

COMMISSION OF INQUIRY INTO STATE CAPTURE

HELD AT

PARKTOWN, JOHANNESBURG

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14 FEBRUARY 2019

DAY 49

20

PROCEEDINGS HELD ON 14 FEBRUARY 2019

CHAIRPERSON: Good morning Mr Pretorius, good morning everybody.

ADV PAUL PRETORIUS SC: Good morning, Chair.

CHAIRPERSON: Yes?

ADV PAUL PRETORIUS SC: Chair, for this morning Mr Dennis Bloem will be led by adv Buthelezi and then the experts or construction personnel who attended at the Gupta premises in Saxonwold will testify in relation to the report provided and then after that we will deal with matters relevant to the evidence of Mr McBride.

CHAIRPERSON: Okay, no that is fine.

10 **ADV PAUL PRETORIUS SC:** Thank you.

CHAIRPERSON: That is fine. Good morning Mr Bloem.

MR DENNIS VICTOR BLOEM: Good morning.

ADV ZINHLE BUTHELEZI: Good morning, Chair.

CHAIRPERSON: Good morning Ms Buthelezi.

ADV ZINHLE BUTHELEZI: Good morning, Chair.

CHAIRPERSON: Yes?

ADV ZINHLE BUTHELEZI: May I request that Mr Bloem be sworn in?

20 **CHAIRPERSON:** Before he is sworn in there is that big box on his table there. I doubt that he is the one who is going to need that. It obscures him partly from me. It should be removed, because I am sure he does not need it, he might need only one bundle. It should be placed maybe further from him. If there is a lever arch file which he will need there, maybe that one only should be taken out. I do not think he will be needing much.

ADV ZINHLE BUTHELEZI: Yes, the only file that he will need is already in front of him.

CHAIRPERSON: *Ja*, okay, okay, alright. Thank you. Yes, you can administer the oath.

MR DENNIS VICTOR BLOEM (duly sworn, states)

ADV ZINHLE BUTHELEZI: Thank you, Chair, we will be referring to...[intervenes]

CHAIRPERSON: Thank you.

ADV ZINHLE BUTHELEZI: EXHIBIT D6A page 176 that is where the statement of Mr Bloem appears.

CHAIRPERSON: Yes, you may proceed.

ADV ZINHLE BUTHELEZI: Thank you, Chair. Mr Bloem do you confirm that around November 2018 you were approached by the Commission's legal team requesting that you should deal with the issues that were raised by Ms Mentor during her testimony in

10 August 2018?

MR DENNIS VICTOR BLOEM: I confirm, Chair.

ADV ZINHLE BUTHELEZI: And if I may refer you to the statement that is appearing on page 176 of EXHIBIT D6A is that the statement you have made in relation to the issues raised?

MR DENNIS VICTOR BLOEM: I confirm, Chairperson.

ADV ZINHLE BUTHELEZI: Before you confirm the correctness of this statement are there any corrections you wish to make on this statement?

MR DENNIS VICTOR BLOEM: Yes, Chairperson, only one correction. My name is spelled wrongly where it say statement by Dennes.

20 **ADV ZINHLE BUTHELEZI**: So they should take away the "e"?

MR DENNIS VICTOR BLOEM: That is correct.

ADV ZINHLE BUTHELEZI: Thank you. Mr Bloem do you then...[intervenes]

CHAIRPERSON: Sorry for that Mr Bloem. Nobody should have failed to spell Dennis correctly.

MR DENNIS VICTOR BLOEM: Thank you, Chairperson.

ADV ZINHLE BUTHELEZI: Thank you, Mr Bloem. The signature that appears on page 178 of this document, is that your signature?

MR DENNIS VICTOR BLOEM: I confirm, Chairperson.

CHAIRPERSON: Ms Buthelezi will you arrange for new page 176 with his name correctly spelled?

ADV ZINHLE BUTHELEZI: I will do so, Chair.

CHAIRPERSON: To be put in the place of the one that has got a wrong spelling.

ADV ZINHLE BUTHELEZI: I will do so, Chair.

CHAIRPERSON: In all the files.

10 **ADV ZINHLE BUTHELEZI:** And do you confirm that the statement that appears on page 176 to 178 is true and correct?

MR DENNIS VICTOR BLOEM: I confirm, Chairperson.

ADV ZINHLE BUTHELEZI: Thank you. Mr Bloem, Ms Mentor has since conceded that what she said on paragraph 103 regarding the composition of the Joint Standing Committee in 2010 was incorrect and that in fact yourself and Dr Twele were no longer members of that Committee.

MR DENNIS VICTOR BLOEM: That is correct, Chairperson.

ADV ZINHLE BUTHELEZI: Yes, but nevertheless we are still interested on what transpired during the meeting that you had with her in 2010.

20 **MR DENNIS VICTOR BLOEM:** Yes.

ADV ZINHLE BUTHELEZI: Firstly we have already heard your evidence before this Commission and you have already told us about the various Committees, Parliamentary Committees that you have been involved with since 1994. So between 1994 and 2014. I am interested in knowing when were you a member of the Joint Standing Committee on Intelligence?

MR DENNIS VICTOR BLOEM: Chairperson, I was appointed on the Joint Standing Committee on Intelligence in 1995 when the Committee was set up.

ADV ZINHLE BUTHELEZI: Until when?

MR DENNIS VICTOR BLOEM: Until 2009. 2009.

ADV ZINHLE BUTHELEZI: Yes. So there is evidence of Ms Mentor that was given on Tuesday this week that around 2008 she proposed to this Joint Committee on Intelligence, I believe you were still a member that the Guptas be discussed in one of your meetings, even though it was an informal discussion. Do you remember anything about that?

10 **MR DENNIS VICTOR BLOEM:** I cannot remember that, Chairperson, I must be honest. I cannot remember that.

ADV ZINHLE BUTHELEZI: Yes, would you please then tell us about the meeting that you had with Ms Mentor in 2010. Who called for this meeting?

MR DENNIS VICTOR BLOEM: Chairperson, Ms Mentor called me to say that she is making an appointment with me to meet her, she wants to tell me something. That meeting must be in Parliament, one of the lounges there in Parliament.

ADV ZINHLE BUTHELEZI: And do you remember when was this meeting?

MR DENNIS VICTOR BLOEM: The meeting was after winter recess, Chairperson, after the winter recess.

20 **ADV ZINHLE BUTHELEZI:** Roughly which month was it?

MR DENNIS VICTOR BLOEM: It was roughly as far as I can remember it was in August, this meeting.

ADV ZINHLE BUTHELEZI: Yes, and then what then transpired during this meeting?

MR DENNIS VICTOR BLOEM: Well Ms Mentor was telling me about the invitation that she got from the Guptas to go and see them in Saxonwold.

ADV ZINHLE BUTHELEZI: Yes, did she say the invitation came from the Guptas?

MR DENNIS VICTOR BLOEM: As far as I can remember that is what she was telling me. I am saying as far as I can remember that is what she was telling me.

ADV ZINHLE BUTHELEZI: Because in her evidence before the Commission on Tuesday she said that is not what she told you. She was invited or she was in Johannesburg or in the Gauteng area to meet with the President of the country at the time, which is President Zuma. Do you know anything about that?

MR DENNIS VICTOR BLOEM: No, Chairperson, I am saying as far as I can remember...[intervenes]

10 **CHAIRPERSON:** Yes?

MR DENNIS VICTOR BLOEM: This is what Ms Mentor was telling me.

CHAIRPERSON: Yes?

MR DENNIS VICTOR BLOEM: If there is another version...[intervenes]

CHAIRPERSON: Yes?

MR DENNIS VICTOR BLOEM: I do not know about that version.

CHAIRPERSON: You do not know about it, yes.

ADV ZINHLE BUTHELEZI: Thank you Mr Bloem.

CHAIRPERSON: And your recollection is many years ago?

MR DENNIS VICTOR BLOEM: That is correct, Chairperson.

20 **CHAIRPERSON:** It is about nine or ten years you know since 2010.

MR DENNIS VICTOR BLOEM: Yes, Chairperson.

CHAIRPERSON: How much room is there that you may be mistaken? You do emphasise as far as you remember.

MR DENNIS VICTOR BLOEM: Yes.

CHAIRPERSON: How much room is there that you may be mistaken about some of

the things?

MR DENNIS VICTOR BLOEM: Chairperson, there is room, because it is a long time now and I am saying this is what I can remember, but I can also be mistaken.

CHAIRPERSON: Yes.

MR DENNIS VICTOR BLOEM: That she have not said what I am saying here.

CHAIRPERSON: What you are not mistaken about is that she called you and said that she had something to tell you and then the two of you had a meeting?

MR DENNIS VICTOR BLOEM: That is correct, Chairperson.

CHAIRPERSON: And the meeting took place in one of the lounges in Parliament?

10 **MR DENNIS VICTOR BLOEM**: That is correct, Chairperson.

CHAIRPERSON: Yes, okay, continue.

ADV ZINHLE BUTHELEZI: Thank you. And then what happened?

MR DENNIS VICTOR BLOEM: Ms Mentor was telling me about the meeting with the Guptas, she went to Saxonwold and she had a meeting with the Gupta brothers, but it was only one not Gupta brothers, one.

CHAIRPERSON: One of them?

MR DENNIS VICTOR BLOEM: One of them.

CHAIRPERSON: Yes?

MR DENNIS VICTOR BLOEM: She did not give me the name of this person.

20 **CHAIRPERSON**: Yes, okay.

ADV ZINHLE BUTHELEZI: Yes, and what else did she tell you regarding this meeting?

MR DENNIS VICTOR BLOEM: She said this person was offering her the position of a Minister, Minister of Public Service, Public Enterprises, Minister, that is what she was telling me.

ADV ZINHLE BUTHELEZI: Yes, and did she say what was her response to this offer?

MR DENNIS VICTOR BLOEM: She said she told them – she first asked them how come that they are offering her such a position, because according to her it is only the Head of State President that can appoint Ministers, but then they said to her no we will make sure that you become the Minister, if you agree.

ADV ZINHLE BUTHELEZI: And if you agree to what?

MR DENNIS VICTOR BLOEM: If you agree – there was a condition that if she agree to cancel the route of India and give it to them, that route to – is it Dubai.

ADV ZINHLE BUTHELEZI: Is it what is contained in paragraph 15 of your statement?

MR DENNIS VICTOR BLOEM: Yes.

10 **ADV ZINHLE BUTHELEZI:** The South Africa/Mumbai route?

MR DENNIS VICTOR BLOEM: Yes Mumbai, yes, that is the – what they said if she agree then withdraw the South African Airways on the Mumbai route and give it to them, that is what she was telling me.

ADV ZINHLE BUTHELEZI: Do you remember who was the Minister of Public Enterprises at the time?

MR DENNIS VICTOR BLOEM: At that time the Minister was Minister Barbara Hogan.

ADV ZINHLE BUTHELEZI: Yes, and then did she take the offer according to what was reported to you?

MR DENNIS VICTOR BLOEM: No, she was telling me that she refused it flatly that
20 how can these people offer her a position of a Minister.

ADV ZINHLE BUTHELEZI: Yes, and then what happened thereafter?

MR DENNIS VICTOR BLOEM: She said after she refuses then this person got very angry and said he is very disappointed in her that she is not agreeing with him.

ADV ZINHLE BUTHELEZI: Yes, and then what happened with Ms Mentor afterwards?

MR DENNIS VICTOR BLOEM: Then she said she told this person no she wants to go,

because she is not there to come and discuss such things.

ADV ZINHLE BUTHELEZI: Yes, and in paragraph 19 of your statement it is recorded that he said when they took her out of the room and on their way to the car, but in the house she met the former Head of State, President Jacob Zuma and she said to me...[intervenenes]

CHAIRPERSON: Mr Pretorius?

ADV PAUL PRETORIUS SC: Chair, we seem to be offline, we were offline, it seems we are now back online. I do not know what the problem is.

CHAIRPERSON: Okay. Will somebody just talk to the technicians and try and find out
10 if we are going to have these problems? Whether they will be able to sort it out. Thank you. Okay, proceed Ms Buthelezi.

ADV ZINHLE BUTHELEZI: Thank you, Chair. Yes, in paragraph 19 of your statement, I will read it out to you, you say:

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

Ms Mentor in her evidence before Commission, she said she met the
President whilst she was still seated not on the way to the car, what do you say to that?

20 **MR DENNIS VICTOR BLOEM:** Chairperson, I am saying as far as I can remember.

CHAIRPERSON: Yes?

MR DENNIS VICTOR BLOEM: This is what Ms Mentor was telling me.

CHAIRPERSON: Yes?

MR DENNIS VICTOR BLOEM: At that time.

CHAIRPERSON: At that time, *ja*.

MR DENNIS VICTOR BLOEM: Yes.

CHAIRPERSON: Okay.

ADV ZINHLE BUTHELEZI: You also cannot vouch for the truthfulness of this particular sentence?

MR DENNIS VICTOR BLOEM: No, Chair, I am repeating.

CHAIRPERSON: Yes?

MR DENNIS VICTOR BLOEM: I am saying this is what I can remember.

CHAIRPERSON: Yes. Yes, I think the essence of what you are saying is that you were told certain things at that meeting by Ms Mentor.

10 **MR DENNIS VICTOR BLOEM**: Yes.

CHAIRPERSON: It is about ten/nine or ten years ago.

MR DENNIS VICTOR BLOEM: Yes, Chair.

CHAIRPERSON: As far as your memory goes, this is what you recall?

MR DENNIS VICTOR BLOEM: Yes, Chairperson.

CHAIRPERSON: You might not be in a position to definitely say if she says something a little different that is not true, but this is your recollection of what you were told. And that is what you are saying?

MR DENNIS VICTOR BLOEM: 100% correct, Chairperson.

20 **CHAIRPERSON**: Yes, maybe there might be some error because of the lapse of time, but as far as you recall this is what you were told.

MR DENNIS VICTOR BLOEM: 100% correct, Chairperson.

CHAIRPERSON: *Ja*, okay.

ADV ZINHLE BUTHELEZI: Thank you Mr Bloem. Then what else did she tell you?

MR DENNIS VICTOR BLOEM: Chair, she said then former President, she told former President what happened and his answer was that she should not be worried and he

tried to cool her down. She said she was very angry and he tried to cool her down.

ADV ZINHLE BUTHELEZI: Yes, and did she eventually leave the Gupta residence?

MR DENNIS VICTOR BLOEM: *Ja*, she said then the President took her out with one of the Gupta brothers, took her to the car.

ADV ZINHLE BUTHELEZI: Yes, also on that sentence line 21 according to Ms Mentor it was only the President that took her to the car or escorted her to the car. Could you be mistaken about this as well?

MR DENNIS VICTOR BLOEM: Again I will say that this is what I can still remember and I am standing to what I have said here.

10 **ADV ZINHLE BUTHELEZI:** Thank you, Mr Bloem. Then thereafter what happened?

MR DENNIS VICTOR BLOEM: Then they took her to the airport. She have not said who drove her to the airport, but they took her to the airport.

ADV ZINHLE BUTHELEZI: And what were her feelings about this whole incident?

MR DENNIS VICTOR BLOEM: She was telling me that she was very angry when these people were telling her there in Saxonwold in the house about this offer and what is the condition about if she – they appoint her as the Minister of Public Enterprises.

ADV ZINHLE BUTHELEZI: Yes, what did you do with this information Mr Bloem?

20 **CHAIRPERSON:** Well maybe we should start with another question. We should ask another question. Did she tell you what she wanted you to do – if there was anything you wanted you to do about this, about what she told you?

MR DENNIS VICTOR BLOEM: Chairperson, she said to me when we were having this meeting "Dennis I am calling you, because I trust you, I want to give you information what happened to me."

CHAIRPERSON: Yes?

MR DENNIS VICTOR BLOEM: Yes.

CHAIRPERSON: *Ja.*

MR DENNIS VICTOR BLOEM: And then she was telling me.

CHAIRPERSON: Yes?

MR DENNIS VICTOR BLOEM: And then I was listening and then she said to me "please this is confidential information".

CHAIRPERSON: Yes?

MR DENNIS VICTOR BLOEM: "Please do not divulge to anybody..."

CHAIRPERSON: Yes?

MR DENNIS VICTOR BLOEM: "What I am telling you now."

10 **CHAIRPERSON:** Yes?

MR DENNIS VICTOR BLOEM: Yes, and I kept it for me, Chairperson.

CHAIRPERSON: Okay, thank you.

ADV ZINHLE BUTHELEZI: Yes, Mr Bloem we are aware that in 2016 when these incident or this incident of Ms Mentor being offered a position or ministerial position by the Gupta family became public you went to lay charges against certain individuals. What I want to know is what did you do in 2010 with regards to this information, relative to what you did in 2016?

MR DENNIS VICTOR BLOEM: Yes. Chairperson, Ms Mentor have said I must treat this information confidential.

20 **CHAIRPERSON:** Yes?

MR DENNIS VICTOR BLOEM: She will at one stage come out in the public.

CHAIRPERSON: Yes?

MR DENNIS VICTOR BLOEM: And reveal what happened to her.

CHAIRPERSON: Yes?

MR DENNIS VICTOR BLOEM: I take it, because I was with her, Chairperson, in this

Intelligence Committee.

CHAIRPERSON: Yes?

MR DENNIS VICTOR BLOEM: That is why she was trusting me.

CHAIRPERSON: Yes?

MR DENNIS VICTOR BLOEM: With information.

CHAIRPERSON: Okay.

MR DENNIS VICTOR BLOEM: So I took it that no, let me not go public with this, but then 2016, Chairperson, when Mthebezi Jonas and Ms Mentor went public.

CHAIRPERSON: Yes?

10 **MR DENNIS VICTOR BLOEM:** With this information. It was a front page story of the Sunday Times.

CHAIRPERSON: Yes.

MR DENNIS VICTOR BLOEM: I then immediately after this became public I went to the Brooklyn Police Station and opened a case of corruption and treason against the former President Zuma and the Gupta brothers. That is what I have done, after this thing became public, because Ms Mentor and Mr Jonas came out public.

ADV ZINHLE BUTHELEZI: Thank you, Chair, that would be all for Mr Bloem.

CHAIRPERSON: Thank you. Prior to this Commission – prior to you making the statement that you have made to this Commission in regard to what Ms Mentor told you
20 in August – in or around August 2010 have you previously told anybody after Ms Mentor made this whole thing public, have you told anybody else or made any public statement that she had told you this in 2010 or not really?

MR DENNIS VICTOR BLOEM: No, Chairperson. Even with my statement at the police station.

CHAIRPERSON: Yes?

MR DENNIS VICTOR BLOEM: I never mentioned...[intervenes]

CHAIRPERSON: Yes?

MR DENNIS VICTOR BLOEM: That Ms Mentor...[intervenes]

CHAIRPERSON: Yes?

MR DENNIS VICTOR BLOEM: Was telling me...[intervenes]

CHAIRPERSON: Yes?

MR DENNIS VICTOR BLOEM: In 2010 already.

CHAIRPERSON: Yes, okay.

MR DENNIS VICTOR BLOEM: Because now, and you see, Chairperson, I was also

10 very careful.

CHAIRPERSON: Yes?

MR DENNIS VICTOR BLOEM: I do not have any leg to stand on.

CHAIRPERSON: Yes?

MR DENNIS VICTOR BLOEM: If I am going public...[intervenes]

CHAIRPERSON: Yes?

MR DENNIS VICTOR BLOEM: With this thing...[intervenes]

CHAIRPERSON: *Ja*.

MR DENNIS VICTOR BLOEM: It is my word against her word.

CHAIRPERSON: Yes.

20 **MR DENNIS VICTOR BLOEM**: I do not...[intervenes]

CHAIRPERSON: And you do not have the personal knowledge of what happened.

You just heard from her.

MR DENNIS VICTOR BLOEM: Correct, Chairperson.

CHAIRPERSON: Yes, *ja*.

MR DENNIS VICTOR BLOEM: *Ja*.

CHAIRPERSON: Okay. You are done?

ADV ZINHLE BUTHELEZI: Yes, Chair.

CHAIRPERSON: Okay, the only other question I want to ask Mr Bloem is whether there is any room that having heard Ms Mentor say what she has said at the Commission, give her evidence about what happened, whether there is any room that in giving the evidence that you are giving some of the information might not be based on what she told you then in August, but might be actually things that you heard when she was giving evidence?

10 But what I am saying is – I am not saying that you may have deliberately put in things that you have heard here, but I am just wondering whether having been told certain things about an incident in August and maybe having heard her repeat those – give her evidence here about those things may have influenced your recollection of what she said then?

Do you think there might be room for that or you think what you wrote here is really strictly based on your recollection of what she told you in August without any influence from what you may have heard when she gave evidence.

MR DENNIS VICTOR BLOEM: No, Chairperson, that is why I am sticking to what I have said.

CHAIRPERSON: Yes?

20 **MR DENNIS VICTOR BLOEM:** Let me see the date. In 2018 already.

CHAIRPERSON: Yes?

MR DENNIS VICTOR BLOEM: I am on 13 November, that is why I am not changing anything.

CHAIRPERSON: Yes.

MR DENNIS VICTOR BLOEM: Nothing.

CHAIRPERSON: Oh, this statement was done on 13 November 2018?

MR DENNIS VICTOR BLOEM: That is correct, Chairperson.

CHAIRPERSON: Okay, okay, okay. No, thank you very much.

MR DENNIS VICTOR BLOEM: So nothing have influenced my...[intervenes]

CHAIRPERSON: Yes.

MR DENNIS VICTOR BLOEM: My stand.

CHAIRPERSON: Yes.

MR DENNIS VICTOR BLOEM: On this.

CHAIRPERSON: Yes.

10 **MR DENNIS VICTOR BLOEM:** Chairperson.

CHAIRPERSON: Yes, it is just as far as you can recall what she told you in August or about August 2010?

MR DENNIS VICTOR BLOEM: That is correct, Chairperson.

CHAIRPERSON: Thank you very much you are excused and maybe at some stage you will be asked to come back, but thank you very much Mr Bloem.

MR DENNIS VICTOR BLOEM: Thank you very much, Chairperson.

CHAIRPERSON: Thank you.

NO FURTHER QUESTIONS

ADV MAHLAPO SELLO: Good morning, Chair.

20 **CHAIRPERSON:** Good morning Ms Sello.

ADV MAHLAPO SELLO: The next witness would be the expert witness, Chair, in relation...[intervenes]

CHAIRPERSON: I thought you were going to correct that?

ADV MAHLAPO SELLO: That is correct, Chair, yes, I am going to correct it. What I was going to do right now is to request a five minute stand down to allow for a change

of guard to get the witness into the witness box and we are ready to proceed. Then I will deal with the corrections that I – as regards proper reference to the report.

CHAIRPERSON: Okay, is your colleague saying you do not need the five minutes? No the one on your right? I thought...[intervenes]

ADV MAHLAPO SELLO: She says five minutes to me, Chair. It is just simply for the purposes of bringing the witness forward.

CHAIRPERSON: Yes, okay, alright.

ADV MAHLAPO SELLO: A very short break.

CHAIRPERSON: We will adjourn and resume at 25 to.

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

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Yes, Ms Sello.

ADV MAHAPE SELLO: Thank you Chair. Chair we have in the witness box Ms E Wiese and she is with the Department of Public Works. She will be speaking to the report filed at Bundle D6 starting at page 184.

CHAIRPERSON: Thank you.

ADV MAHAPE SELLO: Thank you Chair.

20 **CHAIRPERSON:** She should be; she is going to do an oath or affirmation? [Indistinct] just do it, ja. Take, administer the oath or affirmation.

ADV MAHAPE SELLO: Thank you Chair.

REGISTRAR: Could you please state your full name for the record?

MS ERNA WIESE: Erna Wiese.

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

MS ERNA WIESE: No, I do not.

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

CHAIRPERSON: I am sorry. You must all start afresh. You are both speaking very softly. We must all hear when she promises to speak the truth and so on.

REGISTRAR: Okay. Please state your full name for the record.

MS ERNA WIESE: Erna Wiese.

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

MS ERNA WIESE: No, I do not.

CHAIRPERSON: Hm.

ADV MAHAPE SELLO: Her mic is not on.

10 **CHAIRPERSON:** She is much better. You are still very soft.

REGISTRAR: [Indistinct].

CHAIRPERSON: *Ja.*

REGISTRAR: Again, so repeat again. Please state your full name for the record.

MS ERNA WIESE: Erna Wiese.

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

MS ERNA WIESE: No, I do not.

REGISTRAR: Do you consider the oath to be binding on your conscience.

MS ERNA WIESE: Yes, I do.

20 **REGISTRAR:** Please raise your right hand, do you swear that the evidence that you will give will be the truth, the whole truth and nothing but the truth? So help me God.

MS ERNA WIESE: Yes, I do.

REGISTRAR: Thank you.

MS ERNA WIESE: (duly sworn, states)

ADV MAHAPE SELLO: Thank you Chair. Chair before I lead Ms, I, I refer Ms Wiese to this document at D6A I would request to make some preliminary comments. The, the

Chair will recall that at Ms Mentor's first appearance in the Commission in August 2018 she made reference to a number of features that she, she saw when she visited the Gupta home or residence and it became necessary to conduct an inspection *in loco* to verify the existence of the features as identified by Ms Mentor. At the time being August 2018 appreciating that her evidence related to events that occurred in 2010 the Commission took the view that it is more than possible that the property or properties as they stood in 2018 could have been different from how Ms Mentor had experienced them in 2010. Against that background.

CHAIRPERSON: You, you mean the legal team of the Commission [intervenes].

10 **ADV MAHAPE SELLO:** The legal team of the Commission.

CHAIRPERSON: Yes.

ADV MAHAPE SELLO: Thank you Chair. The, the legal team considered it necessary to bring along persons with particular expertise that does not reside within the legal team to assist with the identification and to advise as to probability of whether or not there have been changes in the event that what Ms Mentor experienced in December 2018 did not accord with her evidence. As the team therefore and these experts left for the location in Saxonwold neither the legal team nor Ms Mentor knew what they would find. So the team was brought along in the event that things had changed. The understanding had been having been part of the inspection *in loco* the
20 team would file a report to explain to the Chair their role, what they experienced on the day during the inspection and to express their opinion based on what they saw and to put forward recommendations should they be in a position to do so. What they have since, I confirm Chair, supplied a document and we at times refer to them as experts, but I would like to qualify that and, and point out that calling them experts might be a misnomer to a certain extent at this stage based on what they actually did on the day.

So for the record I just wanted to clarify theirs was a visual inspection of the properties.

CHAIRPERSON: Yes, okay.

ADV MAHAPE SELLO: Against that background then Chair I will refer Ms Wiese to page 184, Bundle D6A. You have it before you?

MS ERNA WIESE: Yes, I do.

ADV MAHAPE SELLO: I would like you to have regard to page 185 in particular up to page 212.

MS ERNA WIESE: Yes.

ADV MAHAPE SELLO: And from pages 213 to 216.

10 **MS ERNA WIESE:** Yes.

ADV MAHAPE SELLO: Ms Wiese I, I, I think you are speaking very softly. Either you bring the mic closer to you or if you can raise your voice so that you can be heard at the back. Thank you. Do you confirm Ms Wiese that you were part of a team that accompanied the legal team to an inspection *in loco* at Saxonwold on 3 December 2018?

MS ERNA WIESE: Yes, I do confirm.

ADV MAHAPE SELLO: The document appearing, starting at 185 to 216 is that a document filed by yourself and your team?

MS ERNA WIESE: Yes that is correct.

20 **ADV MAHAPE SELLO:** I would like to refer you briefly.

CHAIRPERSON: Before, before we go further deal with who, what she does, what, how she came in to be involved in this? Is she employed by Public Works?

ADV MAHAPE SELLO: I was going to give.

CHAIRPERSON: Is this the type of, of job that she normally does before we go into the report.

ADV MAHAPE SELLO: I am happy to.

CHAIRPERSON: Let us know more about her first.

ADV MAHAPE SELLO: I am happy to do so Chair. I wanted her to confirm the report, but if I may.

CHAIRPERSON: *Ja, ja.*

ADV MAHAPE SELLO: Then I.

CHAIRPERSON: *Ja.*

ADV MAHAPE SELLO: I will Chair. Ms Wiese can you, I indicated earlier to the Chair that you are part of the Department of Public Works Team and you confirmed that?

10 **MS ERNA WIESE:** Yes.

ADV MAHAPE SELLO: Can you briefly state to the Chairperson your qualifications, the job you do at Department of Public Works and how long you have done this job and very briefly what the job entails?

MS ERNA WIESE: I am a qualified Architect. I have been with the department for 10 years. I am employed as a Chief or a Chief Architect advisory to the department units and on projects. Basically we deal day to day with projects of the department.

CHAIRPERSON: How long have you been an Architect within the Department of Public Works?

MS ERNA WIESE: 10 years.

20 **CHAIRPERSON:** 10 years?

MS ERNA WIESE: Yes, Chair.

CHAIRPERSON: Okay, alright.

ADV MAHAPE SELLO: And, sorry Chair, and prior to that were you working as an Architect or in an even capacity?

MS ERNA WIESE: Yes.

ADV MAHAPE SELLO: And where?

MS ERNA WIESE: Private sector since 1991.

ADV MAHAPE SELLO: Since 1991. So effectively since 1991 to date you, you, you have been employed as an Architect in various.

MS ERNA WIESE: Yes.

ADV MAHAPE SELLO: Places? Thank you. Now.

CHAIRPERSON: So at the Department of Public Works in this position which you occupied in the main what do you do, what are your responsibilities?

MS ERNA WIESE: Public Works is responsible for providing accommodation to all
10 other departments as such you need building designs and those accommodation built. So we are part of that team. So where in general one of the aspects is consultants will be appointed for a project and we will oversee that design process and on other aspects we advise the department on or, or other user departments on queries they might have on architectural issues, layout of buildings, compliance, disability compliance, things like that.

CHAIRPERSON: In terms of design is that when a new building is to be built or, or what?

MS ERNA WIESE: Yes, Chair new buildings as well as repair and renovation buildings.

CHAIRPERSON: Okay, thank you.

20 **ADV MAHAPE SELLO:** Thank you Chair. Ms Wiese I would like to refer you to page 202 of Bundle D6A and at 202 there is a signature appearing above the title Advocate S Vukela Director-General Department of Public Works dated 4 February 2019. Are you in a position to confirm that that is the signature of the Director of Public Works?

MS ERNA WIESE: It is similar to what I have seen previously on other.

CHAIRPERSON: The Director-General.

ADV MAHAPE SELLO: Director-General, thanks Chair. Beyond that signature page from 2000-and, page 2000, 203 to 212 photos or images, do you confirm that those images form part of the report?

MS ERNA WIESE: Yes, I do.

ADV MAHAPE SELLO: And if you go beyond starting at page 213 as a document headed “Brief to the Department of Public Works” it goes to page 216 just to confirm that you, you have included that brief as part of the report?

MS ERNA WIESE: Yes.

ADV MAHAPE SELLO: So the report is in three parts. It is the report itself. It is the
10 supporting pictures as well as the brief?

MS ERNA WIESE: [Intervenues].

ADV MAHAPE SELLO: Sent to the Department of Public Works?

MS ERNA WIESE: Yes.

ADV MAHAPE SELLO: By the Commission or the Secretariat of the Commission.
Now.

MS ERNA WIESE: [Coughing] sorry.

ADV MAHAPE SELLO: We keep making reference to a team. If I may invite your
attention to page 186 at paragraph 2.3 you list a number of people there. Could you
briefly tell the Chair their names and details are listed, but the category of expertise that
20 form part of the team?

MS ERNA WIESE: Okay. Mr Japasko is currently the Acting DDG Projects
Management Office. He is a Professional Architect and has been with the department
for many years.

ADV MAHAPE SELLO: Yes.

MS ERNA WIESE: Mr Ndlovu is a Professional Valuer. Mr Mboweni is also a

Professional Valuer.

ADV MAHAPE SELLO: Yes ma'am.

MS ERNA WIESE: Ms Paisley is a Professional Quantity Surveyor. Mr Snoek is a Professional Structural Engineer and Mr Lotter is a, an Electrical Engineer or a Professional Electrical Technologist and then myself a Professional Architect.

ADV MAHAPE SELLO: Thank.

CHAIRPERSON: Ms Wiese it may be that it is your disposition but please just relax feel free and give your evidence freely. Just relax.

MS ERNA WIESE: Okay.

10 **CHAIRPERSON:** Okay, alright.

ADV MAHAPE SELLO: Thank you Chair. The report that is before the Chair this morning is it a result of a compilation by all these people or one person in particular or yourself? What is the situation with the report?

MS ERNA WIESE: No, we work as a team through the whole process.

ADV MAHAPE SELLO: And the team takes joint responsibility for this report?

MS ERNA WIESE: Yes, they do.

ADV MAHAPE SELLO: Thank you. You deal in the report then if we could just very briefly.

20 **CHAIRPERSON:** Sorry. You, you and you have had a look at the report? It reflects, does it reflect the views of the Committee jointly or the, the group that is mentioned there?

MS ERNA WIESE: It is not mentioned in the document but we, every time we work on a document we met as a group and we work together on, on the document and information.

CHAIRPERSON: So, so you confirm that what is written in the report is an actual

reflection of the views of the group?

MS ERNA WIESE: Yes sir. We make, make sure of that.

CHAIRPERSON: Yes, okay. Thank you.

ADV MAHAPE SELLO: Thank you Chair. From page 187 at paragraph 2.4 you, you deal with engagement with the Commission or the legal team of the Commission. Can you, are you able to just briefly state to the, to the Chair how that unfolded, when it started?

MS ERNA WIESE: We were informed that a team needs to be convened to meet with the Commission with a [indistinct]. We were not sure initially what it was going to be
10 about, but we met with the Commission and we were given a verbal brief of what is expected of us. We, there; a site visit was, was planned for 3 December and we needed to be part of that together then with the Commission and various other teams, the legal team of Ms Mentor and the Guptas as well.

ADV MAHAPE SELLO: Now at page 188, paragraph 2.4.4 you refer to the features having said that you had received a verbal brief. Are those the features you were required to consider when the verbal brief is given what is set out in 2.4.4?

MS ERNA WIESE: Yes that was the verbal brief. It is a bit different from the written brief. It is just the, the last item 2.4.4.6 is added in the verbal brief and not, it is not contained in the written brief.

20 **ADV MAHAPE SELLO:** Okay. Before we turn to that can we just confirm that the written brief is what you say appears from pages 213 to 216. That is what you call the written brief?

MS ERNA WIESE: Yes.

ADV MAHAPE SELLO: And that the features you were required to consider are set out at page 215.

CHAIRPERSON: I am, I am sorry Ms Sello.

ADV MAHAPE SELLO: Yes Chair.

CHAIRPERSON: You, you talk about 213 the original brief?

ADV MAHAPE SELLO: 21, page 213 has a document headed "Subject Brief to the Department of Public Works".

CHAIRPERSON: Oh, okay. So you are saying she, she must confirm whether this is the?

ADV MAHAPE SELLO: This is the written.

CHAIRPERSON: Written, written brief?

10 **ADV MAHAPE SELLO:** Written brief that she refers to.

CHAIRPERSON: Okay, alright.

ADV MAHAPE SELLO: And you confirm that?

MS ERNA WIESE: Yes.

ADV MAHAPE SELLO: Did you Ms and the, at page 215 paragraph 8 the written brief sets out the features that you must consider?

MS ERNA WIESE: Yes.

ADV MAHAPE SELLO: Now when you speak of a, a slight discrepancy between the verbal brief and the written brief you indicate at page; that the item 2.4.4.6 of your report at page 188 is not included in the written brief?

20 **MS ERNA WIESE:** Yes.

ADV MAHAPE SELLO: Okay and, and that item related to whether to, to locate an access door leading from the passage into the waiting room where Ms Mentor alleges she sat for the record?

MS ERNA WIESE: That is correct yes.

CHAIRPERSON: The task did you carry it out in accordance with the written brief or in

accordance with the verbal brief?

MS ERNA WIESE: In accordance with the verbal brief, Chair.

CHAIRPERSON: Okay and you say the verbal brief is now reflected somewhere in these documents?

MS ERNA WIESE: Yes, it is.

CHAIRPERSON: Is that in the report? Where, where do we find what you consider to be a true reflection of the verbal brief?

ADV MAHAPE SELLO: Chair, may I assist?

CHAIRPERSON: *Ja*, okay.

10 **ADV MAHAPE SELLO:** If the Chair considers page 197.

CHAIRPERSON: Yes.

ADV MAHAPE SELLO: At 2.4 the, the report gives a background and a meeting.

CHAIRPERSON: Yes.

ADV MAHAPE SELLO: At the Commission Offices where the verbal brief was given.

CHAIRPERSON: Yes.

ADV MAHAPE SELLO: The detail of that brief is set out in paragraph 2.4.4 at page 188 overleaf.

CHAIRPERSON: Yes.

ADV MAHAPE SELLO: And that is the verbal brief Chair.

20 **CHAIRPERSON:** Does she agree?

MS ERNA WIESE: That is correct Chair.

CHAIRPERSON: Okay, alright. Thank you.

ADV MAHAPE SELLO: Thank you Chair. You proceed then Ms Wiese or the report rather at, at page 215 getting back to the brief, the written brief. Was it part of your verbal brief what is reflected at paragraph 9.2 which reads and I quote:

“Conduct a visual inspection of the properties and the specific features as will be pointed out by Ms Mentor during the inspection *in loco*.”

MS ERNA WIESE: Yes, it was part of the verbal brief.

ADV MAHAPE SELLO: Thanks and could you briefly then tell the Chair the methodology that you employed in executing this brief.

MS ERNA WIESE: It was a site inspection. So we just do, we have done a walkabout and did a visual inspection. Due to the lack of other evidence or like the building plans we only, we had no further information on the properties. So we with the information at
10 hand we walked around the properties and did a visual inspection of the properties.

ADV MAHAPE SELLO: And just to run ahead a bit for the moment. At page 191 paragraph 3.2.2 you, you provide a general conclusion of what arose from that, of that walkabout?

MS ERNA WIESE: Yes.

ADV MAHAPE SELLO: And, and could you just briefly state to the Chair what that conclusion is?

CHAIRPERSON: Maybe before she does so you told us when you were asked to tell me the methodology that you used in executing the brief you said that you did a walkabout. What was the purpose of the walkabout?

20 **MS ERNA WIESE:** When we arrived at the property number five, Ms Mentor was not sure whether it was the property. So when I talk about the walkabout is from property five, we walked to seven past three, two, one in order for Ms Mentor to maybe quickly identify the, the house in question. That is what I mean about walkabout.

CHAIRPERSON: Yes, to identify what house?

MS ERNA WIESE: At the; to identify the house that Ms Mentor visited.

CHAIRPERSON: Okay, alright and *ja*. Okay. You take over.

ADV MAHAPE SELLO: May, may I?

CHAIRPERSON: *Ja*.

ADV MAHAPE SELLO: Perhaps assist in this manner. Ms Wiese from page 189 paragraph 3 in particular 3.1. There is a heading site inspection on 3 December 2018. You see that?

MS ERNA WIESE: What, what page?

ADV MAHAPE SELLO: Page 189. At the bottom is a heading “Discussion under Item 3” and under 3.1 it is headed “Site Inspection on 3 December 2018, 2018” my
10 apologies.

MS ERNA WIESE: Yes.

ADV MAHAPE SELLO: You see that and on, under 3.1 then and pages following you deal with the inspection and how it, it, how it was executed?

MS ERNA WIESE: Yes, we do.

ADV MAHAPE SELLO: Hm.

CHAIRPERSON: Okay. Maybe let us do this. When last did you read this report?

MS ERNA WIESE: Yesterday.

CHAIRPERSON: Okay. So you, you should have a fair recollection of what it contains. Is that correct?

20 **MS ERNA WIESE:** Yes.

CHAIRPERSON: Yes and it is not a long report. Is it?

MS ERNA WIESE: Not that long, Chair.

CHAIRPERSON: Yes. It is, do you remember how many pages, page it is?

MS ERNA WIESE: 17.

CHAIRPERSON: Sorry?

MS ERNA WIESE: 17.

CHAIRPERSON: 17, yes. Okay. Let us go back to the walkabout. You say you undertook a walkabout in order to enable Ms Mentor to identify the house?

MS ERNA WIESE: Yes, sir.

CHAIRPERSON: Yes and what house she supposed to identify on your understanding of what the visit was all about and what the walkabout was, was about?

MS ERNA WIESE: [No audible reply].

CHAIRPERSON: Do you, do you, did you know what house she was supposed to identify or you, you just knew that she was supposed to point out a house that is all?

10 **MS ERNA WIESE:** *Ja.* We, we only knew that she was supposed to point out a house and she could not do that immediately.

CHAIRPERSON: Okay. Before, before.

MS ERNA WIESE: [Intervenens].

CHAIRPERSON: Before we get to whether she did that immediately or not. On your understanding of what the visit to the, to Saxonwold was about once she pointed out the house what was supposed to happen? What was supposed to be your role as a team?

MS ERNA WIESE: We needed to confirm the features in the brief and if they were not there or could not be identified see whether we can, can come to a conclusion whether
20 they were there or not.

CHAIRPERSON: Okay, alright. Alright. You say she was not able to immediately identify the house, okay. Did she later identify the house?

MS ERNA WIESE: Yes. Yes, she settled on property number five.

CHAIRPERSON: Okay and what happened after she settled on property number five?

MS ERNA WIESE: We walk around the building or on the south side and then we went

into the house and did an internal visual inspection of certain [intervenes].

CHAIRPERSON: Okay. I am sorry. Did you say they? Did you say they went into the house?

MS ERNA WIESE: No, we.

CHAIRPERSON: Oh, you.

MS ERNA WIESE: *Ja.*

CHAIRPERSON: Oh, you all went into the house?

MS ERNA WIESE: *Ja.*

CHAIRPERSON: Yes.

10 **MS ERNA WIESE:** Every, everyone visiting the site.

CHAIRPERSON: Yes.

MS ERNA WIESE: On that day.

CHAIRPERSON: Yes.

MS ERNA WIESE: Went into the building and we inspected the areas pointed out by Ms Mentor.

CHAIRPERSON: Okay. No that is fine. Then you can take it from there.

ADV MAHAPE SELLO: Thank you Chair.

CHAIRPERSON: And I, I, I think it will be helpful if you take one feature.

ADV MAHAPE SELLO: Indeed.

20 **CHAIRPERSON:** One by one and let her tell us.

ADV MAHAPE SELLO: We intend to do so.

CHAIRPERSON: *Ja.*

ADV MAHAPE SELLO: Just for the record if I may request that the general slide be put up and we should go quickly through this. With your permission I will just seek confirmations from the witness.

CHAIRPERSON: *Ja.* That is fine.

ADV MAHAPE SELLO: In your report you deal with the four properties that were visited.

CHAIRPERSON: But, but you say confirmation. Try and make sure she gives the evidence of.

ADV MAHAPE SELLO: I, I will.

CHAIRPERSON: Her own more than asking for confirmation.

ADV MAHAPE SELLO: Indeed Chair.

CHAIRPERSON: *Ja.* She must; she, she has read the report recently and she should
10 be able to assist, *ja* okay.

ADV MAHAPE SELLO: On the screen is a document. At the bottom it is titled
“Annexure G”?

MS ERNA WIESE: That is correct.

ADV MAHAPE SELLO: You confirm that that is a document provided by yourselves?

MS ERNA WIESE: Yes.

ADV MAHAPE SELLO: And this document gives an aerial view of number 1, number
3, number 5, 7 Saxonwold Drive?

MS ERNA WIESE: That is correct.

ADV MAHAPE SELLO: Now can you tell the Chair after the walkabout what was
20 Ms Mentor’s attitude in relation to any or the, or all of the properties?

MS ERNA WIESE: What was her attitude towards all the properties?

ADV ZINHLE BUTHELEZI: Yes.

CHAIRPERSON: I think if you like that might be closer but feel free look at whichever
is convenient that might be fine?

MS ERNA WIESE: Yes.

CHAIRPERSON: So – but if it – if you can say it, it is okay.

MS ERNA WIESE: So as I said we met in front of property number 5 and went into property number 5 because stylistic that was the one Ms Mentor identified first with. But she could not recall immediately whether that was the house.

CHAIRPERSON: Her failure to recall I am sorry – is that something that happened while – before she entered the house or did it happen when she was inside the house?

MS ERNA WIESE: If I can Chair we all – the whole group met in front of the gate.

CHAIRPERSON: Yes.

MS ERNA WIESE: And the whole group proceed through the gates and gather in front
10 of the house and Ms Mentor pointed certain features out and like the stair or the steps that were too many. The boundary walls she could not recall. And she could not recall the narrowness between the house and the boundary wall. So from that we undertook – if I say we – the group undertook to do the walkabout and to see if there is another property she can identify immediately with.

CHAIRPERSON: Oh okay alright. Hang on. You said that – I think you said initially she could not recall the house, is that right?

MS ERNA WIESE: She could not identify the house with hundred percent certainty.

CHAIRPERSON: Okay. And when she expressed that or when as far as you are concerned that appeared to be the position. Were you – was she inside the house or
20 still outside of the house?

MS ERNA WIESE: She was still outside. At that time we were all still outside. Then we proceed to the other properties to see whether she can identify a property immediately but we went back to house 5 because that was the only house with steps on the outside.

CHAIRPERSON: Yes.

MS ERNA WIESE: And she immediately discounted property number 3 and number 1 during the walkabout. So we went back and walked through house 5 and 7.

CHAIRPERSON: Yes.

ADV ZINHLE BUTHELEZI: Thank you Chair. And you deal at paragraph 3.1.4 of your report at page 190 with the fact that Ms Mentor discounted property 1 and property 3 immediately?

MS ERNA WIESE: Yes that is correct.

ADV ZINHLE BUTHELEZI: Thank you. At 3.1.6 you then explain that your inspection was then limited to 5 – properties 5 and 7?

10 **MS ERNA WIESE:** That is correct.

CHAIRPERSON: If you can give your evidence as far as possible without looking at the report it would be great but if you need to look at it to refresh your memory feel free to do so. But if you are able to just tell us as remember what happened and what you observed that would be very helpful.

MS ERNA WIESE: I will try Chair.

ADV ZINHLE BUTHELEZI: Thank you Chair.

CHAIRPERSON: And I am not blaming you because counsel was also telling you paragraphs and pages so you were entitled to think she wants you to look at those paragraphs.

20 **ADV ZINHLE BUTHELEZI:** Noted Chair thank you. So Ms Wiese at this point the process of inspection has excluded properties 1 and 3?

MS ERNA WIESE: That is correct.

ADV ZINHLE BUTHELEZI: In the report you deal with the inspection of 5 and 7 and Chair I shall be guided by you here. I wanted to bring to Ms Wiese's attention that over the past two days the 11th and the 12th Ms Mentor definitively excluded number 7 as a

possibility during the course of her testimony.

CHAIRPERSON: Well maybe what you could do is get her to tell her evidence and observations and what she heard during the visit to the property as at that time ...

ADV ZINHLE BUTHELEZI: Indeed Chair.

CHAIRPERSON: And then when she has finished to tell us that then you can indicate what has subsequently happened.

ADV ZINHLE BUTHELEZI: Indeed Chair. Having excluded then property 1 and property 3 please tell the Chair how the inspection unfolded there from dealing with one property first and then the second property. So where did the inspection begin after
10 excluding 1 and 3 and how did it unfold?

MS ERNA WIESE: Without looking at the report and trying to remember I recollect that we started at 5 and done a thorough inspection of number 5. So we went back to number 5 and into house number 5 to certain areas identified by Ms Mentor and asked – well she gave comment as she walked through the house. After that we went to property number 7 for an inspection. Ms Mentor did not feel or sense not to feel comfortable with house number 7. It was too modern in her words. She could – there was no steps identified on the outside. Also the configuration inside the house the columns she was looking for, the murals, the configuration was just such that it does – it did not correlate with anything. Also she questioned then the outbuilding coming
20 through the gates at number 7 as well as the boundary wall on her left hand side. From aerial images we could determine that the outbuilding was present at the date of the visit or the alleged visit. And also number 7 was under construction if we look at the aerial images. I feel or ja – she dismissed the – number 7 basically and said we must go back to number 5.

CHAIRPERSON: Okay.

ADV ZINHLE BUTHELEZI: Thank you. And if then we refer to page 215 in particular paragraph 8 and we deal with each feature in turn as it relates to property 5. We start with the staircase leading to the main entrance. Can you tell the Chair what you viewed on the day of the inspection as regards the staircase at property 5?

MS ERNA WIESE: On property 5 ten steps were identified not the five or six steps as Ms Mentor remembered. And she could also not remember the column bases or the pedestals on top of the staircase with the columns on top of the pedestals. Should I go in more detail?

ADV ZINHLE BUTHELEZI: No just the stairs.

10 **MS ERNA WIESE:** Ja.

ADV ZINHLE BUTHELEZI: Then before you get to the next feature you say that you identified ten steps and Ms Mentor recalled between?

MS ERNA WIESE: Five and six and she was adamant that it is five or six steps and not ten. She also remember the steps not that short.

ADV ZINHLE BUTHELEZI: Now if you are able to bringing to bear your expertise. Yes Chair.

CHAIRPERSON: It is time for the short break.

ADV ZINHLE BUTHELEZI: Oh apologies ja.

20 **CHAIRPERSON:** Ja. We will adjourn for fifteen minutes and we will resume at half past eleven.

ADV ZINHLE BUTHELEZI: Thank you Chair.

CHAIRPERSON: We adjourn.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Found or not found. Let us deal with them before we go to – we get

to the office. They are still at the site. I want to know what she points out, do they see it, do they not see it? If they do not see it do they subsequently do any work to reach whatever conclusions that they do? But let us get to what do they see, what are they told about and so? And I said Ms Wiese if you are able to tell me the story without reading the report that would be great but if you need to refresh your memory by looking at the report feel free to do that.

MS ERNA WIESE: Thank you Chair.

ADV ZINHLE BUTHELEZI: Yes Chair. We were dealing with the staircase I think before we broke for tea.

10 **MS ERNA WIESE:** Yes.

ADV ZINHLE BUTHELEZI: And you had testified that you – you witnessed about ten steps?

MS ERNA WIESE: That is correct.

ADV ZINHLE BUTHELEZI: You mentioned to the Chair that Ms Mentor indicated that she remembered about five or six steps?

MS ERNA WIESE: That is correct.

ADV ZINHLE BUTHELEZI: Is there anything else in respect to the staircase or these steps that you would like to tell the Chair that you experienced on the day?

20 **MS ERNA WIESE:** She explained that the five or six steps that she recollect was – it walked easily – much more easily – a wider tread than the current ten we were standing at.

CHAIRPERSON: So she was – was she suggesting that the steps that she was seeing were not the ones that she had seen in 2010?

MS ERNA WIESE: That is correct Chair.

CHAIRPERSON: Okay.

ADV ZINHLE BUTHELEZI: Did she in your presence describe what the steps looked like as she recalled them?

MS ERNA WIESE: She described them as a wider tread. Fewer steps and it walked easily. Not the short higher steps that we have encountered on site.

ADV ZINHLE BUTHELEZI: And as far as colouring – the colour is concerned did you hear anything Ms Mentor – Ms Mentor saying anything about that?

MS ERNA WIESE: There was some deliberation about whether it is white or grey. She remembered marble steps and we have encountered granite on site although light in colour.

10 **ADV ZINHLE BUTHELEZI:** Say the colour again?

MS ERNA WIESE: Light in – it is a dark – or a grey granite.

ADV ZINHLE BUTHELEZI: And that is what you experienced.

MS ERNA WIESE: Ja.

ADV ZINHLE BUTHELEZI: And you saw on the day?

MS ERNA WIESE: Ja.

ADV ZINHLE BUTHELEZI: The next issue following the structure of the brief pertains to the pillar at 8.2 at paragraph 215 of the file, pertains to a pillar by a large window in a room Ms Mentor alleges she sat to await the former President. Now...

MS ERNA WIESE: We – ja.

20 **ADV ZINHLE BUTHELEZI:** Can you confirm to the Chair that you gained access to the house by ascending the steps?

MS ERNA WIESE: We – yes we did.

ADV ZINHLE BUTHELEZI: And on entering the house can you tell the Chair what you saw in relation to the pillar by a large window that you were instructed to take note of if existed?

MS ERNA WIESE: We could not identify any columns in a middle of the room. There was a lot of questions asked by Ms Mentor regarding the foyer and the surrounding areas.

ADV ZINHLE BUTHELEZI: Now Chair I am entirely in your hands we have prepared a clip – a very short clip that shows the moment the party enters the room and the – it gives a view of the room in relation to where a pillar could possibly have been. In your hands Chair.

CHAIRPERSON: Okay let us see that.

ADV ZINHLE BUTHELEZI: Okay. Can we have the clip of the entering the house?

10 [Viewing Clip]

ADV ZINHLE BUTHELEZI: If we could get to the part where we – the part – you were ascending the steps and getting into the house. Now Ms Wiese I would like you to have regard to this clip as it is shown and if you see anything that is relevant you would like to point out to the Chair to please do so. I think we can edge forwards still.

CHAIRPERSON: You do not want us to hear what is being said?

ADV ZINHLE BUTHELEZI: It has been muted. The purpose of doing this really was just to identify the features themselves.

CHAIRPERSON: Oh okay. Okay.

ADV ZINHLE BUTHELEZI: Yes Chair.

20 **CHAIRPERSON:** Alright.

ADV ZINHLE BUTHELEZI: As it – please keep playing. That clip I had asked for is when Ms Mentor – when we enter the house. Are you able to locate it quickly?

CHAIRPERSON: Okay maybe while she...

ADV ZINHLE BUTHELEZI: Okay.

CHAIRPERSON: While he tries to get...

ADV ZINHLE BUTHELEZI: While he does that.

CHAIRPERSON: To get there let us deal with other evidence and hopefully he will be ready later on ja.

ADV ZINHLE BUTHELEZI: Will do so Chair.

CHAIRPERSON: Ja.

ADV ZINHLE BUTHELEZI: Can you describe to the best of your recollection as you entered the house...

CHAIRPERSON: Maybe – maybe if you can – he can be told – the technician can be told what else we will – you will ask her to show us so that he gets everything ready so

10 that when that time comes we do not waste time.

ADV ZINHLE BUTHELEZI: He has been provided with the list Chair.

CHAIRPERSON: Oh.

ADV ZINHLE BUTHELEZI: And the times at which each clip starts and ends.

CHAIRPERSON: Yes. Okay, alright.

ADV ZINHLE BUTHELEZI: So it might be just a technical difficulty he is experiencing.

CHAIRPERSON: Okay alright.

ADV ZINHLE BUTHELEZI: Thank you Chair.

CHAIRPERSON: Thank you. Let us proceed.

ADV ZINHLE BUTHELEZI: Can you briefly describe the room as you entered to give
20 the Chair a sense now that we do not a benefit of the clip?

MS ERNA WIESE: Okay. When you walk through the front door you will – there is a staircase on your left hand side.

CHAIRPERSON: Well firstly there are steps that lead you to the front door.

MS ERNA WIESE: That is correct Chair.

CHAIRPERSON: Yes. Those are the – are those the steps that you say were about six

or so and not ten, is that right?

MS ERNA WIESE: Ms Mentor recollects five or six.

CHAIRPERSON: Okay.

MS ERNA WIESE: But on site they are ten.

CHAIRPERSON: Oh okay alright.

ADV ZINHLE BUTHELEZI: Okay.

CHAIRPERSON: So you use those steps to get to the front door?

MS ERNA WIESE: That is correct.

CHAIRPERSON: Okay. You entered the door and what happened?

- 10 **MS ERNA WIESE:** You enter into an entrance foyer with a staircase on your left hand side. A door on your right hand side leading into a study. Then you have a passage. In front of the – if I can – you go through the front door into the entrance foyer with a wall in front of you with two recesses next to that wall with doors going into the lounge, the room behind that wall. In the lounge the room behind the wall there is also a [indistinct] in that room with a fireplace. The passageway on your right going past the study and it passed – goes passed the guest toilet, the bedroom next to that – adjacent and at the end of that passage you get the main bedroom or – ja a main bedroom with en suite bathroom and built-in cupboards.

ADV ZINHLE BUTHELEZI: Now you made reference to a study?

- 20 **MS ERNA WIESE:** Yes.

ADV ZINHLE BUTHELEZI: Just to give the Chair a sense when you walk in through the main door with the – you refer to a staircase then a study. Can you locate them with reference to your left hand side, right hand side and where they are located relative to the main door?

MS ERNA WIESE: You go through the main door then the door to the study is on your

right hand side and the staircase is on your left.

ADV ZINHLE BUTHELEZI: And immediately ahead of you?

MS ERNA WIESE: You get the wall that is separating the foyer from the lounge.

ADV ZINHLE BUTHELEZI: Now during that – the inspection of that room did Ms Mentor point out where to her recollection the pillar was positioned?

MS ERNA WIESE: She could not find the pillar. She remember the space also as larger and more open.

ADV ZINHLE BUTHELEZI: Did she point out in terms of direction where the pillar to her recollection had been relative to the entrance door?

10 **MS ERNA WIESE:** If she had done that I have missed it.

ADV ZINHLE BUTHELEZI: Yes okay.

MS ERNA WIESE: To my knowledge she could not point out where the pillar should have been.

ADV ZINHLE BUTHELEZI: Now on your inspection did you see any indication of a pillar having existed anywhere in that room?

MS ERNA WIESE: No we looked but could not find a place where that pillar could have been and the visual clues was such that the configuration in that space, the foyer was not changed recently.

ADV ZINHLE BUTHELEZI: Please explain...

20 **CHAIRPERSON:** What did you expect to see if indeed there had been a pillar but was no longer there – there had been a pillar before but it was no longer there?

MS ERNA WIESE: A – the purpose of a pillar is usually to hold something up. So we were expecting maybe a wall or a – not a wall a beam that it – under the – a beam over the column or even – under the floor slab because it is a two storey house and it is a concrete floor so say for instance you have the span the ceiling is concrete floor but the

span is too wide you will have a column to support that slab. We could not find any evidence of such a scenario where it make – made sense.

CHAIRPERSON: If a house has a pillar such as the one that she testified about and that pillar is later taken out what would be the effect on the house? Now you – this may or may not fall within the knowledge of an architect I do not know but you might be able to say generally speaking or over eighty percent of the time if a house had a pillar and it is taken out there would be the following other things that would be in place for the house to still stand? Or – and if those things are not there eighty percent, ninety percent of the time it means there was no – there had been no pillar. Are you able to

10 tell me anything along those lines?

MS ERNA WIESE: Yes Chair I can confirm. If you remove that column and it was load bearing then you would have replaced it with something else to make that construction work. To keep up the roof or keep up the beam you need something else for that if you take the pillar away. Ms Mentor maybe asked maybe whether the wall in front of the foyer between the lounge and the foyer could disguise that pillar. And from our visual clues that we could see the skirting's' on that wall was intact. It is a bit dated the finishes in that room. There was no clear indication of a new piece of skirting. Also on that wall you have dated light switch – switches. You have still the steel plate – cover plate on the light switch with the two steel fixing screws. There was an outdated under

20 floor heating control on that wall which indicated to us that that wall was not worked on recently or even in 2010.

CHAIRPERSON: So if a house has a pillar and you take out the house in order for the house or that part of the house which may have relied on the pillar to continue you would have to put something else in place, is that what you saying?

MS ERNA WIESE: That is what I am saying Chair but I can also I think I should

mention a pillar could also be decorative...

CHAIRPERSON: Decorative.

MS ERNA WIESE: Especially in a house.

CHAIRPERSON: Yes, yes.

MS ERNA WIESE: But then usually you get more than one.

CHAIRPERSON: Yes.

MS ERNA WIESE: At the entrance you will have two built into the wall but the columns are visible.

CHAIRPERSON: Yes.

10 **MS ERNA WIESE**: And also the column that we were looking for was a bulky column.

CHAIRPERSON: Yes.

MS ERNA WIESE: A big column.

CHAIRPERSON: Yes.

MS ERNA WIESE: However we could see on the floor finishes or on the ceiling surfaces where such a column might have been removed.

CHAIRPERSON: Yes. If a pillar is decorative as you say it could be taken out without any problem to the house, is that right?

MS ERNA WIESE: That is correct, yes.

CHAIRPERSON: Yes. Okay.

20 **ADV ZINHLE BUTHELEZI**: Okay. Chair I think the technician has found his place now on the video and...

CHAIRPERSON: Okay.

ADV ZINHLE BUTHELEZI: I just want to see if we can have the benefit of what Ms Wiese described?

CHAIRPERSON: Ja that is fine ja.

ADV ZINHLE BUTHELEZI: if he could play the video.

[Viewing video]

ADV ZINHLE BUTHELEZI: So while it is still ascending the steps, these are the ten steps you spoke of are you able to give the Chair an indication of the – considering the height of the front door, the impact of the steps being five as opposed to ten – of having lesser steps on anyone who may have to ascend or descend on the steps?

MS ERNA WIESE: That one is a bit like a puzzle.

ADV ZINHLE BUTHELEZI: Yes.

MS ERNA WIESE: We have through the timeline that we have established through the
10 aerial images it seems that the house – the configuration of the house have not changed since 2005. And the house is levelled over three levels. You go up the steps to the ground level and then there is one first floor and also a lower ground floor. To some extent those steps going up is necessary – the height is necessary to make the ground floor work. But also from the timeline we have established that that portico on the house that rounding with the steps going up is visible in 2005 and 2006 clearly on the aerial images and it is my belief that that configuration has not changed since.

CHAIRPERSON: Yes.

MS ERNA WIESE: No.

CHAIRPERSON: No thank you.

20 **ADV ZINHLE BUTHELEZI:** Thank you.

CHAIRPERSON: Is there a problem with it?

ADV ZINHLE BUTHELEZI: It will appear to be a problem Chair.

CHAIRPERSON: Ja.

ADV ZINHLE BUTHELEZI: I cannot understand it. We will go through the report without the benefit of the video Chair.

CHAIRPERSON: Ja let us do without for now ja.

ADV ZINHLE BUTHELEZI: Now in your – you have testified that in the foyer you could not find any – you did not find a pillar and you could not find any evidence of there having been a pillar from your visual inspection, is that?

MS ERNA WIESE: That is correct yes.

ADV ZINHLE BUTHELEZI: Okay. You then made reference to a lounge that you accessed can you take the Chair through where that lounge is located relative to the foyer and what you found in the lounge?

MS ERNA WIESE: Okay. The lounge is in front of the foyer. So you enter into the
10 foyer then through the recesses you go into the lounge. The lounge has lower ceilings because it is the ground floor and now the first floor is going over that area. There are windows obviously in that room with a recess. And those windows did not correlate with the brief as well as the recess.

ADV ZINHLE BUTHELEZI: But when – do you say they did not correlate with the brief?

MS ERNA WIESE: They were not featured windows and not big enough according to Ms Mentor.

ADV ZINHLE BUTHELEZI: So Ms Mentor excluded those windows as the windows she had referred to?

20 **MS ERNA WIESE:** That is correct yes.

ADV ZINHLE BUTHELEZI: As listed out in the brief. And just to understand does the foyer itself have a window looking outside?

MS ERNA WIESE: No, no it does not.

ADV ZINHLE BUTHELEZI: Is there anything else about the pillar and the window you would like to tell the Chair that you – that comes to mind that we have not covered?

MS ERNA WIESE: No.

ADV MAHLAPO SELLO: Okay. The next feature then is a mural at 8.3 on one of the walls of the room that Ms Mentor sat in. Can you tell the Chair, about the mural whether you found one if so were?

MS ERNA WIESE: On entering the voyeur you have two recesses as I said and in those two recesses there are murals, but they are monotone in colour and Ms Mentor could not recall them or the recesses. We did find a colourful mural on a large wall, but that was on the lower level. We also found a pillar on the lower level, but Ms Mentor discounted those to say she never went downstairs and also the pillar was too narrow
10 to her recollection.

ADV MAHLAPO SELLO: Now did you overhear Ms Mentor describe on which wall the mural was to her recollection when she had visited the residence?

MS ERNA WIESE: I have missed that.

ADV MAHLAPO SELLO: You have missed that, that is okay. You say the mural on the recesses were monotone?

MS ERNA WIESE: Yes.

ADV MAHLAPO SELLO: You speak of a larger mural downstairs which Ms Mentor discounted?

MS ERNA WIESE: Yes, I think Ms Mentor talked about a colourful mural.

20 **ADV MAHLAPO SELLO:** And that is the relevance of your pointing out that the murals in the recesses were monotone?

MS ERNA WIESE: Yes, yes.

ADV MAHLAPO SELLO: Okay. The next feature you were to identify was the guestroom which Ms Mentor was shown upon her arrival. What can you tell the Chairperson, about the guestroom and what you observed?

CHAIRPERSON: Guestroom, guest restroom?

ADV MAHLAPO SELLO: Guest restroom. Guest restroom, Chair. Thank you.

MS ERNA WIESE: When we were shown the guest bathroom we were expecting a gilded bathroom, very elaborate, but we found a fairly dated guest bathroom with hardly any gold finishes in it and as I again without plans it is difficult to confirm whether it is the bathroom or not, but with the visual clues we are led to believe that the finishes are dated.

ADV MAHLAPO SELLO: And the brief as it stood then at 8.5 required you to consider a door adjacent to the ladies restroom leading to the gentleman's restroom? For the
10 record I must point out that Ms Mentor testified that on Monday or Tuesday that she had made no such reference to the gentleman's restroom, but insofar as the brief is concerned and whether or not she is correct will be confirmed with reference to the transcript.

Are you able to comment on that particular aspect?

MS ERNA WIESE: There was no adjacent gents' bathroom. It was a bedroom and Ms Mentor requested for specialists to investigate it that whether the layout has changed. Again the visual clues, a light switch on that wall, off the bedroom, indicated maybe no.

ADV MAHLAPO SELLO: At – in the report, no before we go to this, were there any
20 other features within number 5 Saxonwold that you considered on the day that you would like the Chair's, attention to?

MS ERNA WIESE: It is just the comments made by Ms Mentor. Once we went through the gates there is a garage on your left hand side. She questioned whether that was there. She could not recollect the garage as well as the boundary between property 3 and number 5. Once we went into the house she could not recall the study wall as well

as the staircase on the inside and requested for specialists to investigate whether there was a change in that configuration.

As well as the bed – the main bedroom at the end of the passage whether there was an access door from outside into that room.

ADV MAHLAPO SELLO: Were you present when Ms Mentor spoke about the location of the kitchen or the direction in which the kitchen is located?

MS ERNA WIESE: Yes.

ADV MAHLAPO SELLO: Can you inform the, Chair?

MS ERNA WIESE: The kitchen is if you go into the voyeur down the left hand passage
10 you will get the kitchen and Ms Mentor indicated and that correlates with what Ms Mentor recalled. She was sitting in the waiting room and a Chef came from that direction.

ADV MAHLAPO SELLO: Now does that conclude the inspection of 5 Saxonwold?

MS ERNA WIESE: That is correct.

CHAIRPERSON: Now bearing in mind the features that you had been asked to go and see if they could be found in the property, in other words bearing in mind your brief, did you find any of the features in the house that you had been asked to go and establish whether they were there?

MS ERNA WIESE: No, Chair, we could not.

20 **CHAIRPERSON:** Not even one?

MS ERNA WIESE: Not even one.

CHAIRPERSON: Okay.

ADV MAHLAPO SELLO: Thank you, Chair. Can we move on then to the inspection of 7 Saxonwold drive?

MS ERNA WIESE: That is correct, okay.

ADV MAHLAPO SELLO: And with reference to the features as set out in paragraph 8 of the brief and to remind you that will be at page 215, that is the staircase, a pillar, a mural and the guest restroom. Can you comment about what you found as regards a staircase leading to the main entrance?

MS ERNA WIESE: At property number 7 the entrance is basically level with the outside ground floor. There were no steps. As I indicated the building is – seemed very modern and it is very modern. The entrance voyeur has a glass wall and in that voyeur there is also a staircase and a lift going up. There is a lift in the voyeur. You will go through that and then you will enter the rest of the house.

10 There was no pillar or large windows visible in that area once you have gone through the voyeur. As I indicated Ms Mentor found the house very modern and probably not the one. There was also, she questioned the outbuilding at the entrance to the erf as well as the boundary wall on the left.

ADV MAHLAPO SELLO: And regard being had to the features you had to identify, what is your conclusion as regards property 7?

MS ERNA WIESE: Property 7 regarding the outbuilding, just pass the entrance that is visible on the areal images in July 2010. Regarding the house itself it seems that it was under construction during that time and only the finished or completed in June/July 2011. That we could depict from the areal images.

20 **ADV MAHLAPO SELLO:** And when you are on these areal images can you tell the Chair, more about the areal images that you refer to?

MS ERNA WIESE: So with the questions that was raised by Ms Mentor in regards with the boundary walls and the steps we wanted to see whether we could see if there were any changes made to the properties. Could we see on the areal images whether there was a wall in 2010 or not? Was the portico or the steps there in 2010 or not? Was the

garage there in 2010, both the outbuildings there in 2010?

That is when we went to Google Earth Pro and it allows you to go back in time up to 2001, currently. So we went through those images to see whether we could determine and I think we have got 2007 as a reference in the document. Since 2007 the configuration on property 5 have not changed. The boundary wall was there, the portico was there, the garage was there. The skylights or the roof lights is visible from those images as well indicating that the recesses might have been there.

On property 7 in 2009 we could see an empty site. They start building work through 2010 and then we see the complete building in 2011 June/July. The building
10 has a checker board on top of the roof, number 7 which is distinctive and that is visible in 2011.

ADV MAHLAPO SELLO: Now as regards property 5 and 7 were you able to determine through the Google images whether prior to 2010 there had been a boundary wall between the two properties?

MS ERNA WIESE: Between number 5 and 7?

ADV MAHLAPO SELLO: And number 7 yes?

MS ERNA WIESE: From – yes we could see there is a boundary, but we could not determine whether it was a wall or a fence, because if you go down to property 3 and 1 it is still a mesh fence, wire mesh fence between the properties, but also between 5 and
20 7, 7 was subdivided so there would have been a fence between 5 and 7 from the beginning.

ADV MAHLAPO SELLO: Ms Mentor's legal team takes issue with your finding that there could have been a wall between property 5 and property 7 prior to her visit in August 2010. They have to that extent provided me with certain images they say depict what the area looked like in September 2009 and they suggest that at that time there

was no wall between the two properties.

So I am putting to you what they are saying. I cannot confirm that the images are from that time. In light of what you have stated may I request that the team go back and research through Google Earth and other means the possibility of wall, a boundary wall having been between 5 and 7 prior to August 2010, and you may file, even if it is a single page report in respect of that boundary wall only.

Is the team able to assist the Commission in that way?

MS ERNA WIESE: We can do that.

CHAIRPERSON: Well maybe if you are able to respond even before that is done and
10 you feel free to do so based on your knowledge and what you – the research you did
and what you observed you may do so, but if you would rather wait until that has been
done that would be okay.

MS ERNA WIESE: We can do the investigation, Chair, what I am saying it is highly
unlikely that they do not have a fence between number 5 and 7, because number 7 was
one big erf and it was subdivided to the number 7 that we know now.

CHAIRPERSON: Yes.

MS ERNA WIESE: So it is uncommon not to have a boundary wall.

CHAIRPERSON: Okay, no that is fine.

ADV MAHLAPO SELLO: And on that score, kindly when you do file that report kindly
20 provide as many images as you are able to obtain from different angles so we can
answer this question definitively. Thank you.

MS ERNA WIESE: We will do so.

ADV MAHLAPO SELLO: Thank you madam. At – I would like you to refer to page 197
and at 197 paragraph 3.3.4.2 this is where you deal with the Google Earth maps and
what you undertook after the inspection.

CHAIRPERSON: What page is that?

ADV MAHLAPO SELLO: 197, Chair.

CHAIRPERSON: Okay.

ADV MAHLAPO SELLO: Paragraph 3.3.4.2. If I could ask that Annexure G be brought up onto the screen? Sorry?

CHAIRPERSON: Mr Technician.

ADV MAHLAPO SELLO: Can you call up Annexure G please? Now that Annexure G can you explain to the Chair, and for our benefit how we should interpret the date appearing there on Annexure G? What does that denote?

- 10 **MS ERNA WIESE:** Okay. For clarity purpose in front of Annexure G there is a date, 3 December 2018, but on your left top inside of the picture you will see a sliding bar and that indicates the date. That is done by the program by Google Earth itself so it indicates in which year and month and day you are – that picture was taken and that is visible on the left upper hand side of the picture.

So it was done just to correlate then the large date on the Annexure.

ADV MAHLAPO SELLO: So we should take the date appearing at the bottom typed 3 December 2018 as the date on – as how the property looked or the area looked on the date reflected therein?

MS ERNA WIESE: Yes, that is the date the picture was taken.

- 20 **ADV MAHLAPO SELLO:** Okay, now for the record you have a couple of these Annexures from pages 203 to 212 each providing a different date at the bottom left hand corner.

MS ERNA WIESE: That is correct.

ADV MAHLAPO SELLO: What period do they span if this one is 3 December 2018 which is the date of inspection, how far back do they go?

MS ERNA WIESE: They go back to 18 September 2007.

ADV MAHLAPO SELLO: And each time we see a date on that Annexure we should take it that is the date on how the property looked?

MS ERNA WIESE: That is correct.

ADV MAHLAPO SELLO: You conclude then as a team at page 199 and you express an opinion and in particular at 3.4.1 you make the comment that:

"In this report and apart from the abovementioned observations the DPW team is unable to provide an opinion in respect of the scientific probable existence of the features identified by Ms Mentor."

10

Can you explain what the team is saying there?

MS ERNA WIESE: What we are saying is we have done a visual inspection without more information and to do – in order to do – to definitively identify the features you need more probing into the structure to see whether they were there, the features were there or not. That is what we are saying. So we are saying that if we need to prove it beyond doubt that the features were in the house a team of specialists needs to be appointed to do so.

ADV MAHLAPO SELLO: And at paragraphs following subparagraphs you – can you tell the Chair, whether the DPW is able to assist the Commission in that regard?

20 **MS ERNA WIESE:** Unfortunately DPW do not have those expertise at hand. We are looking at an architect who can do historical mapping the same with the engineer. Also a paint expert as well as a material conservator.

ADV MAHLAPO SELLO: So the, Chair, is to understand that if the Commission is interested in conducting such a scientific investigation as you refer to the Commission would have to source those skills outside the DPW?

MS ERNA WIESE: That is correct.

ADV MAHLAPO SELLO: You deal with the financial implications of such an exercise at page 201 under heading 5, can you tell the Chair, what the financial implications for the Commission if such an exercise were undertaken would be?

MS ERNA WIESE: In total it comes to R810 000 that is based on a month of worth of work by the specialist based on DPW reimbursement fee scale for experts. This amount, however, does not include the reparation or the repair of the building back to its original state of the probing by the experts.

ADV MAHLAPO SELLO: Chair, unless there are questions from the, Chair, that is the
10 presentation by Ms Wiese on the report of the DPW team.

CHAIRPERSON: Yes, no, no, I think I must just thank you Ms Wiese, together with your team from the Department of Public Works for assisting the Commission in this investigation. Thank you very much and you are excused.

MS ERNA WIESE: Thank you, Chair.

NO FURTHER QUESTIONS

ADV MAHLAPO SELLO: Thank you, Chair. Chair, I think I will hand over to Mr Pretorius at this juncture.

CHAIRPERSON: Okay, thank you. Yes, Mr Pretorius?

MR PAUL PRETORIUS SC: Thank you, Chair. Chair, as you would have observed
20 Mr McBride is in attendance. He is prepared to give evidence if required. His statement has been finalised after a period of several days of consultations at the hands of the investigators and several days of consultations with the legal team. A statement on oath was finalised and produced at 18:00 last night and the statement together with the Annexures comprises four to five lever arch files.

Chair, the original intention was that Mr McBride would be called to give

evidence today, Thursday and tomorrow Friday and the reason for this was to ensure continuous hearings of the Commission without a break, notwithstanding the fact that Mr McBride's evidence would take place out of the ordinary sequence planned. The legal team, however, Chair, have considered a number of issues which in our view, and now in our submission outweigh this consideration of continuous hearings and if I may just place these before you, Chair?

CHAIRPERSON: Yes?

MR PAUL PRETORIUS SC: The first consideration is that Mr McBride's statement deals in the main with the South African Police Service oversight body IPID that is the
10 Independent Police Investigative Directorate. It deals with its role and function and it also deals with attempts and actions taken by various officials and individuals to undermine or interfere with and render ineffective its functioning and its ability to execute its mandate.

They are matters of some importance and some weight, Chair. As a result the statement implicates over 30 persons, Chair. These are professional people and holders of high office in government, Chair. Now the status of the persons implicated should not carry with it any special privileges or any particular favourable treatment and we do not intend to suggest that that should be the case, Chair.

But it is probable that the implicated persons will want to respond in detail to
20 the evidence of Mr McBride. The rules require 33 notices to be issued, but this can only be done by the evidence leaders after the receipt of a signed statement, which has now been received.

So there is the consideration of procedural fairness to the parties that will be seriously implicated by the evidence of Mr McBride. There are here no circumstances which require the evidence or the identity of the witness to be held as has been the

case with previous witnesses. Mr McBride is quite determined to let it be known that he is ready to give evidence.

The second consideration or the third consideration, Chair, is that the versions of the persons seeking to respond to the evidence need to be put to Mr McBride so that he can deal with them and we are not yet in a position to achieve that end. The allegations that – or the evidence that Mr McBride will lead also need to be the subject of further investigation by the investigators so that a fair presentation can be made by the legal team in relation to all the evidence that Mr McBride needs to conduct.

10 Those investigations or the opportunity to conduct those investigations has not yet been afforded the investigators. The last but minor consideration, Chair, is that this evidence will not finish by Friday given the delays that we have experienced this week. Necessary delays and unavoidable delays. The evidence on Monday and following has been planned. Witnesses has been arranged and would be changed only at great inconvenience to a number of persons with a knock on effect in the following days and members of National Treasury and Eskom will be testifying next week, and the weeks thereafter.

 All these considerations put together in the view of the legal team and it has been a carefully considered view, Chair, outweigh the consideration that there should
20 be continuous evidence. The one advantage, although not a reason for our application, Chair, is that Mr McBride's evidence can then take its proper place in a sequence of witnesses that will be called by the legal team to deal with law enforcement in general and law enforcement agencies in particular.

The, Chair, will obviously be aware, generally and from evidence to date of the significance of that evidence to the State Capture Commission and it will be a great

advantage to the legal team to be able to place Mr McBride's evidence in its proper context and in the order of the several witnesses to be called to deal with law enforcement and law enforcement agencies.

The legal team will be giving evidence on the structure, the mandate and the functioning of all Law Enforcement Agencies. That evidence will also examine the relationship between those agencies and persons seeking to influence the functioning for whatever purpose including potential state capture. Those, the functioning of those Law Enforcement Agencies and also important Chair the role that those Law Enforcement Agencies could play, but did or did not play over the last few years in
10 relation to the evidence to be covered. So that is the advantage of the postponement. It is not entirely to the detriment of the Commission and we then ask Chair for the opportunity to place Mr McBride's evidence before you at a later in its proper context which we believe will be to the public benefit.

CHAIRPERSON: What is going to be of importance is that we, the Commission must not only be consistent, but must be seen to be consistent in regard to when it will allow a witness to give evidence in circumstances where implicated persons have not been given notices in terms of Rule 3.3 and when it will allow witnesses to go ahead and on the basis that the implicated persons would be given the statements in due course and they would respond. Now we have since last year been trying to stick to that and where
20 it has not been possible the legal team has transparently come forward and indicated what the challenges were and provided an explanation and asked for condonation where needed. So I am aware of all of that. I just say that it is going to be quite important that as was we move on the legal team looks at that, the Commission looks at that so that the Commission cannot be accused of being more inclined to proceed and have certain witnesses give evidence maybe when certain people are implicated

before they are notified, but when it is others they want to have them afforded the opportunities before the witnesses give evidence. It is a question of primarily we must make sure that people who are implicated are given notice in advance and are able to respond in terms or the rules to the allegations against them before the, before a witness implicating them gives evidence. That is the, this is what the rules require, but the rules do acknowledge that there may be circumstances where it is not possible to do this to comply with this strictly and in which case the rules also make provision as to what an implicated person's remedies are and prejudice to those people is taken into account. So I mention this just so that everybody knows that the obligation to try and

10 make sure that we comply with the rules we comply with fairness and that we are seen to be consistent is something paramount in our minds. I do not have any difficulty in granting the postponement in this, in this case because one, it will grant the Commission the opportunity to make sure that all those implicated are given an opportunity before the witness gives evidence which is what the rules as the ideal position and of course last year also the need for the hearings to start and for as much evidence as possible to be had was there. It is still there now, but I think the balance that the legal team has sought to strike in regard to the various considerations is a fair one. So I am prepared to grant the postponement and we will talk about whether that will be to any specific date or not for, just now, but before I do that I just want to say to

20 Mr McBride thank you very much for coming forward. We appreciate it very much. We need a lot of people who have knowledge of what has been happening to come forward and share with the nation what they know and their experiences so that the Commission can help the nation understand what the challenges have been and what should be done to ensure that in the future those challenges are not repeated. So I thank you for coming. I understand that you, there has been a discussion with you

about the issue of the postponement. You do not have a problem. You just wanted to know that from your side you were ready to start giving evidence. Is that correct?

MR ROBERT MCBRIDE: That is correct Chair.

CHAIRPERSON: Okay. No, thank you, thank you very much. Mr Pretorius you just want us to postpone the hearing of this evidence without fixing a date and dates will be arranged sometime in the future?

ADV PAUL PRETORIUS: Correct Chair.

CHAIRPERSON: Okay, alright. We, we, I, I will then grant the request for the postponement of Mr McBride's evidence and dates will be arranged sometime in the
10 future. Mr Pretorius that should take care of that and I assume what is left is for me to indicate what happens beyond today. Is that right?

ADV PAUL PRETORIUS: Yes Chair. From the legal team's point of view we are ready to commence at 10:00 am on Monday.

MR ROBERT MCBRIDE:

CHAIRPERSON: Okay, alright and on Monday and Tuesday the evidence will be from witnesses from the National Treasury?

ADV PAUL PRETORIUS: Correct Chair.

CHAIRPERSON: And will the witnesses who will be giving evidence with regard to National Treasury will cover all the evidence that they have said they had indicated had
20 not been included last time when they were here?

ADV PAUL PRETORIUS: No, Chair. There is an aspect or there are aspects of evidence that still required further preparation and presentation, but to a large degree yes.

CHAIRPERSON: Okay, but the, the other evidence will it involve the same witnesses or other witnesses?

ADV PAUL PRETORIUS: Probably other witnesses Chair.

CHAIRPERSON: Oh, okay alright. That is Monday and Tuesday and Wednesday and for about two and a half or three weeks thereafter it will be Eskom?

ADV PAUL PRETORIUS: Yes, Chair.

CHAIRPERSON: Yes, okay alright. Thank you very much. You are released for now Mr McBride. We adjourn and will not sit tomorrow and we will resume at 10 o' clock on Monday. We adjourn.

INQUIRY ADJOURNS