAIRPERSON:** G-O-T?

**ADV ANTHONY GOTZ:** Z.

**CHAIRPERSON:** G-O-T, Got?

**ADV ANTHONY GOTZ:** Gotz, G-O-T-Z.

**CHAIRPERSON:** Z, oh thank you. Okay, thank you.

**ADV ANTHONY GOTZ:** And the first name is Anthony.

**CHAIRPERSON:** I give you five minutes.

20 **ADV ANTHONY GOTZ:** Thank you Chair. Ms Mentor there was certain questions asked by my learned friend Mr Cowley about whether you had testified as to the date in September in your evidence in chief, can I ask you to look at a copy of the transcript for day 4 which is the 27 August 2018. And to look at page 51 of that transcript. And perhaps I can read it very quickly for you? It starts perhaps at page – line 14 where the Chairperson says: “Are you able to tell us the Sunday what date if you are able and you can look at your statement that if that will remind you?” Then Ms Mentor you say: “I am not sure of the exact date except that I know that it was post the China trip.” The Chairperson asks you: “The month and the year?” And then you say: “It was post the

China trip. The China trip was towards the end of August and it was before the reshuffling of Minister Barbara Hogan and that happened at the end of October. So this was somewhere between mid-September and October. I would say mid-September and October because when I eventually met the President in Saxonwold amongst other things I recall saying to the President I apologise President for refusing to you in China two weeks ago.” And the Chairperson asks: “Okay so this was sometime between September or from September to sometime in October?” And you respond: “Yes Chair.” Do you see that?

**MS VYTJIE MENTOR:** Yes Sir.

- 10 **ADV ANTHONY GOTZ:** Ms Mentor perhaps you can tell us just with reference to the front of that transcript what date were you giving the – giving this evidence?

**MS VYTJIE MENTOR:** What date did I give the evidence?

**ADV ANTHONY GOTZ:** Yes?

**MS VYTJIE MENTOR:** It was the 27 August 2018.

**ADV ANTHONY GOTZ:** Then perhaps I can refer you to Ms Kuanda’s statement and it is to be found Chair in bundle D6A.

**CHAIRPERSON:** Yes page 112 to 175, that one?

- ADV ANTHONY GOTZ:** Indeed Chair it actually – the statement itself starts at page 113. Ms Mentor perhaps we can just turn to the end of that statement. It is at page 20 121. If you could identify the dates on which Ms Kaunda signed the statement?

**MS VYTJIE MENTOR:** Ms Kaunda signed the statement on the 17 September in 2018.

**ADV ANTHONY GOTZ:** Thank you. Then can I ask you to look at the – just very briefly the itemised bills which appear on page 127 and they run through to page 174. Ms Mentor perhaps you can just look at that and tell us what month and what year these itemised billing relates to?

**MS VYTJIE MENTOR:** 2010 October.

**ADV ANTHONY GOTZ:** Did I hear you say October 2010?

**MS VYTJIE MENTOR:** Yes, yes Sir. October 2010.

**ADV ANTHONY GOTZ:** And Ms Mentor have you seen cell phone records from Ms Kaunda for this cell number for September 2010?

**MS VYTJIE MENTOR:** No I have not. We have requested that and we were never afforded that.

**ADV ANTHONY GOTZ:** You mentioned in your evidence and I am not sure I understood it that there was another cell phone number in relation to a MTN number.

10 **Can you just elaborate a little bit on that? Tell us about that?**

**MS VYTJIE MENTOR:** Both Ms Kaunda herself in her earlier affidavit or statement attested to the fact that she had an 083 number and we had also asked for the records of that number that we have – we were never given. Yesterday we were given a number of MTN numbers but no records. Of the numbers MTN numbers that Ms Kaunda had that were MTN. One of them was reached and active at – in around May 2010.

**ADV ANTHONY GOTZ:** Thank you Chair those are our questions.

**CHAIRPERSON:** Thank you. Thank you.

**ADV ANTHONY GOTZ:** I think that was within the five minutes.

20 **CHAIRPERSON:** No you kept within the time.

**ADV ANTHONY GOTZ:** Thank you Chair.

**CHAIRPERSON:** Thank you.

**MS VYTJIE MENTOR:** Chair you kept on forgetting my ...

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** It is a one second thing.

**CHAIRPERSON:** What would you like to say? Yes.

**MS VYTJIE MENTOR:** When Mr Siwela was still on the stand.

**CHAIRPERSON:** Yes I had forgotten about that.

**MS VYTJIE MENTOR:** Regarding the recording of Mr Mtolo of the 21 June.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** The part that is not reflecting on his recording is the part that he said when he entered my house. That it is because I tied their hands. And naturally Mr Mtolo would not record himself saying that neither would Mr Mtolo produce a recording that testifies that he said so. It was right at the beginning when he entered with that  
10 other guy when I asked him what – where they have been – where the statement is. He said because you have tied our hands by mentioning the fact that the President is having a corrupt statement – relationship with [indistinct]. I would like just to say that it is that part that I am referring to when I am saying that the recording does not start right at the beginning of my interaction with Mr Mtolo. But it starts at a certain point of the interaction.

**CHAIRPERSON:** Okay, okay. But – so in other words you are saying the important part of what his recording does not include is the part where you raise that issue with him right soon after he had entered the room?

**MS VYTJIE MENTOR:** Yes my – yes Chair.

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

**ADV MAHLAPE SELLO:** Thank you Chair. Before perhaps I say that concludes Ms Mentor's testimony Mr Siwela would like to address you Chair.

**CHAIRPERSON:** Yes Ms Siwela.

**ADV VINCENT SIWELA:** Thank you Chair. I just want to voice our grievance.

**CHAIRPERSON:** Yes.

**ADV VINCENT SIWELA**: You know the way the coercion between the legal team and the – those who are [indistinct] implicated parties sometimes it is a big [indistinct].

**CHAIRPERSON**: I am sorry just start from the beginning I want to make sure I understand – I hear what you say?

**ADV VINCENT SIWELA**: Yes maybe to make it...

**CHAIRPERSON**: There is a grievance you have now what is it?

**ADV VINCENT SIWELA**: Yes. Like being served with documents few hours before the

**CHAIRPERSON**: The hearing.

**ADV VINCENT SIWELA**: The sitting of the commission it is really, really

10 **CHAIRPERSON**: Yes.

**ADV VINCENT SIWELA**: Grossly unfair because we cannot consult with our clients.

**CHAIRPERSON**: Yes.

**ADV VINCENT SIWELA**: We cannot digest and study.

**CHAIRPERSON**: Yes.

**ADV VINCENT SIWELA**: The content of the document. We find that to be extremely [indistinct].

**CHAIRPERSON**: Yes.

**ADV VINCENT SIWELA**: If maybe this may be addressed.

20 **CHAIRPERSON**: Is – are there particular instances that you want to bring to my attention insofar as you are concerned that have happened that you want to mention which document came when and so on?

**ADV VINCENT SIWELA**: A recent example is that recording which purports to be that of Ms Mentor. I only received same on Sunday just before midnight.

**CHAIRPERSON**: Yes well I do not know whether you were here or whether you were not here when Ms Sello provided an explanation about that one. Ms Mentor or her

lawyers apparently sent it to Mr Mabunda who is – who has been the attorney for the commission and Mr Mabunda for or his office it looks like did not pass it on to the legal team. until Friday I think until end of last week or weekend I am not sure.

**ADV VINCENT SIWELA:** Yes.

**CHAIRPERSON:** So the legal team themselves got it late. There is an affidavit I have been told where Mr Mabunda explains – gives an explanation for this. I have not seen it yet but I had called for – for an affidavit from him to explain why this affidavit was made available to the legal team late in circumstances where he had received it in November. I think that to the extent that it may be necessary the legal team could  
10 make a copy of that affidavit to you for you to see what the explanation is. So in regard to that that has been mentioned and I have said that I am happy about that.

**ADV VINCENT SIWELA:** Another issue that I have noted with grave concern is that counsel Sello seems to be flabbergasted that there was no recording and yet we have filed same on the 1 November 2018.

**CHAIRPERSON:** Which recording are you talking about now? The transcript?

**ADV VINCENT SIWELA:** The one she rose yes. Just received a few minutes ago.

**CHAIRPERSON:** Well I am not sure she – there is – she said there are two transcripts in Exhibit D6A at the top – at the beginning and she said both those relate to Ms Mtolo's recording. And if they are here I assume they have had that for some time. So I am  
20 not sure that – I do not know if she complained that she did not get – get it until late but she will say something just now.

**ADV VINCENT SIWELA:** Thank you Chair.

**CHAIRPERSON:** Okay thank you.

**ADV MAHLAPE SELLO:** Thank Chair and I agree with you Chair I think perhaps Mr Siwela misunderstood me. I have no complaints whatsoever.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** About receiving Mr Mtolo's transc – recordings.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** And transcripts.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** Those came in times – in time.

**CHAIRPERSON:** Ja.

**ADV MAHLAPE SELLO:** The only issue that had arisen was as regards Ms Mentor's

**CHAIRPERSON:** Ms Mentor's one.

10 **ADV MAHLAPE SELLO:** Recording Chair.

**CHAIRPERSON:** Ja, ja.

**ADV MAHLAPE SELLO:** I trust that that settles the matter.

**CHAIRPERSON:** Okay alright.

**ADV MAHLAPE SELLO:** Chair that would bring to a conclusion Ms Mentor would like to say something.

**CHAIRPERSON:** Ms Mentor's evidence. Ms Mentor.

20 **MS VYTJIE MENTOR:** I just wanted to thank you Chair before I step off the witness stand. I would like to thank you and to thank your team and as I said yesterday it has been a difficult process but I am happy that I could play a part in blowing the whistle against state capture and in going to court several times to make sure that this commission sees the light of day. And I wish you and your team and your proceedings luck Chair. And I wish that you will assist us to arrive at the intended purpose of us fully – not only understanding what went wrong but eventually secure – making sure through this process those that – those that had done us in and done us wrong as South Africans are finally faced with justice and that justice takes its course. It is the yearning



of most if not all South Africans that your commission uncovers the truth and that at the end of that whoever has done us wrong as a nation and a country the law takes its course and that whoever is found to be guilty. What happens – what should happen to happen but also that we recover our resources whatever we have lost as a country. I thank you very much Chair. Much as I have been aggrieved sometimes about the manner in which I felt that I was being interrogated.

**CHAIRPERSON:** Yes.

**MS VYTJIE MENTOR:** I think this is a very good process and I am inviting South Africans to come forward to the commission to become witnesses and I would like to  
10 take this time to assure them that it is a fair process and that they will be treated fairly and it is a process that no-one should shun away from and I encourage everybody to come forward Chair. And I thank you.

**CHAIRPERSON:** Thank you very much Ms Mentor for those very encouraging words. We – I also take this opportunity to once again thank you for coming forward, to share with the commission what you know and what you experienced and as I said last year at the end I will have to decide which evidence is – I accept which evidence I do not accept but for the fact that you came forward I thank you and I agree with you that more South Africans should come forward because this process is part of rebuilding our country and all of us should want to have a role so that when one day we have a better  
20 country we can all look back and say we contributed. So thank you very much for coming forward. For now you are excused.

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

**CHAIRPERSON:** Thank you.

**ADV MAHLAPE SELLO:** Thank you Chair as Ms Mentor leaves the stand I beg leave to hand in the affidavit prepared by Mr Mabunda.

**CHAIRPERSON**: Yes.

**ADV MAHLAPE SELLO**: In respect of the recording and the late transcription.

**CHAIRPERSON**: Yes.

**ADV MAHLAPE SELLO**: Copies will be made – have been made and will be distributed to the person.

**CHAIRPERSON**: To all concerned here.

**ADV MAHLAPE SELLO**: To all those concerned.

**CHAIRPERSON**: Yes.

**ADV MAHLAPE SELLO**: And Ms Mentor as well Chair.

10 **CHAIRPERSON**: Okay alright.

**ADV MAHLAPE SELLO**: With your leave. Thank you Chair.

**CHAIRPERSON**: You had indicated that you were hoping we would do two other witnesses I think you said.

**ADV MAHLAPE SELLO**: Indeed Chair we have Mr Bloem ready to testify.

**CHAIRPERSON**: Yes.

**ADV MAHLAPE SELLO**: And besides that other experts.

**CHAIRPERSON**: Yes.

**ADV MAHLAPE SELLO**: That have tendered the report that is already on record.

**CHAIRPERSON**: Yes.

20 **ADV MAHLAPE SELLO**: And perhaps to answer of clarification that may arise from the Chair.

**CHAIRPERSON**: We are already at five.

**ADV MAHLAPE SELLO**: Ja Chair.

**CHAIRPERSON**: How is their availability? We are not sitting tomorrow. How is their availability on Thursday and Friday? Do you know?

**ADV MAHLAPE SELLO:** I – I have not checked.

**CHAIRPERSON:** I would imagine that certainly Mr Bloem would be very short.

**ADV MAHLAPE SELLO:** Yes Chair.

**CHAIRPERSON:** And it may well be that the – and the experts also should not be long. And it may well be that we could start early – earlier than normal on Thursday in order to make – to accommodate their evidence without interfering with plans for other witnesses. Do you know what their situation is? I – I do not know about the experts but I think Mr Bloem might well if he does not have other commitments be able to accommodate us.

10 **ADV MAHLAPE SELLO:** May I indicate Chair.

**CHAIRPERSON:** I think he wants to indicate immediately. Mr Bloem?

**MR BLOEM:** I am always available.

**CHAIRPERSON:** Thank you very much Mr Bloem, thank you.

**ADV MAHLAPE SELLO:** Chair Mr Bloem will be led by Ms Buthelezi she is best [indistinct] to speak on that. May I address the question of the experts?

**CHAIRPERSON:** Well if she was ready to lead him today she would be ready to lead him on Thursday so what is the problem?

**ADV MAHLAPE SELLO:** No, no Chair I am not – I do not have a problem I am not – I am saying is.

20 **CHAIRPERSON:** You can commit her there is no problem here. So Mr Bloem we can deal with Mr Bloem on Thursday morning. We will talk about what time to start just now and the experts?

**ADV MAHLAPE SELLO:** The experts.

**CHAIRPERSON:** How is their availability?

**ADV MAHLAPE SELLO:** Chair I would like to mention that as we indicated they are

employees of the DPW they spent the whole day here yesterday and today.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** I have not discussed with them to see if they can – they are able to be available on Thursday.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** With your permission Chair is it possible that I think there is an indication for me. That cuts my presentation short. I understand Chair the experts are available on Thursday.

**CHAIRPERSON:** Yes.

10 **ADV MAHLAPE SELLO:** I unfortunately am not but within the team one of the members should be able to lead the experts Chair.

**CHAIRPERSON:** Yes. Ja, ja. That should not be a problem.

**ADV MAHLAPE SELLO:** Yes.

**CHAIRPERSON:** In terms of experts are you contemplating one witness or two or how many?

**ADV MAHLAPE SELLO:** My view was that we could survive with one. They act – they worked as a team.

**CHAIRPERSON:** Yes.

20 **ADV MAHLAPE SELLO:** But they had initially expressed a preference for two to testify.

**CHAIRPERSON:** Ja.

**ADV MAHLAPE SELLO:** It was due to time constraints that I had insisted that probably one.

**CHAIRPERSON:** Yes.

**ADV MAHLAPE SELLO:** But in light of the changed circumstances that they will not

be testifying today perhaps then you – the Chair may expect to hear from two. But each one are not at length Chair.

**CHAIRPERSON**: Okay maybe we should and they are available on Thursday ja?

**ADV MAHLAPE SELLO**: I have just – Ms – Advocate Molefe has just confirmed she will be here.

**CHAIRPERSON**: Yes. Then maybe – maybe we should start either nine o'clock or half past nine on Thursday and if need be in the afternoon we could add another hour and finish at five. That is in case the other witnesses that were going to be giving evidence.

**ADV MAHLAPE SELLO**: Yes Chair.

10 **CHAIRPERSON**: We need more time. Let us say we start at half past nine on Thursday and then we will start with Mr Bloem and then it will be either one or two experts whoever will lead them or will decide whether it is going to need to be two or one.

**ADV MAHLAPE SELLO**: Indeed Chair and I would like to believe that before they are called whoever will be leading them will be able to indicate to you ahead of time.

**CHAIRPERSON**: Ja.

**ADV MAHLAPE SELLO**: Whether they will be leading one or two of them.

**CHAIRPERSON**: Ja, ja. No that is fine.

**ADV MAHLAPE SELLO**: Yes Chair we accept. Thank you Chair.

20 **CHAIRPERSON**: Okay I think that puts us in a position where we can adjourn. We are not going to have a session tomorrow. We will resume on Thursday at half past nine in the morning. We adjourn.

**ADV MAHLAPE SELLO**: Thank you.

**INQUIRY ADJOURNS TO 15 FEBRUARY 2019**