

COMMISSION OF INQUIRY INTO STATE CAPTURE

HELD AT

PARKTOWN, JOHANNESBURG

10

28 MARCH 2019

DAY 75

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PROCEEDINGS ON 28 MARCH 2019

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

ADV PAUL JOSEPH PRETORIUS SC: Morning Chair.

MR ANGELO AGRIZZI: Morning Chair nice to see honourable Chair again.

CHAIRPERSON: Thank you very much and thank you for coming back to assist the commission.

MR ANGELO AGRIZZI: It is my pleasure.

CHAIRPERSON: Yes. I know that certain things have happened which are in the
10 public domain and I just want to assure you that I was very concerned about certain things that happened and I asked enquiries to be made and I was assured that it was not connected with evidence that you giving here and I was assured that the processes of the commission would be respected until it has finished its work. I was informed that the new Director of Public Prosecutions knew nothing about those things. I was very concerned and I continue to be concerned that nobody should do anything that would discourage witnesses from assisting the commission. I hope that going forward no-one who is supposed to be really supporting the commission will do anything to discourage witnesses from coming forward. But I am very grateful that despite everything you are here and you still want to assist the commission.

20 **MR ANGELO AGRIZZI:** Chair thank you very much it has been a long road and we anticipated it.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: But we are here to help.

CHAIRPERSON: Yes. No thank you very much. Thank you very much I hope that more people who have information, crucial information will be encouraged to do the

right thing to come and assist this commission because what it is looking into is such an important project and issue for the whole nation. And I think I will be stating the obvious if I say that there can be no doubt that there are many people throughout the country who would not like this commission to succeed. But there are many people in the country who support this commission and I believe that those who support the commission will actually prevail and that all of us must remain undeterred in doing the right thing. And I really thank you for coming forward again.

MR ANGELO AGRIZZI: It is my pleasure Chair and you are hundred percent right we got to do this for the next generation. For our grandchildren and for their children's
10 children.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: We have to look after this beautiful country.

CHAIRPERSON: Yes thank you very much. Mr Pretorius.

ADV PAUL JOSEPH PRETORIUS SC: Thank you Chair. May Mr Agrizzi be sworn?

CHAIRPERSON: Yes thank you.

REGISTRAR: Please state your full names for the record?

MR ANGELO AGRIZZI: My name is Angelo Agrizzi.

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

MR ANGELO AGRIZZI: None whatsoever.

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

MR ANGELO AGRIZZI: Most definitely.

REGISTRAR: Do you swear that the evidence you will give will be truth; the whole truth and nothing but the truth; if so please raise your right hand and say, so help me God.

MR ANGELO AGRIZZI: So help me God.

REGISTRAR: Thank you.

CHAIRPERSON: Thank you very much. Yes Mr Pretorius.

ADV PAUL JOSEPH PRETORIUS SC: Mr Agrizzi before you you have a supplementary statement which has been attested to by you. At page 60 is that your signature?

MR ANGELO AGRIZZI: Sorry Mr – Advocate Pretorius just let me get there. Yes that is.

ADV PAUL JOSEPH PRETORIUS SC: Just for the record Chair this is Exhibit S9. And from pages 1 to 60...

10 **CHAIRPERSON:** Yes I am sorry. So let us properly put on record because it is not a previous one that we used is it not, the exhibit? It is a new statement?

ADV PAUL JOSEPH PRETORIUS SC: Yes.

CHAIRPERSON: In other words are we continuing with an exhibit number that we used before or should we...

ADV PAUL JOSEPH PRETORIUS SC: Well this is the same exhibit number ...

CHAIRPERSON: That we used before?

ADV PAUL JOSEPH PRETORIUS SC: Series that we used ...

CHAIRPERSON: Oh okay.

ADV PAUL JOSEPH PRETORIUS SC: In respect of his earlier evidence.

20 **CHAIRPERSON:** Okay. No that is fine then.

ADV PAUL JOSEPH PRETORIUS SC: So Mr Agrizzi your supplementary affidavit together with annexures will be Exhibit S9. The supplementary affidavit from pages 1 to 60 is that true and correct?

MR ANGELO AGRIZZI: That is true and correct.

ADV PAUL JOSEPH PRETORIUS SC: Then may I ask you made certain statements

at the time you gave evidence originally Mr Agrizzi.

MR ANGELO AGRIZZI: Yes.

ADV PAUL JOSEPH PRETORIUS SC: In relation to the circumstances in which you came to give evidence. Is it correct that you have been made no promises of reward?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL JOSEPH PRETORIUS SC: No incentives have been offered to you.

MR ANGELO AGRIZZI: That is correct Chair.

ADV PAUL JOSEPH PRETORIUS SC: In relation to the giving of your evidence.

10 **CHAIRPERSON:** I am sorry – I am sorry Mr Pretorius I am sorry. No there was some noise coming from the SABC journalist here. I do not know if it was a cell phone or anything.

ADV PAUL JOSEPH PRETORIUS SC: Alright.

CHAIRPERSON: Will everybody please just switch off their cell phones. Okay let us proceed.

ADV PAUL JOSEPH PRETORIUS SC: Thank you Chair. You have been offered no reward or incentive for testifying here today Mr Agrizzi?

MR ANGELO AGRIZZI: Most definitely I have not been offered any reward and incentive.

20 **ADV PAUL JOSEPH PRETORIUS SC:** And you not giving evidence under any form of compulsion?

MR ANGELO AGRIZZI: Most definitely not.

ADV PAUL JOSEPH PRETORIUS SC: And the evidence you are giving is being given freely and voluntarily?

MR ANGELO AGRIZZI: Freely and voluntarily Chair.

ADV PAUL JOSEPH PRETORIUS SC: Yes. I would just like to highlight before you

deal with the text of your affidavit Mr Agrizzi two circumstances that are relevant to your giving evidence today. You should have before you Exhibit LL1. It has not been filed in the papers, do you have that?

MR ANGELO AGRIZZI: Just let me have a look sorry. Where would I find that sorry?

ADV PAUL JOSEPH PRETORIUS SC: Chair may I give you LL1?

CHAIRPERSON: I think somebody will bring you some document ja.

MR ANGELO AGRIZZI: I thought I had lost it.

CHAIRPERSON: Yes thank you.

ADV PAUL JOSEPH PRETORIUS SC: Okay it is actually an annexure LL1 Chair.

10 **CHAIRPERSON:** Oh okay.

ADV PAUL JOSEPH PRETORIUS SC: Which will be put in the bundle.

CHAIRPERSON: At the end of the annexures in Exhibit S9?

ADV PAUL JOSEPH PRETORIUS SC: Yes Chair.

CHAIRPERSON: Thank you.

ADV PAUL JOSEPH PRETORIUS SC: LL1 is a document for want of a better word that appears to be written in a form of Zulu and LL2 is an attempt by the investigators at least to translate that document. Would you tell the Chair please about the circumstances in which the origin of this document came into your possession?

20 **MR ANGELO AGRIZZI:** I will. Chair I do not always raise these issues and I actually did not – it was by chance. I have been very flippant about any threats and that type of thing.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: I have kind of taken in my stride now and I try not to make a big thing out of it because otherwise...

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: My family get to hear about it and unfortunately I have not briefed them on this yet.

CHAIRPERSON: Okay.

MR ANGELO AGRIZZI: So they are going to hear it for the first time now. The problem is that if I stop making...

CHAIRPERSON: Well maybe are you comfortable to talk about it before you talk to them?

MR ANGELO AGRIZZI: Chair...

CHAIRPERSON: Your family or are you...

10 **MR ANGELO AGRIZZI:** Chair I am in trouble already with wife. She is now watching this probably and saying 'now come on tell us'.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: And if I do not say something now my phone is going to start ringing and I – you know what I am – Advocate Pretorius with all due respects has put me in a lot of trouble right now.

CHAIRPERSON: Ja.

MR ANGELO AGRIZZI: But it is fine. It was in a meeting where I got – where I actually was in trouble last week for not picking her up at the airport on time.

CHAIRPERSON: Ja. Okay alright.

20 **MR ANGELO AGRIZZI:** So Chair. So I get a lot of these things. I get missed calls. I get funny numbers. I get put onto these Facebook groups and a lot of that. So I came out of breakfast one morning at Nickle Way and I found this on my windscreen. I actually – what I have learnt to do is to throw them away but this specific one I crumpled up and I thought no let me just keep this. And I called the guys who wash the cars there and I asked them if they saw and they said no, no, they did not see anything.

And it so happened that Mr Dutton was meeting me with Patrick at the Advocate's offices and I said to them by the way can you interpret this for me? And I gave it to them and this is probably why it is there but you know I have learnt I take it in my stride now. I accept it and yes it is going to happen. And I have been cautioned. I have been told that perhaps maybe I should take these things more seriously which I will.

CHAIRPERSON: Yes

MR ANGELO AGRIZZI: So thank you Advocate Pretorius for creating problems.

ADV PAUL JOSEPH PRETORIUS SC: Yes we did however discuss this in preparation for your evidence.

10 **MR ANGELO AGRIZZI**: Yes.

ADV PAUL JOSEPH PRETORIUS SC: But I do not want to ...

MR ANGELO AGRIZZI: That is fine.

ADV PAUL JOSEPH PRETORIUS SC: Go there for the moment. The second incident was discussed with you that I would like to place on record.

MR ANGELO AGRIZZI: Yes.

ADV PAUL JOSEPH PRETORIUS SC: It is in the public interest and the legal team believes in your interest as well.

MR ANGELO AGRIZZI: I have discussed that with my family.

ADV PAUL JOSEPH PRETORIUS SC: Last night members of the investigation team...

20 **CHAIRPERSON**: I am sorry – I am sorry Mr Pretorius I am still trying to understand this LL1 and LL2. Okay no that is fine. There might be a need for a relook at the translation.

ADV PAUL JOSEPH PRETORIUS SC: Yes Chair.

CHAIRPERSON: Ja.

ADV PAUL JOSEPH PRETORIUS SC: It is an attempt.

CHAIRPERSON: Ja.

ADV PAUL JOSEPH PRETORIUS SC: To translate and in very general terms.

CHAIRPERSON: Ja.

ADV PAUL JOSEPH PRETORIUS SC: It does appear to be a threat that was placed on Mr Agrizzi's windscreen in a parking lot with reference to...

CHAIRPERSON: No, no it certainly is a threat.

ADV PAUL JOSEPH PRETORIUS SC: His mother and a statement to the effect that we know what car you drive.

CHAIRPERSON: Ja.

10 **ADV PAUL JOSEPH PRETORIUS SC:** But perhaps a more accurate translation.

CHAIRPERSON: Yes.

ADV PAUL JOSEPH PRETORIUS SC: And commentary on the type of language used.

CHAIRPERSON: Yes.

ADV PAUL JOSEPH PRETORIUS SC: It does not seem to be used I am told by a pure Zulu speaker.

CHAIRPERSON: Ja, ja. One translation might be the one that is given in LL2. Another translation might be that they were saying he must stop talk – stop talking about state capture and talk about Bosasa.

ADV PAUL JOSEPH PRETORIUS SC: Yes.

20 **CHAIRPERSON:** Only. So that...

ADV PAUL JOSEPH PRETORIUS SC: That appears clear from the ...

CHAIRPERSON: Ja.

ADV PAUL JOSEPH PRETORIUS SC: At least the attempted translation but a better translation may be provided.

CHAIRPERSON: Yes. Ja okay no that is fine.

ADV PAUL JOSEPH PRETORIUS SC: Thank you.

CHAIRPERSON: Thank you.

ADV PAUL JOSEPH PRETORIUS SC: The second incident which the legal team believes should be placed on record and made public is last night the investigators received a message from a very senior police officer saying that your life was under threat and this was on reliable information. You aware of that?

MR ANGELO AGRIZZI: I was told last night yes.

ADV PAUL JOSEPH PRETORIUS SC: And as a result of that further security was provided

10 **MR ANGELO AGRIZZI:** Correct.

ADV PAUL JOSEPH PRETORIUS SC: Alright. Notwithstanding those threats you still willing to give evidence today?

MR ANGELO AGRIZZI: Most definitely Chair.

ADV PAUL JOSEPH PRETORIUS SC: In your evidence during January this year Mr Agrizzi certain questions were raised by the Chair and other questions arose during the course of evidence which you have asked leave to deal with in your evidence. Your evidence therefore will cover two aspects. Firstly a response to questions raised by the Chair and other questions which arose during the course of your original testimony. The second part of your evidence will deal with new matters that you wish to place
20 before the Chair.

MR ANGELO AGRIZZI: Correct Chair.

ADV PAUL JOSEPH PRETORIUS SC: If we may go then to page 2 of the statement, paragraph 2. During the course of your evidence you referred to amongst other people a Mr Sesinyi Seopela and Fana Hlongwane, do you recall that?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL JOSEPH PRETORIUS SC: And the question was raised whether at the time the contract between the Post Office and Bosasa was entered into whether either Mr Seopela or Mr Hlongwane had any direct links or influence with the Post Office, do you recall that?

MR ANGELO AGRIZZI: That is correct Chair.

ADV PAUL JOSEPH PRETORIUS SC: What is the position? What was the position?

MR ANGELO AGRIZZI: Chair. Chair the position is very simple is that Sesinyi Seopela did not have any links with the Post Office at that stage. The only reason I mentioned Fana Hlongwane was because Sesinyi worked for Fana Hlongwane on the
10 arms deal. In terms of Seopela he was – he was employed by African Global or Consillium one of the two companies to basically chase up ministerial leads and to make sure that Bosasa and the African Global Group of Companies kept their associations healthy in terms of political and economic wellbeing with the ANC.

ADV PAUL JOSEPH PRETORIUS SC: You also gave evidence of a system crash or a server crash and you were asked whether you had a screenshot of the communication that was sent to Bosasa employees.

MR ANGELO AGRIZZI: That is correct.

ADV PAUL JOSEPH PRETORIUS SC: What is the position in that regard?

MR ANGELO AGRIZZI: Chair I basically have given my assistance in terms of laptops,
20 my iPads everything I have given over to the commission and the investigators. Sorry. And I still have not got the screenshot but what I – we did manage to get was a report – sorry – we got a report from Johnny Wilkinson from a forensics lab that is accredited that I had done years ago to provide to the commission to show that there was indeed a crash and there was indeed information lost on the server itself. Now originally we prepared that report as a defence as it is reflected in annexure EE.

ADV PAUL JOSEPH PRETORIUS SC: Well let us go to annexure EE because there has been evidence not about this crash but other crashes. The document that you refer to prepared by Johnny Wilkinson appears at page 63.

MR ANGELO AGRIZZI: Yes.

ADV PAUL JOSEPH PRETORIUS SC: Is that the document you referred to?

MR ANGELO AGRIZZI: That is the document yes.

ADV PAUL JOSEPH PRETORIUS SC: Alright. It appears on the face of it to have been prepared by Johnny Wilkinson imperative technology.

MR ANGELO AGRIZZI: That is correct.

10 **ADV PAUL JOSEPH PRETORIUS SC:** And on the 18 February 2011?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL JOSEPH PRETORIUS SC: It is under the head: Document Distribution Chair on page 63.

CHAIRPERSON: Yes I have got it.

ADV PAUL JOSEPH PRETORIUS SC: Please tell the Chair the circumstances of the circumstances which gave rise to the production of this report?

MR ANGELO AGRIZZI: Chair basically what happened was we had a meeting – I do not know if you recall in my very first affidavit where I said we had the meeting with Advocate Lawrence Hodes and then we had to go downstairs with Gavin Watson and
20 he said you must destroy the evidence and all that type of thing. Well coming emanating from that meeting we basically needed to do a report on amongst other things the server crash. So if you go to page – I will tell you now. Sorry. If you go to page 75.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: Okay. That basically gives you the scope of the server crash.

ADV PAUL JOSEPH PRETORIUS SC: If we could go to page 76 it is described in detail there.

MR ANGELO AGRIZZI: That is correct.

ADV PAUL JOSEPH PRETORIUS SC: That is if our pagination matches. Under the heading Background. Do you see that?

MR ANGELO AGRIZZI: That is right.

ADV PAUL JOSEPH PRETORIUS SC: And the report reads:

“The My Documents user files volume of the file server failed on
Thursday 8 November 2007 around 20:00.”

10 **MR ANGELO AGRIZZI:** That is correct.

ADV PAUL JOSEPH PRETORIUS SC: Is that in fact a reference to the crash?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL JOSEPH PRETORIUS SC: And then in the second paragraph it reads:

“An attempt was made to recover data from backup tapes. This
operation proved to be unsuccessful due to backup procedures
having failed for a period of time as a result of the volume being
too full to run successful backups. The success rate of the
recovery was estimated at around 30%.”

MR ANGELO AGRIZZI: That is correct Chair.

20 **ADV PAUL JOSEPH PRETORIUS SC:** Can you confirm from your own knowledge firstly that there was a file server failure or crash and secondly that that resulted in approximately 70% of the data on the servers being lost?

MR ANGELO AGRIZZI: Chair I can attest to the fact that the crash was in other words manipulated. Did happen. But I can also attest to the fact that the data that was lost we have actually provided the commission with the hard drives of that data before it

was lost. And obviously you know you can go into it and have a look at it.

ADV PAUL JOSEPH PRETORIUS SC: Yes. Would you just remind the Chair please of the – of those events? There was an instruction that a crash should occur as I recall your evidence?

MR ANGELO AGRIZZI: That is correct Chair.

ADV PAUL JOSEPH PRETORIUS SC: Notwithstanding that steps were taken by yourself and perhaps others to preserve data?

MR ANGELO AGRIZZI: That is correct Chair.

ADV PAUL JOSEPH PRETORIUS SC: What were those steps?

10 **MR ANGELO AGRIZZI:** The steps was my instructions to Leon Van Tonder was to make a backup and double up on the server and keep that safe so that if we needed the information going forward we had the information.

ADV PAUL JOSEPH PRETORIUS SC: And then the final paragraph under the...

CHAIRPERSON: I am sorry this was now way back in 2007?

MR ANGELO AGRIZZI: That is correct Chair.

CHAIRPERSON: Yes. And your thought that you might need the information was connected – was it connected with what subsequently happened in 2017/2018 and so on? In other words...

MR ANGELO AGRIZZI: You know Chair sometimes...

20 **CHAIRPERSON:** Wait – did you envisage then that there could come a time in the future when you might need that information for the present purposes or purposes connected with whatever gave rise to the parting of the ways between you and Mr Gavin Watson?

MR ANGELO AGRIZZI: You know Chair sometimes – sorry I interrupted you but sometimes you do things. You know you are not supposed to be deleting this but

sometimes like you get this little voice that tells you, listen here just step back a bit and the funny thing was Leon confirmed it to me as well. He said, Angelo let us rather make a copy here.

CHAIRPERSON: Hm.

MR ANGELO AGRIZZI: And you know it just shows you sometimes you just got to listen. And that little voice tells you, that is – to do it. It is the same with the video recording of the cash in the vault. The little voice tells you, just make a recording.

CHAIRPERSON: Hm.

MR ANGELO AGRIZZI: I cannot explain it.

10 **CHAIRPERSON**: Yes.

MR ANGELO AGRIZZI: You know there was no – at that stage there was just “do it” and we – and I instructed Leon to do it.

CHAIRPERSON: At that stage the relationship was good – it was fine?

MR ANGELO AGRIZZI: No problem.

CHAIRPERSON: There was no problem?

MR ANGELO AGRIZZI: No problem. As a matter of fact there was just a couple of news reports.

CHAIRPERSON: Yes.

20 **MR ANGELO AGRIZZI**: Nothing we did not even know that the problems would escalate and that.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: I just had an inclination.

CHAIRPERSON: Hm.

MR ANGELO AGRIZZI: But interestingly enough you know the 70% of the data was the data regarding the tenders of DCS.

CHAIRPERSON: Hm, hm, thank you.

ADV PAUL JOSEPH PRETORIUS SC: The final paragraph under the head “Background” reads:

“The disaster was declared and all heads of department were informed during a meeting held in the data centre at 09:00 on the 9 November 2007. Concerns were raised and possible recovery mechanisms were discussed.”

Is it correct then that whether by way of a circular or a screenshot or a data message the employees or the senior employees at least of Bosasa were informed of the crash?

10 **MR ANGELO AGRIZZI:** Chair that is correct. In actual fact there is a document that I personally authored and put out with the IT Department to notify everybody and to put a contingency plan and a risk aversion plan in place. I cannot get hold of that document unfortunately as you know some of our witnesses have been assaulted and frog marched and that so it is very difficult to get it.

ADV PAUL JOSEPH PRETORIUS SC: Then on page 77 is another document that appears to be an email to Bosasa from Kobus Smith and it states: “Dear Johan”, who is the Johan?

MR ANGELO AGRIZZI: Johan Fourie is one of the IT coordinators in a senior position.

ADV PAUL JOSEPH PRETORIUS SC: And who as Kobus Smith?

20 **MR ANGELO AGRIZZI:** Kobus Smith was the supplier at that stage the company was using Datacentrix and he was the liaison for the company from Datacentrix.

ADV PAUL JOSEPH PRETORIUS SC: In any event he says:

“It is with regret that I have to inform you that we cannot perform a data recovery on your raid, r-a-i-d 5 set due to two hard drives having failed simultaneously. According to our data recovery

specialists it is impossible to rebuild the raid set if two drives fail.”

Was that the position to the knowledge of Bosasa and its employees at that time?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL JOSEPH PRETORIUS SC: That document is dated the 9 November 2007.

Is there anything else in regard to the server crash or the servers’ crash that you want to tell the Chair about?

MR ANGELO AGRIZZI: Not at this stage no. I know that there was one plan but I think we covered that in the affidavit itself.

10 **ADV PAUL JOSEPH PRETORIUS SC:** Let us go back then to your statement at paragraph 4. Questions were raised by the Chair and questions arose in any event about the volume of cash that was being dealt with in the vault of Gavin Watson.

MR ANGELO AGRIZZI: Ja.

ADV PAUL JOSEPH PRETORIUS SC: For distribution. Would you tell the Chair please what the minimum amount was at any one time in the safe or safes or in the vault and what the maximum amount were at any one time?

MR ANGELO AGRIZZI: So Chair the – to answer the question simply it was R2 million was the minimum amount that we would have to have in the vault. And the maximum was about R6.5 million but it went over that. How I knew it was R6.5 million was
20 because there were three safes. When you packed the two safes full that was R6.5 million and normally that is the capacity it would take. Depending it was R100’s or R200’s notes but mostly it was R100 and R200 notes. And it would go over that – over certain periods of time in the year. I think it was 2014 I think it went over that over the Christmas period because bonuses get paid out to directors and that type of thing.

ADV PAUL JOSEPH PRETORIUS SC: Right so – so I understand your evidence at

any one time there would be a minimum amount of R2 million in cash available for distribution?

CHAIRPERSON: Correct.

ADV PAUL JOSEPH PRETORIUS SC: But at certain times that amount would increase to R6.5 million or more?

MR ANGELO AGRIZZI: Sometimes much more ja.

ADV PAUL JOSEPH PRETORIUS SC: Depending on the time of the year and the requirements?

MR ANGELO AGRIZZI: That is correct Chair. So especially over the December period
10 it would happen in November because you would - you would try and get the cash in in November because in December everybody went away. So you would – it would normally pump up in I would say November rather and then towards the beginning of December.

CHAIRPERSON: You said a few minutes ago that during the December period you know the amounts could be higher because of bonuses that needed to be paid and you mentioned directors of the company.

MR ANGELO AGRIZZI: Yes.

CHAIRPERSON: Were the bonuses of directors of Bosasa companies also paid out of the cash that was there? Were they paid in cash not in normal way that one would
20 expect?

MR ANGELO AGRIZZI: No they were paid in cash over December especially.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: There were sometimes that they put through a bonus.

CHAIRPERSON: Ja.

MR ANGELO AGRIZZI: On the payroll but normally it was like R2 / R300 000,00 in

cash over December per person.

CHAIRPERSON: Yes. Do you – you probably know why?

MR ANGELO AGRIZZI: Sorry?

CHAIRPERSON: You probably know why it was thought they should be paid in cash in terms of their bonuses the directors?

MR ANGELO AGRIZZI: Yes because it was a tax duck.

CHAIRPERSON: Ja. Okay. Thank you.

ADV PAUL JOSEPH PRETORIUS SC: Then in paragraph 5 Mr Agrizzi you deal with the frequency how often the safes would be refilled and how the logistics worked in
10 relation to monies coming in and monies going out. Would you tell the Chair about that please as you deal with it in paragraph 5 of your statement?

MR ANGELO AGRIZZI: Chair I do not want to actually – last time I read from my statement. I actually do not want to. I want to tell you as it is okay?

CHAIRPERSON: Yes, yes.

MR ANGELO AGRIZZI: So I might, sorry Advocate Pretorius. I might get the order not exactly the same as.

ADV PAUL JOSEPH PRETORIUS SC: Right.

MR ANGELO AGRIZZI: We did in the statement.

CHAIRPERSON: Yes.

20 **MR ANGELO AGRIZZI**: But to cut it really frankly what was happening was there was bog deliveries happening at one stage. So there was every week there would be a delivery of 2.6 to R3 million around there, but then I started getting concerned and what happened then was it was changed to a weekly delivery which was about between 900 000, 1.2 million sometimes it was more. It all depended, because what would happen is Andries van Tonder would go to Gavin on a Monday morning and then say to

Gavin listen how much do you need and Gavin would say well X amount and then Andries would phone up Gregg Lacon-Allan and say order me 1.5 tons of chicken and that is how it would happen. So that was normally the amounts ordered at a time.

ADV PAUL JOSEPH PRETORIUS SC: Then once the money or the cash had been received what would then happen?

MR ANGELO AGRIZZI: Well when the cash was received there was a reconciliation process. The cash would then be taken into the company secretary vault where there was a safe. I would have to double check it and Andries van Tonder would have to double check it and would reconcile it. There would be normally a piece of paper. I
10 mean I did not keep them all, but I did keep one or two and then we would hear when Gavin is available and then the cash would be transported to the main vault, to Mr Watson's vault and from there it would be packed and he would count it sometimes. Sometimes they would not count it, but you saw in the video.

ADV PAUL JOSEPH PRETORIUS SC: It was a matter raised very briefly in preparation for your evidence Mr Agrizzi.

MR ANGELO AGRIZZI: Yes.

ADV PAUL JOSEPH PRETORIUS SC: But do you recall and if I take you by surprise my apologies and we consider whether you deal with it later, but you recall the evidence of Mr Greg Lawrence?

20 **MR ANGELO AGRIZZI:** Chair I saw it briefly and *ja* I do recall it.

ADV PAUL JOSEPH PRETORIUS SC: Well just one point in regard to that evidence. If you need time to think about it that is in order. He appeared to have a lack of memory, to put it mildly, in regard to the amounts of cash delivered to Bosasa. Do you have any comment on that?

MR ANGELO AGRIZZI: I do. Chair I know Greg Lawrence for many, many years. As

a matter of fact Greg Lawrence I got to come to the Commission through another friend, because I wanted him to come clean but, you know, the funny thing is that what happened was a day before the testimony Greg Lawrence and another acquaintance flew down and you can check SAA records and Airlink records, they flew down to Durban to see Mr Gregg Lacon-Allan from Equal Trade and when he came back here he had sudden lapse of memory and he only showed you certain videos or maybe he showed you more I do not know, but I cannot understand; well I can understand the lapse of memory Chair but I think if you check the, I will give the investigators the name of the other person, if you check the flight plans and SAA tickets and Comair tickets I
 10 am sure you will pick them up and then ask the relevant questions on why did you travel down there and why did you come back. Unfortunately because this is so big witnesses do get interfered with.

CHAIRPERSON: Yes.

ADV PAUL JOSEPH PRETORIUS SC: In relation to the amounts that he would have delivered to your knowledge can you help the Commission?

MR ANGELO AGRIZZI: Yes.

ADV PAUL JOSEPH PRETORIUS SC: What amounts would he have delivered to your knowledge to Bosasa?

MR ANGELO AGRIZZI: Well there would be that specific one delivery that I did see
 20 was R900 000 he said and the following week he was bringing another R1 million or the following Monday if I recall correctly, but no the amounts were sometimes R2.8 million, R3 million but I must just add there Andries van Tonder would collect those. They were never delivered to Bosasa. Andries van Tondre would collect them at Lanseria. There is a petrol station, because I attended once with him just to assess the risk and we can take you there and show you but we can show you in the payments to Equal Trade

exactly how much was delivered. We can; that information is available.

ADV PAUL JOSEPH PRETORIUS SC: So as I understand your evidence without going into too much detail the amounts would have run into several millions?

MR ANGELO AGRIZZI: Yes, most definitely Chair.

ADV PAUL JOSEPH PRETORIUS SC: And sometimes several million at a time?

MR ANGELO AGRIZZI: Correct Chair. If I can add?

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: Chair if we want to clean up we have to be honest. We do not need to protect each other. We do not need to protect, we have to be honest otherwise
10 where are we going and I must tell you I do not think he was being completely honest.

ADV PAUL JOSEPH PRETORIUS SC: Then you were asked Mr Agrizzi about the Directors and shareholders of Dyambu and Bosasa at the time you were first employed.

MR ANGELO AGRIZZI: Yes.

ADV PAUL JOSEPH PRETORIUS SC: Obviously it would be too difficult for you personally to trace the directorships over the whole period of your employment, but to the best of your recollection would you tell the Chair who were the Directors of Dyambu which later became Bosasa and who were the shareholders at the time you were employed and remind us please when were you first employed?

MR ANGELO AGRIZZI: 8 May 1998 or nine, I cannot remember.

20 **ADV PAUL JOSEPH PRETORIUS SC:** Okay. Tell the Chair please who those persons were?

MR ANGELO AGRIZZI: Chair when I was first employed the original interview happened with Danny Mansell and I was then told he is a 50 percent shareholder and I was then introduced to Gavin Watson who was a 50 percent shareholder and then I met with, I think it was, **Vivi Masino** who was apparently a Director. A guy by the name of

Thabani Mngomezulu who came from the mines. He was a union shop steward and he had joined, a nice fellow, he had joined from NUM into Bosasa and he was instrumental in doing the marketing on the mines and there was a gentleman, a thin gentleman, by the name of Wellington Ntshanka who passed away. There was a gentleman by the name of Temba Snyman. There was a lady by the name of Lindie Gouws. There was, gee I cannot remember. I will have to look at my notes, because [intervenes].

CHAIRPERSON: No that is fine.

MR ANGELO AGRIZZI: No that was it.

CHAIRPERSON: Ja.

10 **MR ANGELO AGRIZZI:** Temba Snyman unfortunately has passed away.

CHAIRPERSON: Okay.

MR ANGELO AGRIZZI: As well.

CHAIRPERSON: Okay.

ADV PAUL JOSEPH PRETORIUS SC: And the shareholders were?

MR ANGELO AGRIZZI: Gavin Watson, Danny Mansell.

ADV PAUL JOSEPH PRETORIUS SC: 50 percent each?

MR ANGELO AGRIZZI: Yes.

20 **ADV PAUL JOSEPH PRETORIUS SC:** Alright. In any event you can confirm that to the best of your recollection the persons solicited in 6.1 of your supplementary affidavit were indeed those Directors?

MR ANGELO AGRIZZI: Correct, ja.

ADV PAUL JOSEPH PRETORIUS SC: And shareholders?

MR ANGELO AGRIZZI: Correct Chair.

ADV PAUL JOSEPH PRETORIUS SC: Then you were also Mr Agrizzi approximately how many employees and officials and that is Government employees and officials

would have received regular bribes and this would be an average over a period of time.

MR ANGELO AGRIZZI: *Ja*, and Chair unfortunately you know memory is what it is when you get to my age. I remember 38. I remember counting on a list 38 and how I remember it is because one of the pages that I used in one of my writing pads has got 38 lines and it was a full page and that is how I remember 38.

CHAIRPERSON: Okay.

ADV PAUL JOSEPH PRETORIUS SC: Who decided who would receive cash?

MR ANGELO AGRIZZI: Chair it is very simple. Gavin Watson was the ultimate decision maker. He would decide, so what would happen is a Director like let us say

10 Syvion Dlamini would come to me and say you know Angelo we have got to work with Mama X because Mama X can influence Mr D who can sign off on Mr C. So what do you think and I would say to the person well what are you talking, how much money are you talking here. They would start off normally with R200 000 was a favourite number and then I would say no, but let us look at this realistically. Even if we have the contract, so the reason why they would come to me is I would know more or less how much profits each contract would make. So I would be able to say listen this is totally ridiculous. You cannot have an installation like the Commission for R10 million, but you want to pay out R9 million in bribes. So I would have to do that analysis for Gavin, but ultimately I would have to then go with that information to Gavin Watson, he would

20 decide. I had no jurisdiction on deciding you may pay somebody X or Y. I was not liked, because I would always cut them down, cut them down, cut them down. So I would be able to give advice, but ultimately your decision maker would be the Director, Gavin Watson, on who gets paid the bribes.

CHAIRPERSON: Are you able to say whether most of the time your recommendations in terms of amounts were accepted by Mr Gavin Watson?

MR ANGELO AGRIZZI: No, he would not, on certain of them he would not give me feedback on it.

CHAIRPERSON: Oh, okay.

MR ANGELO AGRIZZI: But I would say a recommendation. Like I remember for instance asking a question why are we paying a certain person a million Rand a month? How on earth do we do it and I was told no, no but he is looking after other people. Now that decision I never made. I was never party to that, but I was asked my advice you known. When I heard the amount I thought it was ludicrous and with my decision, I would not say that my recommendations would be accepted. I think the
10 reason why I was always used first was to negotiate them down and then to, you know, go. So kind of if I can explain it in layman's terms. It is like going to shop in the plaza, you know. The first salesman comes and then they bring another salesman. So one salesman will say no, no you are going to pay for that R200. Then the other guy comes and he says no, no R150. Do not worry about him. So you feel very happy and I think that was the same type of tactic that was being used by Gavin. He used to get me to cut them down to the bone, but ultimately he would make the decision.

CHAIRPERSON: Okay.

ADV PAUL JOSEPH PRETORIUS SC: You kept records in your system about what you have testified. That system reflected in amongst other documents the black
20 books?

MR ANGELO AGRIZZI: Yes.

ADV PAUL JOSEPH PRETORIUS SC: Was that a complete record of monies going out or did you conclude that there must have been other monies to which you did not account for?

MR ANGELO AGRIZZI: You know Chair, curiosity always gets the better of you and I

knew exactly how much I had signed off on and how much I packed for the Directors in their bags and, but there was always like R2 million, R1.8 million, R2 million over and that would be left in the vault, but interesting I did not know who the other people were who were getting, you know. I do not know. So there was always this R2 million discrepancy, but next week you come to, you have to fill up the vault again and there is nothing and you have got to get it back to its order there. So that amount of money I cannot attest to. I do not know you know where it was used by Mr Watson, but he was the only one who had keys for his vault, not for his vault for the actual safes themselves.

10 **ADV PAUL JOSEPH PRETORIUS SC:** I take it nor could you say that that amount was used for bribes if you did not know what it was used for?

MR ANGELO AGRIZZI: No, I do not know what it was used for. I find it hard to believe Chair that it would not be anything but bribes, because you cannot, I do not think Mr Watson would have banked that money or used that money. I mean I do not think anybody can use R2 million a month.

ADV PAUL JOSEPH PRETORIUS SC: Yes that is a general observation you make on the basis of probabilities of which you were aware?

MR ANGELO AGRIZZI: I do not want to make assumptions. Let me rather stick to I do not know what happened to it.

20 **ADV PAUL JOSEPH PRETORIUS SC:** Alright. Then the question arose in relation to the evidence that you gave as to which companies were used to provide Bosasa with cash.

MR ANGELO AGRIZZI: Okay. Chair.

ADV PAUL JOSEPH PRETORIUS SC: And you were asked to list those companies.

MR ANGELO AGRIZZI: Ja.

ADV PAUL JOSEPH PRETORIUS SC: And you have done so in paragraph 8 of your statement.

MR ANGELO AGRIZZI: Which page, sorry?

ADV PAUL JOSEPH PRETORIUS SC: Would you tell the Chair please about those companies or just name those companies?

MR ANGELO AGRIZZI: So one of the companies was Lamazest. That was not for cash predominantly but for filtering let us call it racketeering. One of the companies was Equal Foods. There are different derivatives of Equal Foods. There is Equal Food 4. There is Equal Food Trading. Equal Trade all those type of derivatives. I cannot,
10 Chair I literally walked out like as if I had nothing. I basically went home with my one book. So I did not take copies of records or anything with me. I did not have that.

ADV PAUL JOSEPH PRETORIUS SC: But you mention Equal Trade 4 (Pty) Ltd.

MR ANGELO AGRIZZI: Yes.

ADV PAUL JOSEPH PRETORIUS SC: And Equal Food Traders (Pty) Ltd.

MR ANGELO AGRIZZI: Correct.

ADV PAUL JOSEPH PRETORIUS SC: Do you recall those companies?

MR ANGELO AGRIZZI: Yes, I recall those.

ADV PAUL JOSEPH PRETORIUS SC: Yes.

CHAIRPERSON: Ja, [intervenes].

20 **MR ANGELO AGRIZZI:** But I am saying there might be different derivatives that I cannot remember.

CHAIRPERSON: Ja, they appear, the list appears at page 6 of your statement.

MR ANGELO AGRIZZI: Yes.

CHAIRPERSON: At the top.

MR ANGELO AGRIZZI: Yes.

CHAIRPERSON: *Ja.*

MR ANGELO AGRIZZI: The other one were the liquor outlets which was liquor outlets and sales within Bosasa because we had bars and canteens. The Lindela Repatriation Camp was another one I mentioned in my first affidavit and then there was Riekele Construction that worked with the liquor store, in tandem with the liquor store. A gentleman by the name of Riaan Hoeksma and Riekele would fetch the money for us. We would pay them and they would then take a percentage of that and then there was AA Wholesalers in Lenasia that was used quite frequently for cash and also for racketeering, tax fraud that type of thing.

- 10 **ADV PAUL JOSEPH PRETORIUS SC:** You then referred in your evidence previously to another method of generating cash which did not necessarily involve the cooperation of an outside company.

MR ANGELO AGRIZZI: Hm.

ADV PAUL JOSEPH PRETORIUS SC: Perhaps you should just remind us very briefly of that method of generating of cash.

MR ANGELO AGRIZZI: In terms of the fraudulent invoices?

ADV PAUL JOSEPH PRETORIUS SC: That was where BEE and SNME company.

MR ANGELO AGRIZZI: Okay.

- ADV PAUL JOSEPH PRETORIUS SC:** Payments were used, but without actually
20 involving those companies.

MR ANGELO AGRIZZI: *Ja.*

ADV PAUL JOSEPH PRETORIUS SC: Where Bosasa would generate invoices presumably for the payment of casual labour. Those would be paid in cash, but that cash would be used by Bosasa.

MR ANGELO AGRIZZI: Carlos, he is a very astute accountant and basically between

him and Jacques van Zyl they picked up on a liquidations list or they looked for the liquidations of companies in the newspapers and things like that and then they would use those companies names or companies that were supplying us at one stage. One of them was Kgwetlo Events where they were supplying us and their stuff was going through the books so it would not raise flags for the auditors and basically false invoices were drawn up, cash cheques produced and if the auditors asked why they are cash cheques then what would happen is you would say no, no but they are BEE and they need cash cheques. As a matter of fact that actually, I do not allude to it in the statement, but it reminded me when somebody sent me an email there were three

10 occasions where the auditors said listen you guys have not got a clean audit. These are discrepancies in your audit. I think I provided the Commission with three letters from [indistinct] Viljoen at that stage. So that is the system that was used, is running up fraudulent invoices and then drawing cash cheques and this started to become a problem because the banks everybody looks at and says but in your account you have got over R4 million going in cash cheques. So it was reported by [indistinct] Viljoen. We also had to deal with, if I recall correctly, at [indistinct] as well.

ADV PAUL JOSEPH PRETORIUS SC: And that practice did not continue for very long did it?

MR ANGELO AGRIZZI: When I found out about how it was happening I actually went

20 one day with them and I stopped it because it was too risky. I mean they were sending accounts ladies to go and fetch R700 000, 400 000, R500 000 cash.

ADV PAUL JOSEPH PRETORIUS SC: That was a physical protection issue?

MR ANGELO AGRIZZI: Yes, as well and it was sticking out like a sore thumb.

ADV PAUL JOSEPH PRETORIUS SC: Alright. That then relates to the question at paragraph 9. You have already dealt with that unless you have anything to add. That

is the issue relating to casual workers and the use of the fictitious casual worker system to generate cash.

MR ANGELO AGRIZZI: Okay. I give that in a nutshell Chair. Basically what happened was there was a lot of construction happening at the time. Riekele Construction was doing the construction and at that stage they felt that the best way to get cash out was to use casual wages and that was a time before the UIF changed the Act and you had register even casual workers with UIF. So they would draw up a spreadsheet on Excel and just add casual wages, R220 per person per day and you would work them for a month and say you had 500 people on that payroll. It was an Excel spreadsheet.

10 There were no deductions nothing. It gets printed out, go the bank, draw cheques for that value and so oh no this was casual wages. Chair nobody, we had a rule in the company that everybody had to have a bank account, because we only gave people wages on EFT and that was a policy that I brought in, in 2002 already. So all these casual wages are easy to identify in the HR Department, because number one they will not reflect there and number two all you need to do is ask for the employment contracts for those people.

ADV PAUL JOSEPH PRETORIUS SC: Yes.

MR ANGELO AGRIZZI: That was the system he used.

ADV PAUL JOSEPH PRETORIUS SC: So in essence cash would be paid to non-
20 existent casual labourers. That cash would then come back to Bosasa for its own uses?

MR ANGELO AGRIZZI: That is correct.

CHAIRPERSON: And in terms of time frames what period are we talking about when we talk about the payment of?

MR ANGELO AGRIZZI: Casual labourers.

CHAIRPERSON: The supposed payment of ghost employees, casual employees?

MR ANGELO AGRIZZI: I think about a year Chair. I think it was between.

CHAIRPERSON: Between what period and what period, what year and what year if you are able to say?

MR ANGELO AGRIZZI: I would have to look.

CHAIRPERSON: Okay.

MR ANGELO AGRIZZI: In my notes Chair.

CHAIRPERSON: No that is fine. That is fine.

MR ANGELO AGRIZZI: I cannot actually remember.

10 **CHAIRPERSON:** You cannot remember and for how long do you think it?

MR ANGELO AGRIZZI: It was about eight months a year.

CHAIRPERSON: Okay. Over a number of years or in a particular year?

MR ANGELO AGRIZZI: No, it happened for one year.

CHAIRPERSON: Oh, in one year.

MR ANGELO AGRIZZI: Between eight months and a year.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: Then I got concerned about the safety.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: Aspect.

20 **CHAIRPERSON:** Yes.

MR ANGELO AGRIZZI: You know we were having ladies collecting seven, R800 000 at the normal bank.

CHAIRPERSON: Hm.

MR ANGELO AGRIZZI: And coming back to the office. Something was bound to go wrong.

CHAIRPERSON: Hm.

MR ANGELO AGRIZZI: So we immediately stopped that.

CHAIRPERSON: Okay. So you cannot remember the year, but it was a certain year and during that year it went on for about eight months, more or less?

MR ANGELO AGRIZZI: You know Chair I will be able to pick it up from the **Missing** Viljoen Report.

CHAIRPERSON: Hm.

MR ANGELO AGRIZZI: When we have a break.

CHAIRPERSON: Okay.

10 **MR ANGELO AGRIZZI:** I will try and find the two letters.

CHAIRPERSON: Okay.

MR ANGELO AGRIZZI: That I provided and it was highlighted there as well.

CHAIRPERSON: Yes, okay.

MR ANGELO AGRIZZI: That the amount of cash transactions is ridiculous.

CHAIRPERSON: Okay, thank you.

ADV PAUL JOSEPH PRETORIUS SC: In paragraph 10 you answer the question raised by the Chair in relation to contracts that Bosasa obtained. That were awarded to Bosasa during certain periods.

MR ANGELO AGRIZZI: Correct.

20 **ADV PAUL JOSEPH PRETORIUS SC:** Please place those on record if you would?

MR ANGELO AGRIZZI: Chair, do I have to mention every single contract, because I might have slipped a few, forgotten a few or do you [intervenes]?

ADV PAUL JOSEPH PRETORIUS SC: No, mention the ones in your statement.

MR ANGELO AGRIZZI: Okay.

CHAIRPERSON: Yes, you can read them.

MR ANGELO AGRIZZI: Okay.

CHAIRPERSON: Ja.

MR ANGELO AGRIZZI: In 1999 to 2002 there were the Goldmines that started off with Kloof, Libanon, Sasol, Randfontein Estates, Hartebeesfontein and Harmony Gold Mine in the Free State. Goedehoop Colliery and Horizon Youth Centre in the Western Cape. Then in 2001 to 2004 we split it up because those were mostly security contracts. So we had the Post Office Contract which covered guarding at the various post offices plus it covered the pension pay-outs and then those were mostly predominantly security contracts and [intervenes].

10 **ADV PAUL JOSEPH PRETORIUS SC:** And you talk about the Airports Company as well?

MR ANGELO AGRIZZI: Airports Company as well. It started off with Olivier Tambo. They had a problem with their car parks and we got the contract awarded to us there. In 2004 to 2007 was Correctional Services. I remember mentioning to you before there was a training contract which I never knew about. I was invited to the awards evening by Dr Smith and by Mark Taverner who was running it. I had the catering contract management at seven management areas. Then we got the Sondolo IT Access Control and CCTV Contract. The Sondolo IT Television Network System that we put into every single cell in every single correctional centre. Then there was the Phezulu Contract
20 which was for the fencing and these all had maintenance contracts linked to them as well. So there was either a variation order or an extension on those contracts because of that. So the focus 2004 to 2007 was Correctional Services that gave us the growth and then in 2007.

CHAIRPERSON: I am sorry. Simply looking at your statement under 2004 to 2007 and Correctional Services, so you, so Bosasa had something like one, two, three, four, five,

six contracts with Correctional Services and you say most of the time each one of those had a maintenance contract in addition?

MR ANGELO AGRIZZI: Or an extension.

CHAIRPERSON: Or an extension?

MR ANGELO AGRIZZI: Correct.

CHAIRPERSON: Okay.

MR ANGELO AGRIZZI: The last one Chair not six, there is five.

CHAIRPERSON: Hm.

MR ANGELO AGRIZZI: The last one was various youth centres in the North West. I

10 do not know why that is under Correctional Services heading, but [intervenes].

CHAIRPERSON: Oh.

MR ANGELO AGRIZZI: No.

CHAIRPERSON: That should not be under Correctional Services.

MR ANGELO AGRIZZI: I think the dates are, we should not look at the label.

CHAIRPERSON: Ja.

MR ANGELO AGRIZZI: Or the heading. We should look at only the dates.

CHAIRPERSON: Oh, okay, but that last one various North West youth centres.

MR ANGELO AGRIZZI: Yes.

CHAIRPERSON: Falls outside of Correctional Services?

20 **MR ANGELO AGRIZZI**: Correct, yes.

CHAIRPERSON: Ja, okay.

MR ANGELO AGRIZZI: So we have grouped them in dates not in actual.

CHAIRPERSON: Yes, okay.

MR ANGELO AGRIZZI: Centres.

CHAIRPERSON: Okay.

MR ANGELO AGRIZZI: Chair and then in 2007 we did the very first guarding contract for the Department of Justice and Constitutional Development.

CHAIRPERSON: Hm.

MR ANGELO AGRIZZI: At that stage it was all the rural areas guarding that we did successfully for them and then we also did the various Limpopo Youth Centres as well.

CHAIRPERSON: So that too should not be [intervenes].

MR ANGELO AGRIZZI: [Intervenes] that is an error on my part. I do not think we should have the label.

CHAIRPERSON: The headings.

10 **MR ANGELO AGRIZZI:** It should be the years.

CHAIRPERSON: Yes. Well of course we do want to know who the contracts were with.

MR ANGELO AGRIZZI: Yes.

CHAIRPERSON: Yes. So that is important.

MR ANGELO AGRIZZI: Yes. No.

CHAIRPERSON: So, but under 2007 to 2010 the guarding security contract was with the Department of Justice and Constitutional Development.

MR ANGELO AGRIZZI: Yes.

20 **CHAIRPERSON:** But the contract or contracts with various Limpopo Youth Centres was separate?

MR ANGELO AGRIZZI: Department of Social Development.

CHAIRPERSON: Okay.

MR ANGELO AGRIZZI: Okay. Can I continue Chair/

CHAIRPERSON: Yes.

ADV PAUL JOSEPH PRETORIUS SC: Please continue.

MR ANGELO AGRIZZI: In 2011 to 2016 there was a youth centre, Clanwilliam/Namaqua Youth Centre. There was a Department of Justice and Constitutional Provisional Access Control CCTV and fencing which started off for 101 courts nationally. So what it was, was an integrated system that had to be put in. It was being managed at that stage the Department of Justice appointed the IDT to manage it, the Independent Development Trust, to manage it and they managed it on behalf of the Department of Justice and there were two liaison people, three liaison people from Justice that would sit in on all the meetings.

CHAIRPERSON: Hm.

10 **MR ANGELO AGRIZZI:** I only attended a few of the meetings.

CHAIRPERSON: Hm.

MR ANGELO AGRIZZI: So I was not too clued up on that and then there was the Airports Company as well. Contracts to all the airports in South Africa.

CHAIRPERSON: Hm.

MR ANGELO AGRIZZI: So at that stage Bosasa basically managed every airport in South Africa either on the air side or the land side with the exception of the Polokwane Airport and Lanseria those type of airports.

CHAIRPERSON: Hm.

MR ANGELO AGRIZZI: But all your major hubs were managed.

20 **CHAIRPERSON:** Hm.

ADV PAUL JOSEPH PRETORIUS SC: Do I understand you correctly, you say that this is not necessarily a complete list?

MR ANGELO AGRIZZI: Chair.

CHAIRPERSON: Hm.

MR ANGELO AGRIZZI: You know I am working off memory.

CHAIRPERSON: Hm.

MR ANGELO AGRIZZI: And memory sometimes fails.

CHAIRPERSON: Yes.

ADV PAUL JOSEPH PRETORIUS SC: Which department would be involved in relation to the youth centres/

MR ANGELO AGRIZZI: Department of Social Development.

ADV PAUL JOSEPH PRETORIUS SC: And the contracts involving Lindela?

MR ANGELO AGRIZZI: The Department of Home Affairs.

ADV PAUL JOSEPH PRETORIUS SC: And that, Lindela is that on the list here? I do
10 not see it.

MR ANGELO AGRIZZI: No Lindela has been the pre-existing contract for many, many years. What happened was Lindela was, we had a renegotiation process with Lindela. So I did not include that here because that was renegotiation on that contract.

ADV PAUL JOSEPH PRETORIUS SC: Alright, but for the sake of completeness in one or other category we could add Lindela to this list?

MR ANGELO AGRIZZI: Well you could, but it was actually awarded. If you look at the heading it says how many contracts were awarded to. So that is why I did not put Lindela in.

CHAIRPERSON: Hm.

20 **MR ANGELO AGRIZZI:** Lindela was pre-existing.

ADV PAUL JOSEPH PRETORIUS SC: [Indistinct].

MR ANGELO AGRIZZI: Okay, sorry.

ADV PAUL JOSEPH PRETORIUS SC: Then you were also asked to give the Chair an estimate of the value or the approximate value of the contracts.

MR ANGELO AGRIZZI: Chair I am going, I have worked on an estimate because and

when I say an estimate you probably find that it is within a million Rand or R2 million.

CHAIRPERSON: Hm.

MR ANGELO AGRIZZI: And the reason for that is I do not have any documentation.

CHAIRPERSON: Hm.

MR ANGELO AGRIZZI: I walked out with nothing.

CHAIRPERSON: Hm.

MR ANGELO AGRIZZI: So the Sabania Mines if I remember correctly the annual contract value was about R71 million per annum. It could have been a little bit more. Correctional Services I think is pretty accurate. That was R580 million per annum.

10 **CHAIRPERSON:** Hm.

ADV PAUL JOSEPH PRETORIUS SC: Would you also when you deal these contracts please Mr Agrizzi?

MR ANGELO AGRIZZI: Ja.

ADV PAUL JOSEPH PRETORIUS SC: Just talk about the amount in the last column.

MR ANGELO AGRIZZI: Okay.

ADV PAUL JOSEPH PRETORIUS SC: The estimated annual bribes.

20 **MR ANGELO AGRIZZI:** Okay. Sabania Mines was about R3million, you know those were smaller union type things that we had to sort out, so it's about R3million, it worked out to about R280 000 per month I think. Correctional Services I can only talk about the volume of cash going out, I can't talk about what the houses cost, or that type of thing because I was never involved with that, I didn't know what cars were bought at what stage until only after 2007 I think or 2008, so I can only tell you what was going on a normal basis, so let's say this is pay-as-you-go kind of thing, there's no better word to explain it, it was R15million a year, and it sounds ridiculous, R15million a year sounds like an astronomical figure, but remember one person was taking out a R1million a

month, so that gives you the impact of it.

Corana was about R3.6million per annum, the value of that contract was about R122million per month.

ADV PAUL JOSEPH PRETORIUS SC: You will deal with that contract specifically later in your evidence?

MR ANGELO AGRIZZI: Ja, I think we do deal with that.

ADV PAUL JOSEPH PRETORIUS SC: Yes.

MR ANGELO AGRIZZI: Alright if you look at the Department of Justice the total there was – it was a massive contract, R700million I think, it was about R16.5million that was
10 paid out in cash. Access Control and CCTV for Corrections was about R241million and there was about R4.2million paid out in bribes, in gratuities, the TV systems was about R300million and if I remember correctly that was also about R5million in gratuities. Phezulu Fencing was about R800million and if I remember correctly it was about close on R10million paid out in gratuities as well.

Northwest the Youth Centre there I remember vividly it was R32million and R4.5million was paid out there, the Youth Centre in Mogali was about R14million and R2.3million was paid out there. The Airports Company was about R32million per annum and it was about R2.2million and then it says here continuing, but it's because of the page break and I'm not very good on Microsoft so I didn't know how to actually
20 type it, so don't – don't worry about that it should have been on a separate page but North West it's pre-opening expenses on the software was about R2.2million paid out, of R4.5million and Chair will remember that I explained on the software from last time is that the easiest way to – what some of the directors would ask for is we need to sort out the elections or whatever and this HOD or this MEC wants R2.2million and the only way to do it really is by software, charging for software and the software is there anyway, so

you charge for software, there's no cost incurred, the company makes R2.3million and the other person gets R2.2million.

Eskom I don't know ...(intervention)

CHAIRPERSON: That one relating to Northwest Youth Centre bribes amounting to R2.2million a year when the contract value is about four million five hundred thousand?

MR ANGELO AGRIZZI: Correct. Now the contract value was for the supply of software so it was just dropping off software, there was another contract which was valued at about, it was R1.4million per month, so it would have been R17million but that was to run the facility.

10 **CHAIRPERSON:** Yes.

MR ANGELO AGRIZZI: This was over and above it, so what happened there specifically was we were approached well me by Syvion Dlamini, one of the directors, and said look they need money for elections, whether it's true or not I don't know. What I do know is that he would say they've told me we can charge them for software R4.5million but they want R2.2million out of that, so the software was there and all that had to happen was you had to write a proposal and said we want to propose that you use this special Youth Centre software and it's going to cost you R4.5million. The problem comes in is that from an audit perspective you can't prove that they didn't receive the software, because the software is there, but the value of the software has
20 been so inflated that to be able to allow for a gratuity of R2.2million, does that clarify why? So that's not the services, that's only software.

CHAIRPERSON: Okay.

MR ANGELO AGRIZZI: Eskom I don't know but I was told reliably there was something there, I will try and get more information from the people and as soon as I have it I will provide them to come, I won't coerce them but I will get them nudged in to

come to the Commission and speak about it. There was an access control contract, and then the Department of Home Affairs was R85million and there was promises and cash paid close to the value of about R7.2million, at PRASA as well I've had some of the whistleblowers start coming to me about PRASA there is an amount there and there is a bribe being paid there but if I get solid reliable tested information I will provide the investigators, as I have been, with all the information, I will provide it to whoever needs it, as it comes in, but you know I don't want to put – and that's why I've said here I haven't put any figures there because I want to get tacit and real information. Alright so in the total of, and the calculation is incorrect because the total, I didn't do the total
 10 unfortunately but the total is not R89million, I only see that now.

ADV PAUL JOSEPH PRETORIUS SC: It's at least, in other words the unknown amounts are not included.

MR ANGELO AGRIZZI: Oh okay, you've got to add the two together because I had them separately, so the annual contract value is about R2.5billion, the total value of the contract there, of those various contracts per annum and your total gratuities is about R10million, does that answer Chair's question?

CHAIRPERSON: Ja.

ADV PAUL JOSEPH PRETORIUS SC: The historical contract is 2000 to 2016, the total value is over R2billion.

20 **MR ANGELO AGRIZZI:** That's correct yes.

ADV PAUL JOSEPH PRETORIUS SC: And the continuing contract you estimate where you know the values to be in the region of R90million.

MR ANGELO AGRIZZI: Correct yes.

ADV PAUL JOSEPH PRETORIUS SC: And the bribes are totalled in the columns or the estimates are totalled in the columns that we see in this statement.

MR ANGELO AGRIZZI: Yes.

ADV PAUL JOSEPH PRETORIUS SC: You were then asked ...(intervention)

CHAIRPERSON: I'm sorry Mr Pretorius before you go to the next one you may have already said this previously but I just want you to say it in case you didn't, it seems logical that in quoting the contract prices if Bosasa knew that they were going to be paying bribes for the duration of the contracts that they would get, it seems logical that they would inflate their contract prices, is that correct?

MR ANGELO AGRIZZI: Chair the contracts were run at between a 35 and 40% GP, a percentage which is phenomenal in today's times.

10 **ADV PAUL JOSEPH PRETORIUS SC:** It's gross profit?

MR ANGELO AGRIZZI: Gross profit percentage, before we get to net, and then these were, remember the bribes are always worked into the contract in terms of chicken consumption and things like that so it wasn't you couldn't notice it so it would bring the GP percentage down by about as it was negligible, a couple of cents, but yes to answer your question yes, the bribes were always factored in. I was told factor in 2.5% or I was told factor in we need to pay R2million out, I was told to factor it in.

CHAIRPERSON: Yes, yes, thank you.

ADV PAUL JOSEPH PRETORIUS SC: Yes, in relation to that question and your answer Mr Agrizzi two issues arise, firstly how were the bribes ultimately accounted for
20 in the books in relation to tax.

MR ANGELO AGRIZZI: No they weren't accounted for.

ADV PAUL JOSEPH PRETORIUS SC: In other words they ...(intervention)

MR ANGELO AGRIZZI: No let me explain to you how it would work.

ADV PAUL JOSEPH PRETORIUS SC: It would go as an expense?

MR ANGELO AGRIZZI: No, well that's the thing is it comes in as an expense so you

benefit in terms of the tax, so your profit, because you don't want to declare it as a dividend afterwards because you pay tax on it, so what was happening and we had – the gentleman who sat here yesterday was very clever in how he structured it for us but what would happen is that you take it into consumption, so it becomes a cost of sale, and of course you deflate your profit so it's coming out, you've got this six or eight million Rand in cash, plus you're paying less tax on it, it's cheaper than paying 15% dividends tax or 18% dividends tax or even 28% company tax, so that's how it was done.

ADV PAUL JOSEPH PRETORIUS SC: And the second question arises as a general
10 comment quite apart from the bribes was the State receiving value for money from Bosasa?

MR ANGELO AGRIZZI: Unfortunately they were receiving in certain aspects value for money, in certain other aspects no, so – and I think I mentioned that in my previous statement if I recall correctly, they paid a premium, but good quality, so they paid for a Rolls Royce and they got a Rolls Royce. I don't know if that explains your – I don't want to say, each contract was totally different, in Lindela they weren't receiving value for money, in the Youth Centres they were receiving value for money so it's not one answer fits all.

ADV PAUL JOSEPH PRETORIUS SC: Yes, perhaps that's an unfair question, sorry.

20 **MR ANGELO AGRIZZI:** I think so.

CHAIRPERSON: Well it is an important question about whether the State got value for money because I heard evidence from Mr Dennis Bloem some time earlier who is a member of Parliament and who served for a certain number of years in the Correctional Services Portfolio Committee who testified that with regard to – I think it is, you referred to it as a kitchen contract.

MR ANGELO AGRIZZI: Yes.

CHAIRPERSON: With regard to the kitchen contract for Correctional Services, Correctional Facilities, actually in effect Bosasa was not doing the work, was not doing the work or most of the work, I don't want to misrepresent what he said, most of the work insofar as the so-called kitchen contract is concerned was done by prisoners.

MR ANGELO AGRIZZI: That is correct.

CHAIRPERSON: And I certainly got the impression from what he said and I think he was quite emphatic about this because he even said he was not talking about something he heard about, he was talking about something that he knew that the work,
10 the actual work in regard to this so-called kitchen contract was being done by prisoners, or most of the work, I don't know if he was saying all the work but most of the work he said was done by the inmates and not by Bosasa.

MR ANGELO AGRIZZI: Chair I've got to tell you the truth here because I'm under oath and if I don't, I told you before what my wife will do to me, but the fact of the matter is I must be honest with you, it is true the prisoners were used to do the cooking of the food, but in that specific contract there was training and development done which was phenomenal, and half of the training and development done was – and I'm not just saying that, I could sit here and tell you it was a rubbish contract and all that, no the training and development done I think saw in my time 60 000 offenders being trained in
20 the food industry, on national accredited courses, so that contract is a bit difficult. For Mr Bloem to say you know that they were ripped off, it's a long debate and I don't think we should go into it today because in actual fact, I will give you an example, that Correctional Services would fill up the courts about complaints with regards to food, and people and offenders taking the Department to court all the time, since it was done by a professional catering company we were able to reduce it down to zero, there were

no complaints.

Another thing that you must consider is that for some or other reason you know when you're working for a company you work on a bonus and a retention basis and incentive basis you tend to be more controlling over the stores and over the purchase prices and things like that, and sometimes Corrections let it slip, so to say as a blanket on that specific contract it wasn't worth while well there was never ever a riot because of the quality of the food, so I can't fault Bosasa there, personally, I knew it ,I was involved with it, so on that contract I can't.

Was it expensive, Chair it's expensive to shop at Woolworths but when you
10 buy at Woolworths you can eat everything that they provide you with, there's no peels, there's no cabbages, the leaves and all that, and I'm not advocating Woolworths, I'm just giving an example.

CHAIRPERSON: Well Mr Pretorius.

ADV PAUL JOSEPH PRETORIUS SC: On that note Chair is it a good time to take the short adjournment?

CHAIRPERSON: Yes, it is. That issue relating to value for money certainly in regard to Correctional Services where I had the evidence that I had from Mr Bloem should be investigated further and at some stage I would like to know what the true position is, so we need not deal with it or exhaust it now, but at some stage I would like that I hear
20 evidence from different people as to exactly what value, if any, Bosasa brought, and exactly in what way and what was happening.

ADV PAUL JOSEPH PRETORIUS SC: Yes, for example Chair if a Department allows a gross profit margin of close on 40% how this fits in with the norm.

CHAIRPERSON: Yes, yes, definitely.

ADV PAUL JOSEPH PRETORIUS SC: So we will investigate.

CHAIRPERSON: Ja, and of course I think we heard from Mr Bloem also that Correctional Services has got their own farms where they produce food and so on and he was asking so one needs to know if they use food that they produce on their farms and inmates were being used to cook and so on, how did all that – how did that affect the price that may have been charged by Bosasa.

ADV PAUL JOSEPH PRETORIUS SC: Yes Chair, so at some stage that should be looked at, but we will take the short adjournment for now, we will resume at half past eleven.

ADV PAUL JOSEPH PRETORIUS SC: Thank you Chair.

10 **CHAIRPERSON:** We adjourn.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: You may proceed Mr Pretorius.

ADV PAUL JOSEPH PRETORIUS SC: Yes we just waiting for Mr Agrizzi to arrive.

CHAIRPERSON: Oh.

ADV PAUL JOSEPH PRETORIUS SC: In the meanwhile Chair it is my error may I ask that Mr Witz who represents Mr Agrizzi places himself on record?

CHAIRPERSON: Okay he did not do so before but he – maybe he – even if he did maybe he should again in case.

20 **ADV PAUL JOSEPH PRETORIUS SC:** I am sorry Chair.

CHAIRPERSON: I am saying I was asking whether he did not do so before.

ADV PAUL JOSEPH PRETORIUS SC: No he did not.

CHAIRPERSON: Oh okay alright. Let us do that.

ADV DANIEL WITZ: Yes morning Chair sorry I have not done it before. I was here in January.

CHAIRPERSON: Yes.

ADV DANIEL WITZ: For Mr Agrizzi I was also here for Mr Van Tonder.

CHAIRPERSON: Yes.

ADV DANIEL WITZ: Andries and Leon and Mr Vorster and Mr Richard Le Roux.

CHAIRPERSON: Yes.

ADV DANIEL WITZ: I act on behalf of all of them and I am acting on behalf on Mr Agrizzi today.

CHAIRPERSON: Yes.

ADV DANIEL WITZ: And I am instructed by Witz Incorporated who are the
10 instructing attorneys and I am an advocate and I appear for Mr Agrizzi.

CHAIRPERSON: Thank you very much.

ADV DANIEL WITZ: Thank you Chair.

CHAIRPERSON: I think we will have to adjourn. Okay.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: I do know that when we adjourned on my watch the time was about
seventeen minutes / sixteen minutes / seventeen minutes past?

ADV PAUL JOSEPH PRETORIUS SC: Eighteen I looked carefully.

CHAIRPERSON: Oh eighteen – so maybe I did not give everybody a full fifteen
20 minutes.

ADV PAUL JOSEPH PRETORIUS SC: Correct Chair.

CHAIRPERSON: Okay.

ADV PAUL JOSEPH PRETORIUS SC: But we will manage.

CHAIRPERSON: Ja.

MR ANGELO AGRIZZI: My apologies Chair.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: Normally they fetch me and I ...

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: And I normally keep time but I did not this time I forgot.

CHAIRPERSON: No, no.

MR ANGELO AGRIZZI: My apologies, sorry...

CHAIRPERSON: No, no that is fine. I probably robbed people of two or three minutes of the break. Thank you.

ADV PAUL JOSEPH PRETORIUS SC: Mr Agrizza before we got to paragraph 14 I am
10 told that there may have been some confusion about the total amounts in paragraph 12
and 13 of your statement. The total amount of historical contracts between 2000 and
2016 as you have referred to them the value of the contracts is over R2 billion?

MR ANGELO AGRIZZI: That is correct Chair.

ADV PAUL JOSEPH PRETORIUS SC: And the value of the bribes, the estimated
bribes paid in relation to those contracts is R66 million approximately?

MR ANGELO AGRIZZI: Plus the R9.4 million set out. So it is about R75 million.

ADV PAUL JOSEPH PRETORIUS SC: Yes that would be in paragraph 13 the
continuing contracts?

MR ANGELO AGRIZZI: Correct. The – I just want to clarify. The word continuing
20 contracts should not be there but because I am not very good on computers.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: When I typed I just copied and pasted another table so on my
draft which I submitted to yourselves it had on the one page the first batch of names
and on the second page it had this one. So it is all one table but because I am not that
great I – it split up now.

CHAIRPERSON: Hm.

ADV PAUL JOSEPH PRETORIUS SC: Right.

CHAIRPERSON: So – just so that I understand that.

MR ANGELO AGRIZZI: Yes Chair.

CHAIRPERSON: On the way you had done it was the position that you were simply looking at all contracts that were in existence at some stage or another between 2000 and 2016?

MR ANGELO AGRIZZI: Correct Chair.

CHAIRPERSON: Oh okay, okay.

10 **MR ANGELO AGRIZZI:** So to clarify for Advocate Pretorius as well so it should be one table.

ADV PAUL JOSEPH PRETORIUS SC: One table?

MR ANGELO AGRIZZI: It is only split because I am not.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: I mean I have had to do – I do not have a PA anymore.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: So I had to do this all myself.

ADV PAUL JOSEPH PRETORIUS SC: So in other words if one deletes the headings and I do not suggest we do that now informally Chair. If one deletes the headings and
20 places one table it would more accurately reflect what you intended to put in this table?

CHAIRPERSON: Yes.

ADV PAUL JOSEPH PRETORIUS SC: We will explain that perhaps in a supplementary note Chair.

MR ANGELO AGRIZZI: Okay.

CHAIRPERSON: Well I am making a note that says I should ignore this heading at 13.

ADV PAUL JOSEPH PRETORIUS SC: Just deleting the two headings would – would...

CHAIRPERSON: I am avoiding deleting.

ADV PAUL JOSEPH PRETORIUS SC: Or putting a note.

CHAIRPERSON: So I making a note.

ADV PAUL JOSEPH PRETORIUS SC: Next to the heading which says delete. But we will explain that in a supplementary note from [indistinct] Chair.

CHAIRPERSON: Ja. No that is alright. That is alright thank you. So therefore viewed in that way Mr Agrizzi it makes sense for you to say the total should be one that takes
10 into account both totals that are in the two columns?

MR ANGELO AGRIZZI: Correct.

CHAIRPERSON: Okay.

ADV PAUL JOSEPH PRETORIUS SC: Thank you Chair. The second issue which was raised with you briefly Mr Agrizzi over the short adjournment you can assist the Chair in relation to the topic value for money.

MR ANGELO AGRIZZI: Yes.

ADV PAUL JOSEPH PRETORIUS SC: We will investigate it more thoroughly.

MR ANGELO AGRIZZI: Yes.

ADV PAUL JOSEPH PRETORIUS SC: But in relation to the question of the use of the
20 prisons farms you do have some information from your own personal knowledge?

MR ANGELO AGRIZZI: Chair I have got to be frank and open about it. The problem you have is that sometimes bureaucracy prevents people from performing at their best. So what was happening is that for instance yes they have the farms but the farms for instance would have problems. They would not get seeds on time so they could not plant stuff. They would not get the right feeds for the pigs that they produce at

Waterval. They did not have processing plants. So you know those were all hindrances that they picked up. I mean I remember at Waterval I put up a processing plant free of charge for them because we making good money but also because if I look after the raw material from the farm it saves costs in the long run to – you see that kind of impact is not there unfortunately with the people that were there. They had been in corrections all their years. They have done it a certain way and it was not as effective as it could be. So the ultimate result being is that through efficiencies by bringing in a private company or individuals that have been in that business all their life and the bread and butter is made out of how much money you can save. I will give you a

10 simple example. If you serve 30 grams at correctional services more chicken than you supposed to – let me rather use the word beef. Beef or protein. 30 grams is literally the size of my thumb. Do you know that that 30 grams you escalate it now. You say well times that by 240 000 offenders I do not have a calculator and I am damn good – bad at maths – but 240 000 times 30 grams comes to say I do not know about probably about 4 tons, do not quote please but 4 tons at the going rate of R30,00 per kilo it is a considerable amount – it is nearly R120 000,00 a day. And that is only on one product. So with the result being with all the little slips and that that they had in corrections they were losing phenomenal amount of money. When I did the initial surveys which I thought was the blueprints right in 2000, the beginning of 2004 – I give you an example.

20 Westville Prison their catering costs were in excess of R29,00 per person per day which sounds – geez that sounds cheap but bear in mind the initial cost that Bosasa charged the department was R10.55 per person per day. So there is such a big disparity that I cannot openly say now no they never got value for money. They did get value for money in that contract. There are – yes if they had called in other contract companies they probably might have got it for R9.00 or for R8.00 a day but if you have to compare

corrections and private catering I must be frank with you it is cheaper to outsource. And I have written papers on it and I can provide that. But I recall also writing an article for Mr Lukas Muntingh who is involved with prisons and that and they will tell you the quality of the food prevented a lot of other issues like courts, arraignments and that type of thing. So in terms of what Mr Bloem said was a hundred percent right that the offender are being used but rather use them, train them up, skill them up and you know sometimes it becomes embarrassing but skill them up, train them. I walked into KFC the other day and one of the offenders 'oh Mr Agrizzi the last time I saw you I was in prison' and everybody looks at you as if you were in prison but he was one of the guys
10 that had been trained and developed. So you know that had its benefits as well. So I cannot openly say – with other contracts I can tell you where people did not get value for money at all. But in general yes but there are – in this specific contract there was value for money.

CHAIRPERSON: No thank you very much.

ADV PAUL JOSEPH PRETORIUS SC: You had two examples of the quality of the produce from the farms of Correctional Services they illustrate the point I think that you were making. Tell the Chair about those.

MR ANGELO AGRIZZI: I do not know if I should not on live TV.

ADV PAUL JOSEPH PRETORIUS SC: Please do.

20 **MR ANGELO AGRIZZI:** Maybe we should do it camera. But the one was for instance Waterval as pigs and they grow pork. And pork was a thing in the prisons that number 1 prisoners do not like pork and the other thing was if you do not – if you do not feed the pigs correctly they put on fat and they kind of look like me but.. What – happening we were getting pork that had like six centimetres or ten centimetres of fat on it that I would reject because – and the only reason for that is because the bureaucracy would

prevent the guys from getting the correct feeds, getting the veterinary services out there and all that type of thing. And if you look at cabbages. Pollsmoor had a phenomenal problem with vegetables because what was happening was you were not actually transporting vegetables because they just deliver it in a truck and you basically shifting sand from the prison farm in Pollsmoor to Malmesbury. All you doing is shifting sand and you might get cabbages with it. So one of the initiatives put there was to say – because we were compelled to buy from the prison farms. One of the initiatives there was to be able to set up a production plant where we used lady offenders in the production plant to actually pre-prepare the vegetables and to actually leave the soil on
 10 the ground and actually pre-cut the vegetables, make jams and things like that. So from that perspective there was benefit as well. What I will do is I will – I will send the investigations team some of the synopsis that I did.

CHAIRPERSON: Yes, yes.

MR ANGELO AGRIZZI: But there were other areas that yes there was no value for money.

CHAIRPERSON: Thank you.

ADV PAUL JOSEPH PRETORIUS SC: Can we move then Mr Agrizzi to paragraph 14 of your statement?

MR ANGELO AGRIZZI: Yes.

20 **ADV PAUL JOSEPH PRETORIUS SC:** You were asked specifically to deal with the quantity of cash deliveries to Ms Nomvula Mokonyane and the values of those cash deliveries and in particular you were asked what were you involved with personally and what did you personally observe? Please tell the Chair about that?

MR ANGELO AGRIZZI: Chair on a monthly basis there would R50 000,00 packed. That was – it was done. There were two occasions that I was there when it was

received. The one occasion was we were – we had to attend to a problem – I think it was with Walter Sisulu school, Walter Sisulu place of safety that had a major issue and we needed to move children around and that and at that stage we went to the Premier's property and I remember it vividly driving up and the beautiful place in Bryanston and we were taken in. Before that we had packed the R50 000,00 in a grey security bag. We were taken in. You go through big doors and then we sat in a lounge and in a waiting area. And then you got the entrance hall and there was another on the right hand side there was like a massive – it looked like a dining hall come conference room, massive. And she was sitting at the head of the table. There was a chair free. There
10 was Mr Watson sitting there. I sat next to him. On the opposite side there was Ms Hlophe I think she was the MEC at that stage for Social Services if I remember correctly and there were some other people. And Tannie Makoko was actually with us as well. And we had the meeting. We discussed everything and it went until late at night and at that stage everybody was starting to walk out and Gavin then left the bag next to the – took the envelope out of the bag or the bag out of the bag and put it on the side.

CHAIRPERSON: I do not know if your voice is going down so...

MR ANGELO AGRIZZI: Sorry I am – no it is not this is the problem.

CHAIRPERSON: Okay.

20 **MR ANGELO AGRIZZI:** So then took the bag from the bag and left the bag on the chair next to it. You know that I can attest to that is what happened on that time.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: The second one was I was present at the house...

CHAIRPERSON: I am sorry you cannot remember around about when that was?

MR ANGELO AGRIZZI: I cannot hey.

CHAIRPERSON: Okay alright.

MR ANGELO AGRIZZI: I can only say that it was when she was Premier.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: And because I remember the house.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: Vividly and I remember the – I remember the – the situation that led to the meeting that night.

CHAIRPERSON: Yes okay.

MR ANGELO AGRIZZI: And then there was the second time which was in the house in
10 Krugersdorp. Krugersdorp or Roodepoort I am not – I know where the house and I can
tell you the address but they told me to take out the address but I remember it
happening there when it was handed over.

CHAIRPERSON: Hm.

MR ANGELO AGRIZZI: You know then there were other occasions where he would –
where Watson would be...

CHAIRPERSON: Okay the one that you – you are not telling us about is that because
you previously dealt with it?

MR ANGELO AGRIZZI: Which one is that? There are two occasions.

CHAIRPERSON: Ja.

20 **MR ANGELO AGRIZZI**: The one was in Bryanston

CHAIRPERSON: You told us the details about the one.

MR ANGELO AGRIZZI: Yes. And the other one was in Krugersdorp.

CHAIRPERSON: Ja. Ja.

MR ANGELO AGRIZZI: So there is much detail really. It is was...

CHAIRPERSON: Oh.

MR ANGELO AGRIZZI: I was in the meeting – it was – it actually you know just happened like oh we coming for a meeting and then we going to hand over. You know so that was – that was – those are the times I can remember vividly what actually happened. But then there was occasions where I would be told.

CHAIRPERSON: I am sorry. This last one seems rather vague you know. You say come for a – did you somebody ask you let us go to...

MR ANGELO AGRIZZI: Yes.

CHAIRPERSON: So and so's house for a meeting?

MR ANGELO AGRIZZI: Yes.

10 **CHAIRPERSON:** Or what – I think...

MR ANGELO AGRIZZI: Ja so...

CHAIRPERSON: Just give us more ...

MR ANGELO AGRIZZI: I would never...

CHAIRPERSON: It is quite vague.

MR ANGELO AGRIZZI: I would never go on my own.

CHAIRPERSON: Ja.

MR ANGELO AGRIZZI: So the rule was very simple that you do not – that was Gavin's deal and Gavin would deal with her. I – I got occasionally a phone call to do something or do this or do that occasionally when she – when Gavin's phone was off. So that
20 was...

ADV PAUL JOSEPH PRETORIUS SC: If I may just interrupt

MR ANGELO AGRIZZI: Yes.

ADV PAUL JOSEPH PRETORIUS SC: Mr Agrizzi you are being invited to give as much detail about the second occasion as you can recollect.

MR ANGELO AGRIZZI: Well you know I can recollect the house and I can recollect

that there was a meeting that we were going to attend and I cannot remember what the meeting was about sorry I just cannot.

CHAIRPERSON: Do you remember – was money given to her on that occasion?

MR ANGELO AGRIZZI: Yes.

CHAIRPERSON: Do you know how much it was?

MR ANGELO AGRIZZI: It was R50 000,00

CHAIRPERSON: How much?

MR ANGELO AGRIZZI: R50,000,00.

CHAIRPERSON: R50 000,00

10 **MR ANGELO AGRIZZI**: I remember the amounts.

CHAIRPERSON: Yes. Did you get involved in packing the money?

MR ANGELO AGRIZZI: The money was packed the day before.

CHAIRPERSON: Ja not by you or by you?

MR ANGELO AGRIZZI: No, no the money was not packed by me it was packed by Gavin.

CHAIRPERSON: Yes. And was it given to her in your presence?

MR ANGELO AGRIZZI: Yes.

CHAIRPERSON: During the meeting?

MR ANGELO AGRIZZI: Yes.

20 **CHAIRPERSON**: Or...

MR ANGELO AGRIZZI: I can tell you where.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: It was in her study.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: As you walk through the front door.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: You turn right.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: Okay there is a desk.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: And there is a whole lot of memorabilia.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: And memorabilia on the back.

CHAIRPERSON: Yes.

10 **MR ANGELO AGRIZZI**: And she came down from upstairs.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: Downstairs.

CHAIRPERSON: Yes. And at that time was she still the Premier?

MR ANGELO AGRIZZI: No.

CHAIRPERSON: Or not?

MR ANGELO AGRIZZI: No.

CHAIRPERSON: She was not the Premier at that stage?

MR ANGELO AGRIZZI: No.

CHAIRPERSON: Do you know whether she was a MEC or was she a Minister?

20 **MR ANGELO AGRIZZI**: I think it was MEC I cannot recall exactly.

CHAIRPERSON: Ja but she was not Premier as you recall?

MR ANGELO AGRIZZI: No.

CHAIRPERSON: Okay, alright, thank you.

ADV PAUL JOSEPH PRETORIUS SC: Well if you look at paragraphs 14.3 and 14.4.

In 14.3 you say there was a second occasion when you were present when money was

delivered?

MR ANGELO AGRIZZI: That is right.

ADV PAUL JOSEPH PRETORIUS SC: And then in 14.4 you say that Watson told you that he was en route to the Premier at her house in Krugersdorp?

MR ANGELO AGRIZZI: Yes it is correct.

ADV PAUL JOSEPH PRETORIUS SC: Is that correct?

MR ANGELO AGRIZZI: That is correct. I was under the impression Chair was asking the question asked was, was I present, when was I present? I was present on those two occasions.

10 **ADV PAUL JOSEPH PRETORIUS SC:** And she was Premier on both those occasions?

MR ANGELO AGRIZZI: On the first occasion I remember she was a Premier because we went to what is noted the Premier's house. The second occasion I cannot remember is she was still a Premier or a MEC. I still – I can tell you that at that specific time I think she was more involved with elections at that stage so it might have been that period of time.

ADV PAUL JOSEPH PRETORIUS SC: Well you refer to the Premier in paragraph 14.4 that is the point I am making.

20 **MR ANGELO AGRIZZI:** Okay but is the second – the first question you asked me is, you asked me if Chair let me get this right in my head. The first question is when were you present? I was present on those two occasions that I am reading. So on the third occasion on 14.4 alright I was not present when he gave it. I was present when he was en route I had to meet him and hand over to him and he told me he is going there.

ADV PAUL JOSEPH PRETORIUS SC: So you referring to three occasions or two?

MR ANGELO AGRIZZI: Well two when I was present and the third occasion I was not

present when he handed it over but I was present when I gave it to him to take to her.

Am I clear? I just follow you.

CHAIRPERSON: Yes, no, no.

ADV PAUL JOSEPH PRETORIUS SC: Yes it is just that the statement is slightly different from that but we hear what you saying.

CHAIRPERSON: Now just – sorry I just want to clarify there. I say often Gavin would request me to pack an amount of R50 000,00 in a security bag. I recall at one stage that Watson was in a rush and told me that he was en route to the Premier at her house. At that stage the Premier was Nomvula Mokonyane. I did this and gave him the
10 package. He wanted to discuss the SIU matter as a matter of urgency. But I never said I went with him.

ADV PAUL JOSEPH PRETORIUS SC: Yes. So I understand now 14.2 is one occasion.

MR ANGELO AGRIZZI: Yes.

ADV PAUL JOSEPH PRETORIUS SC: 14.3 is another occasion.

MR ANGELO AGRIZZI: Correct.

ADV PAUL JOSEPH PRETORIUS SC: And 14.4 is yet another third occasion.

MR ANGELO AGRIZZI: So 14.2 is when I was present. 14.3 is when I was present.
14.4 I was not present.

20 **ADV PAUL JOSEPH PRETORIUS SC:** Yes.

MR ANGELO AGRIZZI: 14.5 I am present but there is no cash.

ADV PAUL JOSEPH PRETORIUS SC: Alright so – thank you for clearing that up.

MR ANGELO AGRIZZI: Thank you Chair. Is it clear?

CHAIRPERSON: Ja. So you have made it clear on what occasions

MR ANGELO AGRIZZI: Yes.

CHAIRPERSON: You actually saw cash – saw the money

MR ANGELO AGRIZZI: Yes.

CHAIRPERSON: Being handed over or being left – handed over to her or being left in her house?

MR ANGELO AGRIZZI: Correct.

CHAIRPERSON: And another occasion you participated – or you gave the money to Mr Gavin Watson who told you that he was going to see her?

MR ANGELO AGRIZZI: Correct.

CHAIRPERSON: And – but you were not there at the meeting that he would have had
10 with her and therefore you did not see – you do not know whether on that occasion it was handed over to her or not?

MR ANGELO AGRIZZI: Correct.

CHAIRPERSON: Ja okay.

ADV PAUL JOSEPH PRETORIUS SC: Then in paragraph 14.5 you deal with benefits other than cash.

MR ANGELO AGRIZZI: Correct.

ADV PAUL JOSEPH PRETORIUS SC: Being provided to Ms Mokonyane?

MR ANGELO AGRIZZI: Yes.

ADV PAUL JOSEPH PRETORIUS SC: Won't you tell the Chair about that please?

20 **MR ANGELO AGRIZZI**: Chair it was one specific day that we were called to a meeting and it was early in the morning – I think it was the morning – ja it was early in the morning. And I got a call. I was actually busy with something and when you got a call from Gavin you dropped everything and especially if it was the Premier drop it all. I was actually in a meeting and I had to leave everything and go. So I went with him. We actually went in the same car. His car and it was Porsche Cayenne Turbo S. And I

would always drive the car when I was with him because I get car sick if I am driven around. And basically there was a lot of work that needed to be done. She was there and her PA was there as well, Sandy Thomas I think her name was. And basically there were a lot of things wrong. The CCTV cameras were not working. The shed where the police guarding her was falling apart. The electric fence was not working. It had been overgrown with leaves and trees and that. The swimming pool was green and there was a lot of issues with regards to lighting. Every second light bulb was out. I remember the floor lighting which is a special bulb that we had to get on the entrance was missing. And a lot of things were missing so we went there and we then phoned
 10 up Richard le Roux who was then told to come and fix and he was instructed to fix. I mean the generator, the auto switch on the generator was not working. We had to call in the specialist for that. But every time there was something wrong it was a phone call and it would get sorted out. Irrespective of cost it would get done. So even like the gardening stuff had to be sorted out. I remember getting a guy – our gardener Marius to go there and to clean up the gardens and all that. So it is very difficult for me to quantify the costs now it is a couple of years later. But you looking at about R350/R400 000,00. I mean new camera systems, electric fence, generator, all that type of stuff used to be done. Does that clarify for you?

ADV PAUL JOSEPH PRETORIUS SC: Yes. Then in paragraph 14.6 you talk about
 20 arranging and paying for functions.

MR ANGELO AGRIZZI: Yup.

ADV PAUL JOSEPH PRETORIUS SC: Would you tell the Chair about that please?

MR ANGELO AGRIZZI: You know Chair we – we always used to I believed in do it properly and do it to the best of our ability. So we would just get requests and Gavin did not debate these type of issues. He did not want to know whether the people want

to work on a weekend or a Sunday night or - I will give you an example. I got a call on a Friday – on a Thursday evening at 7:30 and I get told I have got to provide lunch packs which must include a piece of chicken, four slices of bread, jam, a juice, energy bar and fruit. It must be tomorrow morning at six o'clock must be delivered to – it was University of Johannesburg's campus. That is the type of requests. And you would have to just do it and make it work. And God forbid if you do not because you will have him – and on that specific occasion I remember there were at UJ here and it was the wrong address they had given us. It was supposed to be UJ I think in Soweto. So we would have to jump and do this type of functions. Lekgotlas we have done I think I have
 10 got more T-shirts on the ANC in my cupboard than I need. Because every time you got there you got a free t-shirt. So I got t-shirts and caps that I have got enough for a couple of years still. But we would have to do those functions. Syanoba rallies. We did them. All free of charge. There was never ever a charge. You never ever dared ask him are we going to recover this money. There were funerals, personal funerals done. All hours of the night, that type of thing. So all that would be at Bosasa's costs and it is fact you know.

CHAIRPERSON: And the packs that you talked about?

MR ANGELO AGRIZZI: Yes.

CHAIRPERSON: You would have prepared for, was it vets or UJ for that particular
 20 Friday morning six am. Would that have been like food parcels or food that was going to be given to people who were attending some meeting or rally or something?

MR ANGELO AGRIZZI: Chair it was always rallies and it was not just the pack put it together like you buy like the typical street food we can buy.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: It was not that.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: This had to be in a foma tray and then you had to have the logo's printed on a sticker. So we had to have a sticker on that with the function and who was involved or whatever or the naming configuration. It had to be done properly it was really you know it was top class.

CHAIRPERSON: Hm, hm. But if you were on this particular occasion you given a call Friday early evening or evening...

MR ANGELO AGRIZZI: Thursday evening.

CHAIRPERSON: And this was to be. Sorry on Thursday?

10 **MR ANGELO AGRIZZI**: Thursday evening.

CHAIRPERSON: On Thursday evening oh ja on Thursday evening and this was to be ready for 6 am you must have or your people must have worked quite hard throughout the night to get ready?

MR ANGELO AGRIZZI: I cannot – Chair I cannot tell you how many nights I personally have worked with the team. I mean you talking having to keep people back 20/30 people because you got to pack 5 or 10 000 packs at a time you know. I mean it is a logistical – it used to be a logistical nightmare for me.

CHAIRPERSON: Hm.

20 **MR ANGELO AGRIZZI**: And maybe what the commission should do is approach one of the people that I put in charge to do that and they will give you all the facts. But the fact of the matter is it was a cost. It was a major, major cost to us.

CHAIRPERSON: Yes, yes. Well give the information

MR ANGELO AGRIZZI: I will.

CHAIRPERSON: To the legal team and the investigators.

MR ANGELO AGRIZZI: Yes.

CHAIRPERSON: Ja.

ADV PAUL JOSEPH PRETORIUS SC: Then Mr Agrizzi in the paragraphs 14.8 to 14.13 or 14.12 you deal again with evidence regarding the provision of hire vehicles for Ms Mokonyane's daughter. You do not have to repeat that evidence.

MR ANGELO AGRIZZI: Ja. Chair if I may? If I may ask you that I do not want really discuss children and that. I can just give you a brief overview.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: There is so many times that I would have to – because I do not feel that you know it is right to mention children in this.

10 **CHAIRPERSON:** Ja.

MR ANGELO AGRIZZI: But I – there were many occasions where I would get a call, you organise this one's daughter a car and organise that one's daughter a car or that one's daughter a car. This is one of those situations. You know costs here would be between 80 and sometimes R150 000,00 and there is a whole lot of other issues.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: That go with it. There are accidents. There are demands. There is all that.

CHAIRPERSON: Hm.

MR ANGELO AGRIZZI: So, yes that happened.

20 **CHAIRPERSON:** Hm.

MR ANGELO AGRIZZI: The facts are here.

CHAIRPERSON: Hm, but you say now you are asked to organise this or that for this one's daughter?

MR ANGELO AGRIZZI: Yes.

CHAIRPERSON: Or this one's daughter. So far we have only from you evidence in

regard to the daughter of one politician as far as I remember. Are you suggesting that you have personal knowledge of children of other politicians who might have been benefited in the same way as the daughter of this particular politician that you have testified about?

MR ANGELO AGRIZZI: Chair there are numerous examples. I have tried to give you everything.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: And I mentioned it right from the beginning that there is just not enough time. We are always under pressure.

10 **CHAIRPERSON:** Yes.

MR ANGELO AGRIZZI: Getting the stuff.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: To you and.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: To get it. I have started writing up everything else, but.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: These things just carry on and carry on, you know I mean.

CHAIRPERSON: Hm.

MR ANGELO AGRIZZI: I recall now there is another one, you know.

20 **CHAIRPERSON:** Yes.

MR ANGELO AGRIZZI: So it happens.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: Jogs your memory. So.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: I do not want to, I will probably.

CHAIRPERSON: You will.

MR ANGELO AGRIZZI: Sit and finish off, but I mention in the previous one I think it was Mr Vincent Smith's daughter as well who had a vehicle.

CHAIRPERSON: Oh, yes you did, *ja*.

MR ANGELO AGRIZZI: I do mention that.

CHAIRPERSON: *Ja*.

MR ANGELO AGRIZZI: And then I mention this one here.

CHAIRPERSON: Hm.

MR ANGELO AGRIZZI: And then there is another one.

10 **CHAIRPERSON:** Hm.

MR ANGELO AGRIZZI: But you know it only comes to mind when you start really talking about it.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: And that.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: You know, bearing in mind.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: You know these are prepared very quickly and.

CHAIRPERSON: Hm.

20 **MR ANGELO AGRIZZI:** You know we write them down, write them down, write them down.

CHAIRPERSON: Yes, yes okay. Well if and when you remember or you see something that reminds you of things that are relevant, you know, let the legal team or investigators know.

ADV PAUL JOSEPH PRETORIUS SC: Yes. You will understand Mr Agrizzi if we have

evidence available as investigators and the legal team of some that have been omitted we should bring that forward in fairness to all.

MR ANGELO AGRIZZI: Yes.

ADV PAUL JOSEPH PRETORIUS SC: So if you do have any direct recollection at the moment please feel free to tell the Chair.

MR ANGELO AGRIZZI: *Ja*, you know the problem is I do not purposefully omit them and I do not want to do that. I want to be frank and open, but I remember now Richmond Mti's kids that would get flights and tickets and cars and then there is, I cannot remember the name now of the child, but I will [intervenes].

10 **ADV PAUL JOSEPH PRETORIUS SC:** Yes, you have got Patrick Gillingham's children.

MR ANGELO AGRIZZI: Oh yes, no that was I mean that was a given.

ADV PAUL JOSEPH PRETORIUS SC: Yes.

MR ANGELO AGRIZZI: You know then there is for instance one of the ex-Chairman of the companies and I do not want to really mention his name, because I first want to check my facts, but I know that.

CHAIRPERSON: Well if you are not sure it might be.

MR ANGELO AGRIZZI: *Ja*.

20 **CHAIRPERSON:** Better if you check your facts and then give the information to them and then I know that you have no problem coming back if need be, but.

MR ANGELO AGRIZZI: Chair.

CHAIRPERSON: See what you, if it is something that is important and that you have personal knowledge of give it to them and we take it from there.

MR ANGELO AGRIZZI: You know with the greatest respect Chair.

CHAIRPERSON: Hm.

MR ANGELO AGRIZZI: It is very difficult, because I do not have documentation. I work off my memory.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: And I work off.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: Then I go and look for the facts.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: Then I find the facts.

CHAIRPERSON: Yes.

10 **MR ANGELO AGRIZZI:** I go and search for them.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: I phone up people.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: I get the documentation.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: That corroborates.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: Because I would hate to implicate somebody here.

CHAIRPERSON: Yes.

20 **MR ANGELO AGRIZZI:** That is not.

CHAIRPERSON: *Ja.*

MR ANGELO AGRIZZI: Guilty.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: So with the result being is that for instance avenues get blocked for me.

CHAIRPERSON: Hm.

MR ANGELO AGRIZZI: I mentioned this morning to the investigators I am busy with a cellphone record, but.

CHAIRPERSON: Hm.

MR ANGELO AGRIZZI: How I have had to fish and try and get my old cellphone records.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: Because all that information is being blocked off by me.

CHAIRPERSON: Hm.

10 **MR ANGELO AGRIZZI:** You must remember and I attest to it where I have asked even the old attorneys for information. They refuse to give me the information.

CHAIRPERSON: Hm.

MR ANGELO AGRIZZI: So as I get the information that is when I put it in an affidavit.

CHAIRPERSON: Hm.

MR ANGELO AGRIZZI: But yes I am trying to wrack my brain to think of absolutely everything.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: Because I also want to get closure on this.

CHAIRPERSON: Yes.

20 **MR ANGELO AGRIZZI:** Yes.

CHAIRPERSON: Ja, no it is fine.

MR ANGELO AGRIZZI: It is important.

CHAIRPERSON: Thank you.

MR ANGELO AGRIZZI: But I think once they get the right information and I can tell them where to go find it.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: And once they have found it.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: Then I can put it all together for them. That is not a problem.

CHAIRPERSON: Well the investigators and the legal team should be able to assist.

MR ANGELO AGRIZZI: Yes.

CHAIRPERSON: In terms of what legally needs to be done for you or the Commission to get the information that is important for the Commission. So I know you are in touch with them. So.

10 **MR ANGELO AGRIZZI:** Yes.

CHAIRPERSON: Do talk to them to say I am having difficulty finding this information. Is there a way in which the legal team or the investigators can help and they should be able to help most of the time?

MR ANGELO AGRIZZI: I will give you, if I may, I will give you an example Chair is where SARS for instance, they are busy now with an investigation.

CHAIRPERSON: Hm.

MR ANGELO AGRIZZI: And the liquidators, I tell them exactly where to go.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: And then they go and get that information.

20 **CHAIRPERSON:** Yes.

MR ANGELO AGRIZZI: And then they ask me to help piece it together for them.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: So that is where I can be of assistance.

CHAIRPERSON: Yes, okay.

MR ANGELO AGRIZZI: And I will assist.

CHAIRPERSON: Okay, thank you.

ADV PAUL JOSEPH PRETORIUS SC: Right. Then in paragraph 14.14 you repeat but in summary form that the purchases of food products, meat hampers, liquor and other items that you set out in your original affidavit as deliveries to Ms Mokonyane that would be done on an annual basis.

MR ANGELO AGRIZZI: Correct.

ADV PAUL JOSEPH PRETORIUS SC: You say here without fail?

MR ANGELO AGRIZZI: Correct and if I understand correctly that is in answer to the question that was put to me by the chair on how many deliveries took place.

10 **ADV PAUL JOSEPH PRETORIUS SC:** Yes.

MR ANGELO AGRIZZI: And how often.

ADV PAUL JOSEPH PRETORIUS SC: Do you recall over what period that would have taken place approximately?

MR ANGELO AGRIZZI: 10 years.

ADV PAUL JOSEPH PRETORIUS SC: 10 years you say?

MR ANGELO AGRIZZI: *Ja*.

ADV PAUL JOSEPH PRETORIUS SC: Then you have testified that in relation to Ms Mokonyane and I presume others as well that you would receive requests from time to time?

20 **MR ANGELO AGRIZZI:** Yes.

ADV PAUL JOSEPH PRETORIUS SC: And you have looked for written evidence as I understand it of such a request?

MR ANGELO AGRIZZI: Correct.

ADV PAUL JOSEPH PRETORIUS SC: One example is Annexure FF which appears on page 79 of Bundle S9?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL JOSEPH PRETORIUS SC: The email chain begins on page 80 and continues through to page 79.

MR ANGELO AGRIZZI: [Intervenes].

ADV PAUL JOSEPH PRETORIUS SC: It is not very clear from the documentation what has happened here. Perhaps you should explain that to the Chair.

MR ANGELO AGRIZZI: I can explain it. I remember this specific incident vaguely. What happened was I would get requests like this all the time. Now once more unfortunately why this looks the way it does is because all my emails were deleted but
10 luckily there was an archive folder where a lot of the things were kept by a person who I do not want to mention their name, because they have been victimised already and they are on the inside and I have had to use those tactics to get things like this to prove my case and I am not just a blithering fool and lying in front of everybody and so this was for instance a request and then this person would be told listen you go deal with Bosasa. They will sort it out. They will help you with everything that you need, but this is just one of those emails. This one relays to somebody needing help with purchasing of equipment and importing equipment as well and you know you feel obliged to do this, because the person has been sent to you and your boss is telling you listen you better get it sorted out. You do not know how you are going to sort it out, but you are being
20 told you will sort it out. So this is the type of things that we have to do.

CHAIRPERSON: [Intervenes].

MR ANGELO AGRIZZI: And the interesting thing is this family have no money. There is a bunch of investors in all the hotels, but there is no one to help them jump there. They went to the wrong door instead. I mean so our doors were like knocked on all the time.

ADV PAUL JOSEPH PRETORIUS SC: Well the original request in the email dated Tuesday 3 April is then forwarded via an Ms Ndaba to yourself from Nomvula Mokonyane.

MR ANGELO AGRIZZI: That is correct.

ADV PAUL JOSEPH PRETORIUS SC: And that appears at the top of the page?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL JOSEPH PRETORIUS SC: So this request was just passed on to you it seems.

MR ANGELO AGRIZZI: Yes.

10 **ADV PAUL JOSEPH PRETORIUS SC:** To attend to.

MR ANGELO AGRIZZI: And what would happen is Gavin Watson would get a call from her and say listen sort this out and I would get the call from Mr Watson or I would sometimes get a call directly to say sort this out.

ADV PAUL JOSEPH PRETORIUS SC: Right. Right, there is a direct communication. It appears on Friday 13 April 2012 in relation to the contents of this email chain from Nomvula Mokonyane directly to yourself?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL JOSEPH PRETORIUS SC: Then you were asked about the need for and the reason for the continued assistance given to Ms Mokonyane after the direct
20 relationships that you have spoken about previously and her connections as Premier had ceased. Do you see that in paragraph 15?

MR ANGELO AGRIZZI: Yes, I do.

ADV PAUL JOSEPH PRETORIUS SC: Why did the relationship between Bosasa and Ms Mokonyane continue and how did it continue?

MR ANGELO AGRIZZI: Well you must remember something and some people are

very powerful in politics, alright. I am sitting here on national TV telling you this Chair, but it is scary because people have the ability and I have experienced it first hand to do a lot of things. I have seen it happen in that company. I have seen prosecutions being stalled. I have seen things that you know that just boggles your mind and one of them is this where through very powerful and I was told categorically that you do not mess. You just do and you do not argue. One example, I will give you an example is that I walked into a meeting and I asked the question afterwards why, what benefit is there for us. Not knowing that there is a whole lot of other things happening on the side and it always confused me and then I picked up on Annexure GG and I realised geez Angelo
10 you are blind, because there is a classic example of how this is a major product. Bosasa is small fry. These are major products. Now this is why Watson was always looking after the Premier at that stage or the MEC Nomvula Mokonyane. So it refers to a windfarm that has been the subject of major controversy that I have tried to stay away from because I did not want to get involved.

CHAIRPERSON:

ADV PAUL JOSEPH PRETORIUS SC: I am sorry Mr Agrizzi.

MR ANGELO AGRIZZI: Yes.

CHAIRPERSON:

ADV PAUL JOSEPH PRETORIUS SC: May I ask you to speak closer to the mic.

20 **MR ANGELO AGRIZZI:** Sorry.

CHAIRPERSON:

ADV PAUL JOSEPH PRETORIUS SC: Your voice drops if you move away.

MR ANGELO AGRIZZI: Sorry.

CHAIRPERSON:

ADV PAUL JOSEPH PRETORIUS SC: Thank you.

MR ANGELO AGRIZZI: Sorry, so the big thing was for me the SIU case that we were told was closed and that I remember at one stage when we were running the call centre for the elections that we walked down the passage near the lodge and she said to me, she turned around, I was walking with Gavin. He had been in a meeting with her and she had turned around and said you know do not worry about it, because I kept asking because I was concerned about it. Do not worry, it is closed. You do not need to worry, but you are worried about the press. She said do not worry about the press. The thing is closed. Nothing is going to happen. So that was where the power was, but then I found out that in actual fact it was a little bit more than that. The long term plans are
10 always there in the background and the windfarm was a very controversial issue. As a matter of fact I met with the person who originally was going to do the EIA for the windfarm.

ADV PAUL JOSEPH PRETORIUS SC: EIA being?

MR ANGELO AGRIZZI: The EIA.

ADV PAUL JOSEPH PRETORIUS SC: Yes that stands for?

MR ANGELO AGRIZZI: Environmental Impact Assessment. So with any big project you have to do that. So I know that it is a multi-billion Rand deal. I know that for a fact. I know for a fact that everything was done to circumvent the rules of the EIA to make it hurry up and this was a common trend with the Watsons. You would worry about that
20 later, you know. The company that owns the windfarm is Ronnie Watson, Valence Watson, Jared Watson and Ronnie Watson's daughter, Tandy Snead and I then remember that Gavin was also involved in this whole thing and then I saw the article on 13 March which refers to this and I got a call to say now you know why this whole thing is happening. So in Annexure GG and maybe you want to refer to it you will see that Inyanda Energy Projects, Laidback Investments and I recall Laidback Investments

because Tony Perry always mentioned it. He was the company secretary at one stage and I always remember Laidback Investments in the vault. I always remember seeing the file, Laidback Investments. So I knew; that to me was the link between Bosasa and then you now if you look at the actual report it tells you the whole story.

ADV PAUL JOSEPH PRETORIUS SC: Yes. Before we go to Annexure GG which we will do in a moment.

MR ANGELO AGRIZZI: Yes.

ADV PAUL JOSEPH PRETORIUS SC: Mr Agrizzi, let us just sketch the background. In the Eastern Cape is a large property?

10 **MR ANGELO AGRIZZI:** Yes.

ADV PAUL JOSEPH PRETORIUS SC: Surrounded by a nature reserve?

MR ANGELO AGRIZZI: Correct. It is known for the black eagles or I think the eagles that are in that area.

ADV PAUL JOSEPH PRETORIUS SC: Yes and we know that windfarms and bird life particularly eagles do not get on very well with one another?

MR ANGELO AGRIZZI: Correct.

ADV PAUL JOSEPH PRETORIUS SC: So the establishment of a windfarm on this property is an environmentally sensitive issue?

MR ANGELO AGRIZZI: Very.

20 **ADV PAUL JOSEPH PRETORIUS SC:** Very and for that reason an Environmental Impact Assessment would have to be done and it would have to go through certain official channels?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL JOSEPH PRETORIUS SC: Which we will come to in a moment. The members of the Watson family are involved in several companies which apparently own

manage the land?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL JOSEPH PRETORIUS SC: Right. Let us then go to Annexure GG having sketched that background. Annexure GG is on page 82. This is an article that appeared on 13 March 2019 under the by-line of John Yeld of GroundUp presumably an environmental person.

MR ANGELO AGRIZZI: That is correct.

ADV PAUL JOSEPH PRETORIUS SC: And it deals with the windfarm issue, the Watsons and the Minister of Communications Nomvula Mokonyane or at that time the
10 Minister of Communications. She subsequently became at a relevant time the Minister of Environmental Affairs.

MR ANGELO AGRIZZI: That is correct.

ADV PAUL JOSEPH PRETORIUS SC: Correct. If one goes to page 83 and looks, one looks at the second paragraph of that article one has a high level description of the project plan. It reads:

“The plan is 47 turbines, each 85 metres high and with 130 metres diameter blades on top of the Groot Winterhoek Mountain Range at an altitude of about 1 000 metres.”

MR ANGELO AGRIZZI: That is correct.

20 **ADV PAUL JOSEPH PRETORIUS SC:** “The farm would be situated on 21 parcels of land totalling about 12 200 hectares between three portions of Groendal Nature Reserve.”

You know that for a fact do you?

MR ANGELO AGRIZZI: Yes, I do.

ADV PAUL JOSEPH PRETORIUS SC: The next paragraph reads:

“Groendal is a provincial nature reserve and the surrounding Groendal Wilderness area is protected under the National Forestry Act.”

MR ANGELO AGRIZZI: That is correct.

ADV PAUL JOSEPH PRETORIUS SC: Then the next paragraph importantly reads:

“The project proposal drew strong objections from amongst other the Eastern Cape Parks and Tourism Agency, the Eastern Cape’s Department of Economic Development Environment and Tourism, BirdLife South Africa, Wilderness Foundation Africa and the Elands River Conservancy.”

Then we read:

“But the windfarm received the environmental go ahead from the National Department of Environmental Affairs in April last year. This decision is now under appeal.”

Who would hear that appeal?

MR ANGELO AGRIZZI: The Minister Nomvula Mokonyane.

ADV PAUL JOSEPH PRETORIUS SC: So she in her capacity as Minister of Environmental Affairs would be scheduled to hear that appeal in relation to this windfarm in which the Watsons are involved?

MR ANGELO AGRIZZI: Well that is where the concern was.

ADV PAUL JOSEPH PRETORIUS SC: Then the article actually mentions a few paragraphs down just above the heading “The Bosasa Story”.

“Mokonyane should be preparing to consider the appeals, but she may be facing a significant conflict of interest that should disqualify her from making appeal decision.”

MR ANGELO AGRIZZI: That is correct.

ADV PAUL JOSEPH PRETORIUS SC: So on the evidence we have Ms Mokonyane is receiving benefits from Bosasa and is now dealing with an appeal relating to the Watsons and the windfarm?

MR ANGELO AGRIZZI: Correct.

ADV PAUL JOSEPH PRETORIUS SC: Her response to any allegation of conflict of interest is on page 84 of the article which has a heading in the middle of the page “No Conflict of Interest says Minister’s Office”. Then the conflict of interest is set out in the first paragraph under that heading and the second paragraph under that heading reads:

10 “Mokonyane has indicated through her spokesperson Ndamase
 that she will not withdraw from the adjudication process.”

The spokesman says in response to questions by the environmental organisation GroundUp and I read again:

 “There is no conflict of interest that arises in the above matter
 as the Department must apply its regulations and legal
 prescripts to all appeals without prejudice based on Directors
 and/or owners of companies involved in the appeal process.
 The Minister acts and exercises her powers within the
 parameters of such process.”

20 And then there is a comment strongly to the contrary by Professor Pierre de Vos of UCT but we need not go there because we need not go there because we now venturing into the realm of legal opinion, but for the moment to summarise the Watsons have an interest in an environmentally controversial windfarm and Nomvula Mokonyane will make the final decision about whether that project can go ahead or not.?

MR ANGELO AGRIZZI: That is as it is put out.

ADV PAUL JOSEPH PRETORIUS SC: Yes. We need not take that issue then any further for the present at least. Let us then go back to your statement if we may Mr Agrizzi.

MR ANGELO AGRIZZI: Yes Chair.

ADV PAUL JOSEPH PRETORIUS SC: The further reason for the continued relationship between Bosasa on the one hand and Ms Mokonyane on the other is dealt with by you in paragraph 15.3 and following?

MR ANGELO AGRIZZI: Yes.

ADV PAUL JOSEPH PRETORIUS SC: Tell the Chair about that please.

- 10 **MR ANGELO AGRIZZI:** Chair on numerous occasions there were meetings. I mean there were discussions between Mokonyane and Watson regarding the SIU and the one issue was we go to a meeting with Mr Richmond Mti and he would say to us that Jiba had said to him that they need to bring the file back to, I do not understand how it works, but they would have to bring the file back to the NPA and Anwar Dramat must release the file. It was stories like that. I do not know the processes, but there was constant pressure that a meeting had to happen with her and Anwar Dramat and he was then the National Head of the Hawks and this was too make sure that the Bosasa matter gets returned to Advocate Jiba's offices so that she can arrange for the matter not to be prosecuted. That is what; I was in those meetings. That is what I heard and
- 20 the pressure was put on by Gavin to Nomvula Mokonyane to say Dramat must give you back the files. You go have a meeting now with him and I believe a meeting took place.

ADV PAUL JOSEPH PRETORIUS SC: You refer in paragraph 15.4 to a meeting attended by yourself, Joe Gumede and Gavin Watson where the involvement of Nomvula Mokonyane was discussed. What were you told at that meeting about involvement with Ms Mokonyane?

MR ANGELO AGRIZZI: Chair I tend to push things to a point and I investigate and I check and I check and I check and I started questioning things. I started saying but why are we doing this guys, you know. It is not helping us. Let us become apolitical or whatever. We do not need this. I mean, we are doing well without this. Why do we need it now and I was told listen, back off. You do not understand everything and Gavin used to refer whenever I brought this up he would speak in Xhosa and say (Xhosa words). I do not know what that means to today, but he also used the words (Xhosa words), you know as shoving me off and then afterwards he would phone and apologise but it was clear that he did not want anybody interfering with her or stopping anything that was his political ally and he wanted them kept close.

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ADV PAUL JOSEPH PRETORIUS SC: In paragraphs 15.5 to 15.7 you mention a little out of sequence because we are going.

MR ANGELO AGRIZZI: *Ja.*

ADV PAUL JOSEPH PRETORIUS SC: To return to Ms Mokonyane in a minute, other politicians mentioned or related to in one form or another Bosasa and Mr Watson?

MR ANGELO AGRIZZI: Chair I have, what happened there was and it has been so many times they would always threaten me with politicians, always threaten me. You know, I know people in the Hawks, I know this one I know that one and there I was told once straight out listen here Jacob Zuma's kids I do not know which ones, I do not know which wife. I think with, not Kate I cannot remember, but basically those kids are very close to Valence's kids, Jared Watson and Daniel Watson and those kids of Valence Watson and this would be brought up quite regularly. I recall the night where they tried to buy me out. Ronnie Watson who was in Intelligence previously, I do not know his whole history, he actually said to me I have got counter intelligence on you. I know exactly what is happening. You know, so it was always that threat and we know

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this person. That person knows that person. We will deal with you, you know. So that is why I mentioned it in there that there was very close confidence to them.

ADV PAUL JOSEPH PRETORIUS SC: Alright. Can we move then to paragraph 15.8 unless you have anything to add in relation to 15.5 to 15.7?

MR ANGELO AGRIZZI: No. I think that is pretty simple. I mean it was the whole issue with regards to the shares in Vulisango that was held by Siviwe Mapisa on behalf of Nosiviwe Mapisa. I think that and we do not need to go into depth.

ADV PAUL JOSEPH PRETORIUS SC: Let us then if we may to paragraph 15.11. In 15.

10 **MR ANGELO AGRIZZI:** Sorry Mr, can I just add something as well and I think it is pretty important?

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: To mention it, because it is a concern. The one thing is that you must remember that this is an example of how the Watsons ensured that they had the most powerful people in the country as their connections and friends. So sitting here today I am very vulnerable like I was last time, because those connections and friends are widespread. I do not even know all of them, but I am just saying that I was told so many times categorically that they are the most politically connected people in South Africa. Sorry Mr Pretorius.

20 **ADV PAUL JOSEPH PRETORIUS SC:** Yes. If you want to add anything in 15.8, 15.9 and 15.10 to your verbal evidence please feel free to do so.

MR ANGELO AGRIZZI: In other words a specific, there was a specific time I went to Italy on a tour and Joe Gumede joined me and Gavin Watson joined me. So it was my tour, but I took them with and at that actual meeting I used that opportunity to broaden our scope on the business because we were away and we could talk openly with each

other and I asked the question you know why, again one of them Nomvula Mokonyane, why be political and I was told categorially I was actually scolded to shut up and just do as I am told to do and that was one of the things. You know, and at that stage Jacob Zuma I remember was the servicing President, but that was the situation that we have to deal with and that is where the concern regarding state capture really came in. I think that covers it.

ADV PAUL JOSEPH PRETORIUS SC: Thank you. Let us deal with paragraph 15.11 because shortly after you gave evidence here for the first time in January.

MR ANGELO AGRIZZI: Yes.

10 **ADV PAUL JOSEPH PRETORIUS SC:** An article appeared in the press with photographs in fact a short video of what became known as the Bosasa Call Centre.

MR ANGELO AGRIZZI: The War Room.

ADV PAUL JOSEPH PRETORIUS SC: The War Room. Tell the Chair about that. What this War Room was? How it came about that Bosasa funded and created this? How it was run and who was involved please?

MR ANGELO AGRIZZI: Well involved in it I think at that stage in 2000, there are so many of them, but if I recall back the 2014 one because for example there was the Mangahong one where that was run a call centre in a War Room for Jacob Zuma and then there as the 2014 one which was run for I think it was local elections or national
20 elections. I cannot even recall, you know Chair I kind of distanced myself from the nitty-gritty of that, I would be told sort this out, get it running and I would get it running, but I wouldn't visit there, I wouldn't even go there to see how it was doing and that, I would send one of the juniors, because nine out of ten times this consumed the whole company for up to two/three months at a time.

So in 2014 if you're referring to war room ...(intervention)

CHAIRPERSON: 2014 was the national elections, 2016 was the local government elections.

MR ANGELO AGRIZZI: That's right, so it was done in 2014 and in 2016. So in this specific instance I remember that we had to arrange the one section which is about a 30 seater call centre, so there's a massive call centre there, one half of the call centre deals with government fleet contracts, Corona, the other half deals with – it was empty at this stage, it was originally built to deal with the integration of CCTV access controls for the Department of Justice and Correctional Services to bring everything together as one whole unit and that never happened but what happened is, I was told, listen just kit
10 it out. New computers, new video walls, you know like the wall you've got behind you with the – about that size video walls had to be put up, literally get like a week or two weeks to do it. Branding has to go up, has to become ANC it has to – you have to convert the lodge for volunteers to stay at the lodge, you've got to provide food for them three times a day because some Ministers are there, you need to make sure that the security is in place, all that type of thing had to be done on a regular basis and, you know, if I asked a question it was, SIU matter my friend, shut up just do it, if you do this everything will go away and we get away where there's business we can get that type of thing. So that's basically the war room that was set up but the cost of the war room, to run it, I mean, we eventually ended up paying the volunteers as well, they got a
20 salary to do it. To run that war room cost millions of millions of rand and it's dedicated lines, dedicated data, it is live streaming it's a mega operation Chair.

CHAIRPERSON: That kind of operation you did for the organisation, the ANC?

MR ANGELO AGRIZZI: Yes.

CHAIRPERSON: And you'd be doing it for the ANC at the request of somebody?

MR ANGELO AGRIZZI: That's right.

CHAIRPERSON: And this one you're talking about would have been at the request – it was a request, for example.

MR ANGELO AGRIZZI: Nomvula Mokonyane.

CHAIRPERSON: Yes and you would not invoice the ANC or Ms Mokonyane?

MR ANGELO AGRIZZI: No, never, never.

CHAIRPERSON: Yes you talked about – did you mention something about another operation you did at Mangaung?

MR ANGELO AGRIZZI: Yes there was Mangaung Operation there was some of the local election operations we did as well and we'd had the stats up on the board and it
10 was run with military precision where we provided software and all that, so there were quite a few, I can't remember all of them.

CHAIRPERSON: And when you did these operations would Bosasa's name be up there for everybody to see or not really?

MR ANGELO AGRIZZI: No but it would be subtle because you would have people eating in the diner so they would see the campus and they would see the smokes and mirrors and they would be impressed and they would say, gee Bosasa is actually a nice company.

CHAIRPERSON: So are you saying that people other than, for example Ms Mokonyane would know that Bosasa is involved because maybe Bosasa's name was
20 written somewhere where they could see or are you saying, not really.

MR ANGELO AGRIZZI: There were times when a lot of Ministers visited it and MEC's.

CHAIRPERSON: Yes and then they would see the name?

MR ANGELO AGRIZZI: Yes because it was all over.

CHAIRPERSON: It was all over?

MR ANGELO AGRIZZI: Yes.

CHAIRPERSON: Was it – would it be all over each time you did these kinds of operations for the ANC or only sometimes?

MR ANGELO AGRIZZI: No every time, whenever we did anything Chair, we had a branding division which is equivalent to a media house that you'd find in any large company. We had, for instance, the ability to print banners that size behind you within 30 minutes. So if we were having a visit from yourself, we would print a banner like that, you'd have your name flashing on every single TV in the office park, you would be welcomed, security would have special welcoming badges made even your peppermints that you get on the table would have your logo on, the bottle of water
10 would have the logos on, so everybody knew.

CHAIRPERSON: Yes everybody knew.

MR ANGELO AGRIZZI: It was a massive marketing campaign.

CHAIRPERSON: So are you able to say certain leaders at Mangahung would have known?

MR ANGELO AGRIZZI: Yes.

CHAIRPERSON: Yes because the writing was there, Bosasa, Bosasa, Bosasa.

MR ANGELO AGRIZZI: Ja it wouldn't have been at Mangahung it was at the call centre.

CHAIRPERSON: At the call centre?

20 **MR ANGELO AGRIZZI:** Yes.

CHAIRPERSON: Okay so only those who visited the call centre would know that Bosasa was running the call centre?

MR ANGELO AGRIZZI: Yes.

CHAIRPERSON: Okay, thank you yes Mr Pretorius.

ADV PAUL JOSEPH PRETORIUS SC: Mr Agrizzi in paragraph 15.12 and in the

paragraphs that follow up to paragraph 15.15 you deal with matters which you've touched on or dealt with up to now, is there anything – just if you would have a look at those paragraphs and if you want to add anything to your evidence please do.

MR ANGELO AGRIZZI: If you look at – I mean because of this protection we had there was never ever contracts cancelled, not one single contract was ever cancelled even though it was challenged it was never cancelled.

CHAIRPERSON: Well that's something that I think a lot of people, including myself, might have been at some stage or another thinking about. One of these I have thought about at some stage in the past was – that is even before I got involved in the
10 commission was, there have been allegations of corruption involving Bosasa in the media for so many years, how come Bosasa keeps on continuing with contracts and tenders with various government departments despite all these allegations in the media and we never hear that they've been resolved but they just continue to seem to get a lot of contracts and tenders. So what people were supposed to attend to this when they see things in the media involving their departments and involving their government, involving maybe, parastatals I don't know if there were any parastatals involved, were they looking away when they were supposed to say, I've seen something in the media involving my department, involving my government, saying, you know, there's corruption involving this Bosasa company I want to know what's happening, I want to
20 have this dealt with. Why was this not being done if it wasn't being done, so I'm just saying that even before I got involved in the commission I was concerned about – for years one has been hearing about, in the media, corruption, Bosasa, Correctional Services, government departments but there seems to be nothing being done by anybody. Well you might not be able to say anything – you said something that prompted what I've just said.

MR ANGELO AGRIZZI: I think that what you've said is so true, that's the power that the Watson's have. Nothing gets done, I mean there are people that have phoned me and said, you know I want to come talk to you because there's a gentleman that's been referred to me that worked there at corrections and he was very vocal about this, a Mr Jack Shilubane who was very vocal about Bosasa, why are we only using one company, it gets eradicated it gets taken out of the department. Yes so there's a lot of these things, I mean there are people that complained – the classic example was with the previous late commissioner Vernie Petersen, when he complained what happened because he was transferred and swapped with the Minister of Sport, the lady – I can't
10 remember her name now, what happened there, there was a move out. Then she cancelled the one contract, well not cancelled just didn't renew it, she was moved out somebody else was put there, so it's a constant battle.

CHAIRPERSON: Well you see, it may well be that a company such as Bosasa, to the extent that the evidence that you have given in this commission is found to be correct, to that extent it may well be that it's approach was we must bribe certain people in order to get contracts and we must do certain other things for other people we're not going to necessarily bribe them but we'll do certain things for other people so that they look away and don't ask questions and I'm wondering whether, in doing the kinds of things you have told me about in relation to the governing party or for the governing
20 party whether that they may have the effect that senior people within the governing party who would have been aware of all the allegations of corruption in the media involving Bosasa, when they saw that Bosasa was involved in doing things for the organisation decided to look away and not to say, for example, I want to know whether these things I'm reading in the newspaper about Bosasa and Correctional Services are true. I want an investigation to be done and I want it to be done quickly and I want

results by – an outcome by a certain time and I was going to ask you later on but maybe I may as well mention now, I saw something in the media in terms of which there were allegations that certain donations has been done or made by Bosasa to the ANC and a certain huge amount was mentioned there and was said to have been admitted by a senior leader of the ANC to have been given to – that the donations given in cash or kind by Bosasa over a certain period would be at least a certain number of millions over a time and the question is, with all these allegations having being brought to the media – to the public's attention by the media over the years about Bosasa did senior people within the governing party not see all of these things and decide that action
10 must be taken to find the truth did they look away, did they look away because they knew that Bosasa was giving donations to them, I don't know, but those questions arise and maybe in due course you will tell us whether you know anything about donations to...

MR ANGELO AGRIZZI: I do.

CHAIRPERSON: Okay, thank you.

ADV PAUL JOSEPH PRETORIUS SC: Yes and perhaps this is a good place to highlight the difference between a series of a regular procurement arrangements or incidents and what this commission is obliged to investigate and that is state capture because it seems to me that you've given evidence, Mr Agrizzi about more than just a
20 series of a regular procurement acts or incidents. You've spoken about a reasonably well organised network of well placed, well connected and powerful people their loyalty secured through financial incentives/bribes and those – that network will then promote and protect, for example, private interests such as Bosasa allowing them in turn, through a regular procurement and practice to extract money from the state.

MR ANGELO AGRIZZI: You're a hundred percent right and what the honourable Chair

has said is true. There are large donations, I know of large donations given to the top six at one stage of 10/12 million rand cheques that were taken there and it always appears that it was just taken there because then there's a meeting but you're a hundred percent right Chair, once the others – the other people see that, that company is very proliferate, don't touch it, don't mess with it, it's working don't touch it because if you touch it you might lose your job, that's ultimately what it comes down to and you might lose your power base and that's what it really was. If people know that I'm speaking to the Pope on the phone on a regular basis the Cardinal who sees me gambling is not going to say anything to me he's going to leave me alone, you know, 10 that's the – the only one whose really beyond reproach then, is the Pope and if you're bribing the Pope all the cardinals are not going to turn against the Pope or turn against you because you've got his cover, it's a bad example we shouldn't use it.

ADV PAUL JOSEPH PRETORIUS SC: Apart from that are you happy to move on then from paragraph 15.15?

CHAIRPERSON: Well you mentioned about – you mentioned a certain structure now, just now, if the position is that, indeed that is something that you have personal knowledge of make sure that they've got all the information.

MR ANGELO AGRIZZI: Chair for me to get the facts they need to get all the records, once you've got that I can put it all together.

20 **CHAIRPERSON:** Yes I have said so before and I know the legal team is definitely very prepared, if you know that there is certain information about which you want to make available to the commission which is important for the type of thing that the commission is investigating but you can't get the documents, talk to the legal team, the investigators, they will do the best they can to get that because that's part of their job. Those people who want to assist the commission must be assisted by the investigators

and the legal team to get information because we are the ones who want that information.

MR ANGELO AGRIZZI: I understand Chair and quite honestly they've been hard at work but I know they're inundated and I just flood them sometimes with information that I shouldn't, I mean, I sit and email information, maybe what I need to do is to sit and write a whole dossier, spend two months writing a dossier and actually saying where to go look and that type of thing.

CHAIRPERSON: Yes okay.

ADV PAUL JOSEPH PRETORIUS SC: Thank you Chair, the next issue that was
10 raised was the date of the interdict brought on behalf of Bosasa to interdict the SIU investigation into Bosasa and its activities.

MR ANGELO AGRIZZI: That's correct.

ADV PAUL JOSEPH PRETORIUS SC: You say that those papers were filed in the North Gauteng High Court and you give the case number and that was done on the 30th of April 2009?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL JOSEPH PRETORIUS SC: Then if we may move to the next topic that arose in your evidence and you've dealt with it briefly now today and that is the series of events involving the Department of Social Services in the North West Province.

20 **MR ANGELO AGRIZZI:** That's correct.

ADV PAUL JOSEPH PRETORIUS SC: You name two people, Gasie and Chidi in your evidence formally and you've had an opportunity now to make further investigations and to allow yourself to give further evidence about the relationship between Bosasa and the North West Province. You deal with that in paragraph 17, won't you tell the Chair about that please?

MR ANGELO AGRIZZI: So Chair I managed to get some information, I've met the ladies so I know what they look like so I did some searching and got in to some of my old emails in the archives which only became available since the liquidators took over and I'm sure you've heard of the big mess with the liquidation there and that, so a lot of the documents are still being destroyed and we – I'm still trying to get them recovered but I don't have direct access at all. So Chidi appears to be a Matshadisa Cordilia Magali a former head at the Department of the Social Development in the Northwest, both the individuals were government – or government officials in the Northwest in Mahikeng and it was Sivi Dlamini that actually introduced me to them and interesting
10 then Sivi and – I didn't see it until I'd uncovered all the old emails Sivi actually approached me with her CV, she was leaving the Northwest department because there was a hotting up of the investigation against her and she decided to resign and she wanted another job and wanted me to – because she was an advocate to look at providing an opportunity, maybe with one of the companies that legally we were working with at that stage but the documentation is available on that – the actual CV, the transmission to myself and that.

ADV PAUL JOSEPH PRETORIUS SC: Did you meet with the two persons you have just mentioned?

MR ANGELO AGRIZZI: Yes.

20 **ADV PAUL JOSEPH PRETORIUS SC:** And what was the content of those meetings?

MR ANGELO AGRIZZI: Well the content of the meetings was to provide the software, as I mentioned, to be able to raise funding which they told me was for election hearing purposes. So that was the content of the meeting, the one meeting, the other one was discussing the fencing at one of the facilities and security systems at one of the facilities where, also it was used as a laundering type system.

ADV PAUL JOSEPH PRETORIUS SC: This fictitious arrangement around software where you say items of no value were either in the possession of the Northwest Province or were transferred to the Northwest Province.

MR ANGELO AGRIZZI: Yes.

ADV PAUL JOSEPH PRETORIUS SC: The arrangement, as I understand it, was that the Northwest Province would pay Bosasa 4.5 million rand for that “transaction”.

MR ANGELO AGRIZZI: That’s correct.

ADV PAUL JOSEPH PRETORIUS SC: Bosasa would keep half – approximately half and the other half would go to the individuals concerned.

10 **MR ANGELO AGRIZZI:** Okay would you like me to explain how it would work?

ADV PAUL JOSEPH PRETORIUS SC: Yes please because what arises here is the intervention of Miotto Trading.

MR ANGELO AGRIZZI: Okay, alright, so what happens is that Chair you get awarded a contract for Northwest, for one of the youth centres, to manage a youth centre which encompasses detaining children that are awaiting trial, training them putting them through school curriculum and all that. It’s always perceived as a social initiative you’re getting paid R450 per child, sometimes R700 per child per day. So included in that cost you basically have to provide all the services. Now to provide the services effectively you use a computer programme which admits children and keeps records of the
20 children and that type of thing so it’s a bit of a have to have anyway so that’s included in your price per person per day but then you’d get a request from somebody who says, we need money for electioneering. So what would happen then is Sivi Dlamini would raise and invoice for a computer programme that is not – that is paid for in – per DM cost but its raised separately to be able to say well now, if you want this computer programme, which we need in terms of education and tracking and all this type of thing

you have to pay 4.5 million rand. It's a once-off cost so government isn't burdened with a month-to-month cost. It's very simple because nobody can prove that this software was never delivered, the software is there already its working and if somebody say but the software was there well no that was demo software. So what would happen is that software would be sold and it would be – an invoice raised, obviously these people would make sure that the invoice was paid and an amount, obviously now the company is getting 4.5 million rand for nothing, the invoice is raised and the cash is sent out, does that clarify it?

ADV PAUL JOSEPH PRETORIUS SC: Yes I just want you please to deal, if you

10 would, with paragraph 17.6 Miotto Training and Morocco consultants.

MR ANGELO AGRIZZI: Okay so...(intervention).

ADV PAUL JOSEPH PRETORIUS SC: We heard evidence about that yesterday from Mr Venter.

MR ANGELO AGRIZZI: Okay so when Peet Venter decided to approach us and say he wanted to come clean and that, one of the things that he raised was Miotto, I mean this happened way after I'd left and he then explained the situation to me on how Miotto worked with Morocco and gave me all the detail as well and then put it in his own statement but what happened there, for instance, was there was much more money needed so what they drew up – and it's very clear how it was done, was another way to
20 filter money is training. So they wrote up invoices to value of, I think, 1.4 million rand, wrote up those invoices, wrote up a contract which – Miotto has got two employees Peet Venter and his sister-in-law, for training of 1.4 million rand or 1.3 million rand, I can't recall the exact amount, I don't want to even actually start looking for it but then invoice it out, it gets paid and that's how bribes were paid out. Now that specific one was also to do with Smart City and a potential contract in the Northwest area but I think,

if I can just add there that there was never any training, so it's all fictitious stuff but that was how Syvion and Gavin Watson had decided to move the funding.

ADV PAUL JOSEPH PRETORIUS SC: Yes as I understand your evidence it coincides with that of Mr Venter at least in the respect that Miotto Trading was used to make disguised payments or to make payments that could not be easily traced.

MR ANGELO AGRIZZI: Yes and he showed me the – he actually gave me documentation and that's why I included it in mine because it was – I tested the documentation, I tested the information and then submitted it on my affidavit as well.

ADV PAUL JOSEPH PRETORIUS SC: Then in paragraph 18, you deal with a question
10 relating to Mr Mti and his son in a meeting that took place at Clearwater, please tell the Chair what happened?

MR ANGELO AGRIZZI: Chair what happened there was – I used to get pulled into the most weirdest of situations. There was a child that was a bit wayward alright and it was a bone of contention and it was creating havoc for Mr Mti I was asked to intervene, I was sitting in the meeting there, and funny enough, I think it was a time when my son had just done well and he had got student of – I don't know what he had done but he had done exceptionally well at school – at university and he got some award, I don't know what happened – the facts of it is that I was then told by Gavin, listen, you better sort out – I want this guy happy at all times, pull his son into your son,
20 let them work together let's see if we can, not rehabilitate, that would be wrong and I don't like to talk badly about these kids but ...

CHAIRPERSON: To inspire him or motivate him.

MR ANGELO AGRIZZI: Inspire him yes to become motivated on how to run a business and that type of thing and so I agreed to have a lunch meeting and put my family in a precarious position because my son wasn't happy, he said, you know I don't like this,

he was a very active student at Wits and he knows people there – he worked with those people and so he wasn't happy at all but nothing ever came of it he just retracted, he didn't even bother registering the company he wasn't interested in really doing – but that just gives you an example of how – I personally was compromised to keep other people happy like the phone calls at 9 o'clock at night to have 10 000 or 5 000 meals ready the very next morning so that's the extent that it went to. I mean there was even a situation – and I allude to it in the next paragraph, where one morning I arrived at the gate and I said to Gavin, I said no man, who is this gentleman at the gate, a security guy, no he's a security guard, I said no ways guys, that's father like son and I went
10 personally and I went and asked the question, what is your name and he gave me his surname and I went back, I was very annoyed, I said guys, we're in the middle of this news and that and you go and put the gentleman's son, that looks identical to him, at the gate, how daft can you be, well the next day he wasn't there but I'm saying that's the kind of things that happened.

ADV PAUL JOSEPH PRETORIUS SC: Chair maybe we could regain that one minute it's one minute to one.

CHAIRPERSON: Yes, okay, let's do that, it's fine. You, Well we – we took, well you want to, you suggest that you don't ask further questions because it's lunch time?

ADV PAUL JOSEPH PRETORIUS SC: Well it is, yes, having said that Chair ...

20 **CHAIRPERSON:** You want to look, well it is on my watch but your watch might be ahead of mine.

ADV PAUL JOSEPH PRETORIUS SC: It's exactly one o'clock Chair.

CHAIRPERSON: Okay well on mine too, it's exactly one o'clock. We will take the lunch adjournment and we will resume at two.

INQUIRY ADJOURNS

INQUIRY RESUMES

MR ANGELO AGRIZZI: I would give feedback on how the operational statuses are what is happening internationally and that. I would also be interested in the development of the industry and seeing how we could utilise international benchmarks in South Africa and where they would work and where they would not work. So on a various basis I would get ad-hoc emails from him and from other people but in terms of corrections and I would respond to that and return my comments accordingly. But at that stage I was not aware and I am talking now 2004/2005/2006 and onwards I was not aware that there was arrangements being made in the background. So I was aware

10 there something fishy but I did not know what and it is because I purely did not deal with him directly. And I did not know about any payments or promises or any arrangements so to speak. I was also with Danny Mansell and Gavin Watson when we were with Patrick. And I am not the type of person that gets concerned if I am not at a meeting. You know if Gavin has decided to have meetings with people well he has meetings. I do not have to be there. But what is interesting is that it was always on – only on invitation. But when the initial connection was made with Patrick Gillingham in the various positions he held within Correctional Services I only met him on a few diverse occasions. It was only at a later stage that I personally had dealings with Patrick Gillingham and that I realised then the full extent of what had happened from

20 day 1. So it was a transition. So what actually happened was when Danny Mansell left to go to the United States I then was roped in and told you have to now deal with Danny Mansell. I do not if you recall – with Patrick Gillingham. I do not know if you recall the video report – the video that you saw where Gavin Watson says to Andries Van Tonder Brian Biebuyck will now deal with Patrick Gillingham I want you to drop off Patrick's money but Brian Biebuyck will now handle him there is a handover between Brian and

Patrick and Angelo. So that is how – you know you would work with somebody and then you would be told no you do not work with them anymore you work with somebody else now. So that is how it actually happened. And the full extent of the gratuities or corruption and laundering and that only really came to me when I read the full SIU report in 2009. So I knew there was things happening. I am not denying that. But what I am saying is that the only the full extent of it came to me in 2009 and I confronted Gavin. We were actually – if I look back on it I realise that they knew that the SIU report was coming out and Gavin then insisted that we go on a holiday overseas. And it was while I was overseas that I heard that the report had come out

10 and I managed to get a copy of the report emailed to me at the hotel in Paris. We were in Paris. I was actually – I was on my way – I can remember it vividly I was actually on my way – I do not want to bore you with the details but I was on my way in a taxi with Gavin and with Andries to go and see the museum, the art museum and I turned back and I said forget it. You know we had paid for everything and I said I want to see this report. And when we got the report it was emailed to the hotel we were staying. We I got the report I had it printed out in the business centre there, went upstairs and we started discussing and I was shocked because there were things there that I never knew. But just to get back to the stories. After I had started handling Gillingham directly and after I had started speaking to Mansell when he was decided to leave the

20 country that is when more stuff started coming out to me. And it was about in 2004 I know that they went on a holiday together the two families. The Mansell family and the Gillingham family. Everybody, the kids, the spouses went on holiday. Gavin wanted them to go on a holiday with a game reserve to settle transactions and to make sure that Patrick was a hundred percent on board. So it was at that – apparently at that game reserve holiday where Gillingham and Mansell agreed on what would not be done

and how it would be done. Alright. So what then happened and what I found out afterwards was that Mansell used a company that he had called Grand 4 and another company called L and J Civils. Now L and J Civils I believe his son owned part of it as well. They use that to start making payments for the building of the properties that they were using and that Gillingham would be getting.

ADV PAUL JOSEPH PRETORIUS SC: Just for the record that is letter L and J?

MR ANGELO AGRIZZI: L and J ja.

ADV PAUL JOSEPH PRETORIUS SC: Not Allen J?

MR ANGELO AGRIZZI: No, no not Allen J. Lima and Joseph. So then what happened

10 was when I was tasked by Gavin to start cleaning up all the invoices he mentioned to me you have to clean up Grand 4 and L and J Civils. So our task between Andries Van Tonder and myself and only the two of us were appointed to do it was to go into the records find every single invoice that referred to L and J and Grand 4 and those are the invoices we had pull, change and put back invoices in their place which had some other description on it. You know I asked the question and it is vivid the day I was called into follow up the trail of L and J and Grand 4. I ask the question, why did we have to do this? Why did we put ourselves in this position as a company? Why did we have to go through all this nonsense now and the answer that was given to me was quite simple. He turned and says don't you worry about it if we did not do it somebody else would

20 have had to do it. Somebody else would have got the opportunity. And it was a concern to at that stage already. But what was even more interesting what unfolded was whilst the houses were being built one of things that we picked up when we had to clean up was that Riaan Hoeksma used the architect called – let me just check here. They used the architect called HMZ Architects. It was a lady by the name of Zietsman that drew up the plans for Mti's house and drew up the plans for Gillingham's house.

But Bosasa paid the invoice. So there was a slip-up there and that could never be cleaned up because it was on the system. So that had to stay. There was nothing we could do to clean it up and I think Riaan Hoeksma and Riekele came up with an excuse for it that they would then offer if they were questioned on it. But I was only actually instructed to deal with Gillingham when Mansell decided to pack up with his family and Gavin agreed that he be – he be sent to go and stay in the USA. And my involvement in that was to arrange the tickets for him, to pay for the tickets and also to make sure that his furniture or whatever got transferred over. So at that stage I was then called into an introductory meeting with Gavin Watson and Patrick Gillingham and Patrick

10 basically said you know he had a couple of requests. He had a couple of issues that he needed attending to. Gavin also told me at that stage to get the cash from him every month for Patrick Gillingham and during that meeting Patrick mentioned that his house as I said he had some issues – there was a waterproofing issue, there was a problem with the pool, there was a problem with I think some of the fittings in the house and that and actually being very picky on it. I mean you get a house for nothing you don't complain about a pool that goes green too often and that type of thing. So anyway my first job was I needed to sort it out immediately. I was told, you got to get it done now. So I then had to arrange to get a quote from Patrick. He would arrange the quotes and I would get the information and it was a quote to replace the pool with a Jacuzzi and

20 have a decking put around it and I remember Patrick got me the quotes and Gillingham sent them to me and I think he chose a plastic or wooden type decking and that basically was it. But what is – I just want to divert a little bit because in my statement I see there is a paragraph there that refers to a meeting – a handover meeting between Brian Biebuyck, myself and Gillingham. That did take place. It took place in a restaurant come butchery very similar type setup to the butcher shop but in Midrand.

There is an industrial butchery there. I cannot recall the name I think – it is like a Seamans or something like that. Where they have got a restaurant and a butcher shop and you choose your meat. And we had a meeting there with Brian Biebuyck, the same meeting that was referred to in the video that should be taken – that meeting was held and I was happy because I had made it very clear I do not want to deal with the guys anymore I am not interested. So that meeting took place. Just to go back to the meeting with Gavin and Patrick where he mentioned the problems of the houses and that. I remember phoning Riekele Construction on my way out there and speaking to Riaan Hoeksma and telling him what the problems were. I did not have a good

10 relationship with Riaan Hoeksma at all because I would always find fault with his building work at Bosasa and I was not happy using sub-contractors. So he was – he went out, he sorted out the problem and then a couple of weeks or days later Patrick had given us the invoices for the pool repair to change it to a Jacuzzi it was about R100 000,00 and I then took the cash and gave that to Patrick Gillingham. Alright. So I was also told exactly what the package of cash was. So in the meeting between myself, Gillingham and Gavin we were told – I was told at least by them that he was getting R47 500,00 per month in cash and that it had to be – get to him before the 25th of every month. So by the 25th of the month he had to be paid. Alright so that was an instruction that I received. I was also informed that he is entitled to an international

20 holiday once per annum. That was reiterated by Danny Mansell that we would pay for his holiday as well. And if there was any needs that he required any special requirements I must assist by coming to Gavin with it and I would have to motivate it to Gavin. You know when Danny Mansell left for Texas in the US basically I would get calls just out of the blue from Patrick. I tried to only meet once a month and I think my credit card slips will show it where I would have a once a month meeting with him and

normally the meetings would take place either at Midstream Estates where he stayed. There was a coffee shop on the property there or it would take place – he liked to go to the Fishmonger at Centurion opposite Rhapsodies on John Vorster Drive. So those are where the meetings would take place. I would try and hurry them up and just get out of there. I was not a hundred percent happy with sitting with them in those meetings. I had work to do. I was focussed on working and to take out two/three hours to go and entertain somebody is just – it is not my liking. So...

ADV PAUL JOSEPH PRETORIUS SC: What was the content of those meetings?

CHAIRPERSON: Do you...

10 **MR ANGELO AGRIZZI:** The content of those meetings was ...

ADV PAUL JOSEPH PRETORIUS SC: Sorry Chair.

CHAIRPERSON: No that is fine.

MR ANGELO AGRIZZI: Discussing operational issues that might have come up in Correctional Services but not operational in the sense of how is Bosasa doing? The discussions would be oh you must be careful there is a guy by the name of – I am just using a name now Mr X who is creating a problem, we need to deal with him and how are we going to manipulate the situation to deal him. There was one situation where he said look I want a private eye – there is meeting that is being held in Drakensberg and I want a private eye to see what is happening at that meeting. And I would then – where
20 do I get a private eye? I would have to make phone calls and eventually find somebody and send them out there and do that. But those were the contents of the meeting was to basically solidify Bosasa's presence at Correctional Services.

CHAIRPERSON: Have you got any recollection of around about which year it was when there was this meeting of a handover to you of the responsibility to deal with Mr Patrick Gillingham?

MR ANGELO AGRIZZI: Sorry Chair I did not hear the first part of your question.

CHAIRPERSON: Oh. Do you have any recollection of when it was around which year it was when this handover meeting took place where you were going to start dealing with Mr Gillingham?

MR ANGELO AGRIZZI: It was 2008.2009 I think I cannot remember exactly.

CHAIRPERSON: Ja no, no that is good enough. Around about those years?

MR ANGELO AGRIZZI: Ja I cannot remember exactly.

CHAIRPERSON: More or less. Ja okay.

ADV PAUL JOSEPH PRETORIUS SC: Right let us just pause there a moment if we
10 may because there may be some difficulty in following the time line involved in the events to which you refer. You speak about the incident on the video that we played.

MR ANGELO AGRIZZI: Yes.

ADV PAUL JOSEPH PRETORIUS SC: In Gavin Watson's vault.

MR ANGELO AGRIZZI: Yes.

ADV PAUL JOSEPH PRETORIUS SC: Where a conversation took place as to how Patrick Gillingham's gratuity or money was to be dealt with?

MR ANGELO AGRIZZI: Correct.

ADV PAUL JOSEPH PRETORIUS SC: There an amount of R110 000,00 was mentioned.

20 **MR ANGELO AGRIZZI:** R110,000,00.

ADV PAUL JOSEPH PRETORIUS SC: Yes. R110 000,00.

MR ANGELO AGRIZZI: Correct.

ADV PAUL JOSEPH PRETORIUS SC: And then later you have talked about an amount of R47 500,00 per month.

MR ANGELO AGRIZZI: Correct.

ADV PAUL JOSEPH PRETORIUS SC: Please put those in sequence and explain?

MR ANGELO AGRIZZI: So I asked the question right in the beginning how do we get to R47 500,00 and the answer was given to me that that is the same amount that he gets out on his salary slip. So I presume I cannot – well let me not presume at all. So the R47 500,00 was calculated because he was earning R47 500,00 from the department and then he would get R47 500,00 from Bosasa. What happened was when he was suspended and he eventually resigned that was then doubled up because his earnings the argument was and this is from Gavin's side and Patrick's side the argument was well his actual take home was R47 500,00 times 2 which gives you

10 what? R100 000,00 odd. Plus there was a R2 000,00 for cell phone.

ADV PAUL JOSEPH PRETORIUS SC: R95 000,00.

MR ANGELO AGRIZZI: R105?

ADV PAUL JOSEPH PRETORIUS SC: 95.

MR ANGELO AGRIZZI: 95.

ADV PAUL JOSEPH PRETORIUS SC: 47 plus 47.

MR ANGELO AGRIZZI: Sorry medical aid. So there was also contributions of medical aid and that type of thing. So the amount was agreed on R110 000,00. And that amount was like that for about four years.

ADV PAUL JOSEPH PRETORIUS SC: Alright so the amount of R110 000,00 although
20 it is dealt with earlier in your affidavit.

MR ANGELO AGRIZZI: Yes.

ADV PAUL JOSEPH PRETORIUS SC: Was the later amount paid.

MR ANGELO AGRIZZI: Correct after it had been...

ADV PAUL JOSEPH PRETORIUS SC: The initial amount paid which also involved you is R47 500,00

MR ANGELO AGRIZZI: Correct.

ADV PAUL JOSEPH PRETORIUS SC: Okay. Let me just ask too. You said in your evidence and we have discussed this that you only became and you used the word fully aware

MR ANGELO AGRIZZI: Yes.

ADV PAUL JOSEPH PRETORIUS SC: Of the full extent of the wrongdoing in or around 2009?

MR ANGELO AGRIZZI: Yes.

ADV PAUL JOSEPH PRETORIUS SC: The extent of your knowledge before then must
10 have been the drafting of specifications for Correctional Services Contracts?

MR ANGELO AGRIZZI: Correct.

ADV PAUL JOSEPH PRETORIUS SC: Even prior to the issue of the tender documents?

MR ANGELO AGRIZZI: Correct.

ADV PAUL JOSEPH PRETORIUS SC: So you must have known at that stage to put it is a phrase, something was up?

MR ANGELO AGRIZZI: Correct I did.

ADV PAUL JOSEPH PRETORIUS SC: You must also have known that cash was going out before 2009?

20 **MR ANGELO AGRIZZI:** I knew there was cash going out otherwise why would they have done it?

ADV PAUL JOSEPH PRETORIUS SC: I am sorry?

MR ANGELO AGRIZZI: Otherwise why would they have done it?

ADV PAUL JOSEPH PRETORIUS SC: Exactly so I am just querying the extent of your knowledge before 2009.

MR ANGELO AGRIZZI: Okay so let me put it in perspective. So normally people just get cash in the company. And I thought well I did not know how much cash was going out but I thought they were friends and they had come a long way and sometimes there was just a good relationship but I knew that Gavin would have made sure that he entrapped both Mti and Gillingham with cash. I knew that. Would have – it was going to happen.

ADV PAUL JOSEPH PRETORIUS SC: Before 2009?

MR ANGELO AGRIZZI: Yes that is even – even 2008 around there I knew that.

ADV PAUL JOSEPH PRETORIUS SC: Yes.

10 **MR ANGELO AGRIZZI:** The problem came in is when I found out about the houses. Because suddenly I realised that and I carry on and I explain it in my affidavit in depth that I was excluded from certain things and I would query certain things and I was told, don't you worry about it. Things like that and we would carry on in our – in my affidavit where I actually explain the fact that certain people at the office were involved in building houses. There was transactions that went through. Mark Taverner and his family's business to buy furniture and that, that I did not know about. That only came out later and actually the SIU report was very informative. I was actually shocked. I mean I never knew about buying matric farewell dresses or a holiday paid for or a special kitchen bought. Those only came out afterwards.

20 **ADV PAUL JOSEPH PRETORIUS SC:** Okay.

MR ANGELO AGRIZZI: And that is when I started identifying that there is a major problem here.

ADV PAUL JOSEPH PRETORIUS SC: So in short even before 2008/2009 you would have been aware of a degree of corruption?

MR ANGELO AGRIZZI: Yes I was. And I would like to – I would like to perhaps

elaborate on that when I – when we get to it.

ADV PAUL JOSEPH PRETORIUS SC: Alright let us then go to paragraph 19.12 but you have summarised at least two to three pages in fact more of your evidence up to paragraph 19.12. So if you want to have a look over that – those pages to see if there is anything you might have left out or wish to deal with more expressly please do not let me rush you on to paragraph 19.12?

MR ANGELO AGRIZZI: No. I think what is critical and what is very important here is the 200 phone call that I got from Patrick Gillingham. So initially Gavin Watson...

ADV PAUL JOSEPH PRETORIUS SC: That is in paragraph 19.12?

- 10 **MR ANGELO AGRIZZI:** Yes. I think that is critical because at that stage I had just started off and it was just the beginning of things. Danny Mansell was still there by the way and what actually happened was I got this call that the SIU had raided him. And more importantly what he told me is that they had done such a good job of the raid they found cash in the safe, they found his firearm, they took his firearm away but they had found a Consillium business card. And I was astounded because why on earth would there be a Consillium business card with his name on it? It did not make sense to me. But nonetheless I had to rush through to go and see Gillingham and Gavin's first instruction to me was go and – go through the house yourself and go make sure there is nothing else left. But what was interesting was that when they raided him they did
- 20 not check the garage and there were boxes and I think they still there today or they won't be by close of business today but there were boxes in the garage which had files and files of important stuff. So they raided everything and then Gavin wanted me to go but I did not have the heart to go to a house and go through someone's house it is just not how I was raised.

CHAIRPERSON: You mean they raided but did not raid the garage?

MR ANGELO AGRIZZI: Ja they did not raid the garage. No the boxes were still there.

But the interesting thing was on the Consillium business card that told me something was much deeper and there was other issues as well. Because he had apparently when I had confronted Doctor Smith because he had printed the business card Doctor Smith said to me that Gavin had told him that he had to get Patrick to accompany him to go and see a manufacturer or supplier of goods and this supplier of goods he wanted to make the guy realise that Patrick in the position that he was as the CFO also has an interest in this business. And the whole idea was to strong-arm the owner of the business to say, listen we can give you business at Correctional Services but you need
10 to understand that we want 26% of your company. And exactly the same tactic was done to get the – acquire the shares in Better Fence as well to get the 26%. So let me just go back to that. I did not want to go and – to go through his house so I went down to a restaurant that was close by Midstream Estate and he said he had been now suspended from his position by the then Commissioner of Correctional Services Vernie Petersen. Now the following morning at about 6:30 Gavin Watson came to my office. I was always there the first in and the last out so I was there at about five o'clock. He arrived at 6:30 and he said to me, come you got to come with me now we have got to Mti. So we got in the car and we went off to go and see Mti at his house in Midstream Estates. And he then went from there we went – we had to go and see Patrick because
20 he wanted to make sure that everybody was calm and no mistakes were being made. So we then saw Patrick at the Protea Midrand which is close to Midstream Estates and close to the place where Richmond Mti has his house. It slipped my mind now. But basically we chatted in the parking lot and Gavin told Patrick not to be concerned. Patrick's biggest concern at that stage was his pension fund. He was not worried about losing his job because he knew he was getting R110 000,00 from Bosasa coming up.

So he was not concerned about that. His biggest concern was the pension fund he had accumulated over the years. But Gavin said to Patrick you do not need to worry even Bosasa has to stand in and cover the pension fund we will do it. As a matter of fact in the car on the way back we had a discussion about it and Gavin said I must just find out how much it is and we just need to make a contingency available for the pension fund. Gavin also said to Patrick not to worry his legal fees would be paid for by the company and Gavin instructed me to then utilise an arms-length company that he had given us to attend to it.

ADV PAUL JOSEPH PRETORIUS SC: It may seem very obviously but for the record
 10 why would Watson ask you to create an arms-length company to pay Gillingham's legal fees?

MR ANGELO AGRIZZI: Gavin believed that if there was always an arms-length company it would not be traced back to him. So he would rather have it – distance. And we have seen it in the revelations that there is always a Miotto or always a Syncroprop or always a Aluwise or whatever company there is to be able to utilise it. And that is why it was done. So the carrot for Gavin was to use the arms-length company it will never come back to me. Because he does not have to sign anything off. So there was a conference on the go at the Protea Midrand it gets often used by government departments. So we did not even go in and normally we would go in and
 20 have a coffee or something to eat. That specific day we did not we sat in the car and Patrick sat in the back of Gavin's car and spoke to him there. But then yes I mentioned to you when we were coming back Gavin said to me, what kind of pension is it and how much is it? So I had to find out and he said that we had to make a contingency for that. But he said – he said you know they have been loyal to the group and I think there was – there must have been some agreement and he wanted Patrick comfortable and Mti

comfortable that he said to them, look we will honour looking after you and that for the rest of your lives. Okay.

ADV PAUL JOSEPH PRETORIUS SC: Did he mention in that conversation that is Watson how Gillingham and Mti had assisted Bosasa?

MR ANGELO AGRIZZI: Yes. What he said was he said, all the tenders – I mean all the business at Correctional Services came through Mti and Gillingham. And even Mti was the commissioner and he had no right to sign off a contract Chair in today's times basically an instruction gets given and it happens. You know people do not go against their bosses anymore. Jobs are too scarce. So Mti just made sure he put the right
10 people in place, signed off the applications and that is how it happened.

ADV PAUL JOSEPH PRETORIUS SC: Were arrangements then made to assist Gillingham in relation to his suspension and its outcome?

MR ANGELO AGRIZZI: Yes. So what happened was Chair that – about two days later Gavin had been in consultation with Sesinyi Seopela and Sesinyi then told me I must meet him at a firm, they were in what is that street opposite the court in Johannesburg? There is a street there where [indistinct] chambers is and all that. One of those buildings if I remember correctly it was on top of a bank on the right hand side. And I had to meet – really a dingy offices a company called can I mention the name I have got it in my statement?

20 **ADV PAUL JOSEPH PRETORIUS SC:** Yes.

MR ANGELO AGRIZZI: BDK attorneys alright and I had to – and Sesinyi was introducing me to a gentleman by the name of Ian Small Smith. Now before we went into the meeting I said you know I am very concerned because this does not look like proper offices, you know are these real attorneys? And Sesinyi mentioned another gentleman in government that this guy had helped and he was very successful. I do

not want to mention the gentleman's name but very successful they made a mistake with the search warrant. They brought all the documents and they still joked about it in the meeting that they had then taken the documents and burnt them before the Scorpions could get another search warrant or something like that. So this guy was highly rated. Big rugby fanatic because we spoke about rugby and there was rugby paraphernalia all over the place. So I then sat in the meeting and he wanted to know what happened and Patrick explained everything to him. He said no he will handle it and once more he would then send his invoices through to either Andries Van Tonder or myself and we would arrange to pay it. And it was paid through ...

10 **ADV PAUL JOSEPH PRETORIUS SC:** Just pause there if you will. This particular attorney and this firm

MR ANGELO AGRIZZI: Yes.

ADV PAUL JOSEPH PRETORIUS SC: Were simply asked to assist Gillingham in a potential legal suit?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL JOSEPH PRETORIUS SC: Thanks which lawyers normally do?

MR ANGELO AGRIZZI: Yes.

ADV PAUL JOSEPH PRETORIUS SC: Nothing untoward about it?

MR ANGELO AGRIZZI: No not at all.

20 **ADV PAUL JOSEPH PRETORIUS SC:** And what you have just told the Chair about what you were told.

MR ANGELO AGRIZZI: Yes.

ADV PAUL JOSEPH PRETORIUS SC: Is entirely hearsay. You have no evidence to back that up I presume.

MR ANGELO AGRIZZI: In terms of the?

ADV PAUL JOSEPH PRETORIUS SC: Of the Scorpions and the document.

MR ANGELO AGRIZZI: Oh no. *Ja*, this was told to me; this was used to motivate to me why this was such a good.

ADV PAUL JOSEPH PRETORIUS SC: Well.

MR ANGELO AGRIZZI: Attorney. That is why.

ADV PAUL JOSEPH PRETORIUS SC: It just implicates certain people and [intervenes].

MR ANGELO AGRIZZI: My apologies.

ADV PAUL JOSEPH PRETORIUS SC: [Intervenes] on the basis of unsubstantiated
10 hearsay.

MR ANGELO AGRIZZI: My apologies.

ADV PAUL JOSEPH PRETORIUS SC: Yes, go on please.

MR ANGELO AGRIZZI: Okay. So a company, an arm's length company was used which actually belonged to Mansell and Gillingham, Mansell and Watson before called Synchro Prop number 8. It sounded like a very nice thing that Gavin did for us. He gave us a company with a property at Ruimsig Golf Club. So we thought this was how nice of the man. Well Chair it is a hole in the ground and it is really, I mean, it is a disaster. There is no value in it whatsoever. It cannot be sold.

ADV PAUL JOSEPH PRETORIUS SC: Well let us not digress at the moment.

20 **MR ANGELO AGRIZZI:** Okay.

ADV PAUL JOSEPH PRETORIUS SC: To the hole in the ground.

MR ANGELO AGRIZZI: Okay.

ADV PAUL JOSEPH PRETORIUS SC: But Synchro Prop.

MR ANGELO AGRIZZI: Yes.

ADV PAUL JOSEPH PRETORIUS SC: Was again an intermediary company?

MR ANGELO AGRIZZI: Yes.

ADV PAUL JOSEPH PRETORIUS SC: To, what was the purpose hereto of using an intermediary company to affect payments for the legal fees of Gillingham?

MR ANGELO AGRIZZI: That is one of them and there were other payments that had to go through it as well.

ADV PAUL JOSEPH PRETORIUS SC: Right and is that the same arm's length company you referred to earlier?

MR ANGELO AGRIZZI: Correct. The reason why I mentioned the property is purely because we thought it was a good, you know, was a nice gesture.

10 **ADV PAUL JOSEPH PRETORIUS SC:** Okay. Just before you go on then is that, does that complete that section of your evidence?

MR ANGELO AGRIZZI: Yes it does.

ADV PAUL JOSEPH PRETORIUS SC: You mentioned Consilium.

MR ANGELO AGRIZZI: Yes.

ADV PAUL JOSEPH PRETORIUS SC: Is that Consilium Business Consultants (Pty) Ltd?

MR ANGELO AGRIZZI: The same company, yes.

ADV PAUL JOSEPH PRETORIUS SC: Was that the company that had formally been owned by Dr Jurgen Smith?

20 **MR ANGELO AGRIZZI:** That is correct.

ADV PAUL JOSEPH PRETORIUS SC: But transferred into the Bosasa stable at some stage?

MR ANGELO AGRIZZI: No, it was never transferred into the Bosasa stable. Consilium was owned and I stand to correction, but was owned by Dr Jurgen Smith and his one son who owned I think 10 percent of that company. When Dr Smith fell ill about three

months before he passed on the company was transferred to Peet Venter's sister called Ms Longworth. That company was owned by Peet Venter and only by Peet Venter and the shareholders there were Booie and Nklele. Those were the shareholders with Peet Venter for the, to show the compliance, yes.

ADV PAUL JOSEPH PRETORIUS SC: Yes. When I say transferred into the Bosasa stable perhaps I used the term to lightly. It was utilised by Bosasa in its business activities?

MR ANGELO AGRIZZI: That was the only client it had.

ADV PAUL JOSEPH PRETORIUS SC: Yes. Okay. Now in that sense we have heard
10 evidence that payments were made by Consilium Business Consultants (Pty) Ltd to members of the Watson family.

MR ANGELO AGRIZZI: That is correct.

ADV PAUL JOSEPH PRETORIUS SC: Mr Venter told us this. Mr Venter did not say so with certainty, but said I was told that for all the members of the Watson family who received money from Consilium.

MR ANGELO AGRIZZI: Yes.

ADV PAUL JOSEPH PRETORIUS SC: Services were rendered and proper contracts of employment were in place. Do you have any comment on that?

MR ANGELO AGRIZZI: That is not true.

20 **ADV PAUL JOSEPH PRETORIUS SC:** What is the correct position as far as you are aware?

MR ANGELO AGRIZZI: I can tell you exactly what Consilium was, because Dr Smith used to bring me the invoice every month and the attached payroll to sign off and I was signed to secrecy, but I mean the fact is that there were kids paid on that payroll. There were family members, his wife. Lindi Gouws was on that payroll. I was on that payroll.

You see the big thing about Consilium was it was developed to cover up what people were actually earning because the law had changed somewhat in that in your financial statements you have to reflect what people earn what the highest earners are and that type of thing. So Gavin did not want the Black Directors to know exactly what we were earning either. So that is why half our salaries were paid on Consilium and half was paid on Bosasa, but the family was on there. People, Sesinyi Seopela was on there. There were various people. It is like a secret payroll and if I recall correctly there is Consilium 1 and Consilium 2. So as soon as Consilium reached the threshold there was a second Consilium opened up on the payroll.

10 **CHAIRPERSON**: Was Consilium 1 and Consilium 2 separate legal entities?

MR ANGELO AGRIZZI: Yes, apparently they were.

CHAIRPERSON: Yes, but the directorships and the shareholders?

MR ANGELO AGRIZZI: Were the same.

CHAIRPERSON: The same people?

MR ANGELO AGRIZZI: *Ja*.

CHAIRPERSON: Okay.

ADV PAUL JOSEPH PRETORIUS SC: So are you able to say in order to answer the narrow question whether those persons who received monies purportedly for services rendered or as employees from Consilium actually did the work for Consilium?

20 **MR ANGELO AGRIZZI**: Chair there was no work done. Absolutely nothing.

ADV PAUL JOSEPH PRETORIUS SC: Right. Mr Venter also said that Consilium would raise three invoices for Bosasa Operations, African Global Operations, Sondolo Bosasa Youth Development Centres on a monthly basis in order to recover the fees and salaries paid by Consilium. Do you know anything about that?

MR ANGELO AGRIZZI: Dr Smith had a; we had to allocate charges to the various

companies and that was split up amongst the companies. So it was not all lumped into one company.

CHAIRPERSON: Can I just go back to there having been no work done by people who were paid by Consilium?

MR ANGELO AGRIZZI: Yes.

CHAIRPERSON: Was that the position throughout the time that you were there and Consilium was there or only from a certain time to a certain time namely that people were being paid but were not doing any work for Consilium?

MR ANGELO AGRIZZI: Chair I am talking about family members.

10 **CHAIRPERSON**: Only family members?

MR ANGELO AGRIZZI: Family, friends.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: Political alliances that type of thing.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: Those people did not provide any services.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: Whatsoever.

CHAIRPERSON: Family members?

MR ANGELO AGRIZZI: Correct.

20 **CHAIRPERSON**: Yes, okay but there were other people who were not family members or were there other people who were not family members who were being paid but were doing some work for Consilium?

MR ANGELO AGRIZZI: Chair there were other people who were not family members who also did not provide a service.

CHAIRPERSON: Hm.

MR ANGELO AGRIZZI: And got paid. Then there were people like myself.

CHAIRPERSON: Huh-uh.

MR ANGELO AGRIZZI: Andries van Tonder was one of them.

CHAIRPERSON: Hm.

MR ANGELO AGRIZZI: There was Vincent Callegaro I think was on Consilium. I think Ken J Larkin was on Consilium. I cannot remember all the names off the top of my head, but it was some people who did do some work.

CHAIRPERSON: Some work, *ja*.

MR ANGELO AGRIZZI: For Consilium.

10 **CHAIRPERSON:** *Ja*. Now Mr Venter I think it was testified that Consilium was or is a labour broker, if I remember correctly. Is that correct?

MR ANGELO AGRIZZI: No. It was never registered as a labour broker.

CHAIRPERSON: Yes, but did it perform [intervenes].

MR ANGELO AGRIZZI: The intention was to.

CHAIRPERSON: Hm.

MR ANGELO AGRIZZI: The intention of Consilium, sorry, the intention of Consilium was to show that it is a separate company providing a service to Bosasa.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: That is basically it.

20 **CHAIRPERSON:** Now labour brokers you would know gets people who need work who need employment and then provides those people to an employer who needs workers and then for doing that the labour broker will get some money and so when the workers provided by the labour broker to.

MR ANGELO AGRIZZI: *Ja*.

CHAIRPERSON: To an employer gets paid there is a certain amount that would have

been as I understand the position used to pay the labour broker some commission or something. That is not what was happening with Consilium?

MR ANGELO AGRIZZI: Consilium never made a profit.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: Not while Dr Smith was, I do not about.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: Mr Venter.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: But Consilium never made a profit.

10 **CHAIRPERSON**: Yes.

MR ANGELO AGRIZZI: And my reason for my answer to you.

CHAIRPERSON: Hm.

MR ANGELO AGRIZZI: Is that it was not a labour broker was because it did not comply with the certain regulations that are set out for labour brokers.

CHAIRPERSON: Ja.

MR ANGELO AGRIZZI: And I think if the investigations team can look it at they will see there are regulations that govern labour broking companies.

CHAIRPERSON: Okay, thank you.

MR ANGELO AGRIZZI: All Consilium was, was a desk and a computer.

20 **CHAIRPERSON**: Yes.

MR ANGELO AGRIZZI: As a matter of fact the lady running the Salary Department in Bosasa spent one or two days a week.

CHAIRPERSON: Hm.

MR ANGELO AGRIZZI: Working at the desk there and just printing out salary slips.

CHAIRPERSON: Yes. Thank you.

ADV PAUL JOSEPH PRETORIUS SC: You have dealt with some of the information contained in the following paragraph 20. In other words payments made to Mr Gillingham. You have spoken in paragraph 20.2 of the R47 500 per month for the period during which Gillingham was employed by Correctional Services?

MR ANGELO AGRIZZI: Correct.

ADV PAUL JOSEPH PRETORIUS SC: And then you say in paragraph 20.3 that after Gillingham's suspension and ultimate resignation he received R110 000 per month?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL JOSEPH PRETORIUS SC: And you have explained the makeup of that in
10 paragraph 20.3?

MR ANGELO AGRIZZI: Correct.

ADV PAUL JOSEPH PRETORIUS SC: What happened in 2015?

MR ANGELO AGRIZZI: In 2015 there were talks again about the SIU Report and all that and Gillingham actually was very annoyed and he felt that he had been short changed and he felt that it was not fair and that he also had to show some income coming in as if he had a job and he was very annoyed about this whole process. So in 2015 I said well why do we not put him on Consilium, because nobody looks at Consilium anyway and then he can show employment and he gets UIF payments done and all that type of thing. So I said well if he is complaining put him on Consilium and
20 the next morning Gavin came to me and spoke to me and he said to me that no he had met with Dr Smith and they do not want to put him onto Consilium, but rather what I should do is rather use an arm's length which is BEE Foods and, because BEE Foods was owned by his brother-in-law and his sister, Mark Taverner. That what should happen is he should be employed in BEE Foods. Now I do not have to go and speak to Mark Taverner which I did and Gavin also spoke to Mark Taverner and said listen what

we will do, because what happened Chair if I can just, I need to explain this because it is difficult if I do not explain it. So you had BEE Foods. BEE Foods and other suppliers would supply Bosasa normally, but then we had Bosasa Supply Chain Management which is the whole SeaArk tax thing afterwards. So what had to happen was that a certain premium of 25 percent had to be charged to, charged on top of the invoice price. There is two reasons for it. The one reason was because it is easier to go for increases from the client. So you could show in 2014 that you were paying R13.50 for potatoes and now because you added the 25 percent to the R13.50 or R14.50 as a rebate the invoice price went up to R18.00. Now the difference between the R18.00
 10 and the R14.00 would go to Bosasa Supply Chain Management. So with BEE Foods the same system was utilised. However instead of them having to pay the 25 percent rebate to BCM the 25 percent rebate would be reduced to say 20 percent to be able to cover the salary and the vehicle of Patrick Gillingham. So you would not be able to pick it up if you did not know where to look.

ADV PAUL JOSEPH PRETORIUS SC: Was Mr Gillingham actually employed by BEE Foods?

MR ANGELO AGRIZZI: No, he did not.

ADV PAUL JOSEPH PRETORIUS SC: Did he work for BEE Foods?

MR ANGELO AGRIZZI: No, he never worked for them. He just received a salary and
 20 a vehicle.

ADV PAUL JOSEPH PRETORIUS SC: Okay and the amount was recovered.

MR ANGELO AGRIZZI: *Ja.*

ADV PAUL JOSEPH PRETORIUS SC: By this rebate structure you spoke about?

MR ANGELO AGRIZZI: *Ja*, through the rebate structure.

ADV PAUL JOSEPH PRETORIUS SC: Right. How then?

MR ANGELO AGRIZZI: Sorry, if you go into the history of the rebate structures in all the companies you will pick up immediately, it sticks out like a sore thumb that all the other companies are paying 20/25 percent and BEE foods is paying much less.

ADV PAUL JOSEPH PRETORIUS SC: Do you recall when the arrangement to pay Gillingham supposedly on an employment basis by BEE Foods was made?

MR ANGELO AGRIZZI: Dates and names are bad with me, but I think it was about 2015.

ADV PAUL JOSEPH PRETORIUS SC: Right.

MR ANGELO AGRIZZI: But you will be able to pick it up from the UIF payments.

10 **ADV PAUL JOSEPH PRETORIUS SC:** Okay. Whilst we are on this topic we heard evidence yesterday or the day before concerning SeaArk.

MR ANGELO AGRIZZI: Yes.

ADV PAUL JOSEPH PRETORIUS SC: And we heard how the arrangements involving SeaArk were developed and took place.

MR ANGELO AGRIZZI: Ja.

ADV PAUL JOSEPH PRETORIUS SC: In other words SeaArk was interposed as a supply chain management company.

MR ANGELO AGRIZZI: That is correct.

ADV PAUL JOSEPH PRETORIUS SC: To acquire goods for the Bosasa companies.

20 **MR ANGELO AGRIZZI:** That is correct.

ADV PAUL JOSEPH PRETORIUS SC: It made a mark-up.

MR ANGELO AGRIZZI: Yes.

ADV PAUL JOSEPH PRETORIUS SC: And it made a profit.

MR ANGELO AGRIZZI: Well because

ADV PAUL JOSEPH PRETORIUS SC: And that profit was offset said Mr Venter and

you yourself said so in your earlier evidence was offset against the assessed tax loss?

MR ANGELO AGRIZZI: Correct.

ADV PAUL JOSEPH PRETORIUS SC: Mr Venter said however or certainly strongly suggested that this was an entirely legitimate arrangement that involved no prejudice to the South African Revenue Services and he said that any falsification of any invoices would have been picked up by the auditing firm with which he was involved.

MR ANGELO AGRIZZI: Okay.

ADV PAUL JOSEPH PRETORIUS SC: And therefore that reason there was no defrauding of SARS. What would you say to that?

- 10 **MR ANGELO AGRIZZI:** It is not correct and I tell you why. Let me explain what actually happened and I am not an accountant Chair but I can give you an overview of what happened and I do not even need to look at my notes. It is imbedded in my mind. The fact of the matter is that SeaArk ran a loss of close on about R310 million. It was a stupid operation to start off with, okay. Then what happened was eventually myself and Andries van Tonder actually lied to Gavin Watson. We said that, because we were paying out to America to some company in America that Gavin owned shares in, we were paying over a million Rand a month. The company was going through a rough time. So what happened was we said to him no the Reserve Bank is closed. They will not allow us to transfer any more money, because we were battling to pay salaries and
- 20 wages. I had to bond up my house. Andries had to bond up his house to pay wages, but we were transferring a million Rand a month overseas to America. So we were, we lied there and we said it cannot happen anymore. So that led to the closure of SeaArk. Eventually Gavin Watson saw the light. He realised this thing is not going to work. We are not going to get the money from the DBSA and the DTI and he agreed to close it up, but the problem is we had bought a lot of equipment that was specially designed by

a company called Shrimp Co in the US and was imported and cost us in the region of about I think the equivalent of nearly R20 million.

ADV PAUL JOSEPH PRETORIUS SC: Will you not spell that name for the record please?

MR ANGELO AGRIZZI: Shrimp Co, S-H-R-I-M-P-C-O.

ADV PAUL JOSEPH PRETORIUS SC: Oh.

MR ANGELO AGRIZZI: I need to check on that name, because I remember there is a couple of names that, but this company supplied the equipment that specialises in de-veining, weighing and deheading and cleaning shrimp and it is very simple
10 equipment, but it is very important equipment if you are going full out with a shrimp manufacturing plant, but to give you an indication the equipment is little trays like roller trays. I can show you photos of it eventually. I can bring them and they have got scales and all little things and ice machines and that type of thing. So what happened was Peet Venter was the one who suggested no but wait if you change the name of the company and the focus of the guts of the company and you say no, no but you are using this stuff the equipment and what happened was then a series, this is when SeaArk closed, a series of fictitious invoices were created and these pieces of equipment were shipped out to all the catering operations under the guise that we are continuing with this business but we are changing the very nature of the business. As I
20 said I am not an auditor. So I cannot give you the, I cannot give you the guts of the SARS Act and all that.

ADV PAUL JOSEPH PRETORIUS SC: Just pause for a moment.

MR ANGELO AGRIZZI: Yes.

ADV PAUL JOSEPH PRETORIUS SC: The leasing of the equipment.

MR ANGELO AGRIZZI: Yes.

ADV PAUL JOSEPH PRETORIUS SC: To the various Bosasa operations.

MR ANGELO AGRIZZI: Correct.

ADV PAUL JOSEPH PRETORIUS SC: You have described this equipment as shrimp beheading.

MR ANGELO AGRIZZI: Yes.

ADV PAUL JOSEPH PRETORIUS SC: De.

MR ANGELO AGRIZZI: Trays and things like that.

ADV PAUL JOSEPH PRETORIUS SC: And icing.

MR ANGELO AGRIZZI: Yes.

10 **ADV PAUL JOSEPH PRETORIUS SC:** Specialist equipment to deal with little shrimps.

MR ANGELO AGRIZZI: Glass freeze equipment.

ADV PAUL JOSEPH PRETORIUS SC: Did that have any use in the Prison Catering Department?

MR ANGELO AGRIZZI: Well to give you an idea that equipment was never ever used. That equipment stood in a shed in Port Elizabeth and I had to truck it up and we used, Frans Vorster will tell you exactly how we got it up, but we got it all back to a place called Luipaardsvlei and I put it under, it was wrapped. It was still wrapped in its containers. I put it at Luipaardsvlei and then what we did was because SARS was doing an audit we packed it all out and said to them no, it is part of the meat processing
20 plant.

ADV PAUL JOSEPH PRETORIUS SC: So fundamentally the continuation of the business as an equipment leasing company was a fraud?

MR ANGELO AGRIZZI: No, it was a fraud.

ADV PAUL JOSEPH PRETORIUS SC: And Mr Venter knew that?

MR ANGELO AGRIZZI: He knew it well, because they drew up in one of the affidavits

we have got a piece of paper. Chair I am not joking. It must be the size of that behind you which was drawn up by Phillip, Peet Venter's associate to show where we need to allocate the equipment and how much we have to charge for that equipment. So there was a big brown piece of paper. I have got a picture of it on my phone with names of the various units. Those units never received the goods. So then what happened was Frans Vorster was tasked to write out delivery notes and invoices or delivery notes for each piece of equipment to each operation at Correctional Services. That equipment then he had to give an affidavit which he did and interestingly enough we used the only Commissioner of Oaths in the company to commission it, but that equipment never ever

10 left Luipaardsvlei. That equipment was eventually sold for R3 million as scrap metal. The gentleman who sold it and handled the whole transaction was a guy that I put in charge, he was a family member that I employed called Peter Reiger. His two jobs was purchasing of equipment and disposal of non-utilised assets. So all those assets were sold everything. The glass [indistinct], everything was sold for R3 million. I think it might have been R2.8 million and why I remember that is because I still fought with them because I wanted prepayment of the goods. There must be an advert somewhere from an auction as well where we put it out on auction and nobody pitched up.

ADV PAUL JOSEPH PRETORIUS SC: Alright. Is there anything else about the operation at SeaArk that you may be able to assist the Chair with?

20 **MR ANGELO AGRIZZI:** There is one anecdote with SeaArk with computers and that that were buried at SeaArk. I do not know if I should mention it.

ADV PAUL JOSEPH PRETORIUS SC: I think you do mention that in your statement.

MR ANGELO AGRIZZI: Oh, I do. Not that is fine. I can deal.

ADV PAUL JOSEPH PRETORIUS SC: You may as well deal with it now.

MR ANGELO AGRIZZI: Well you know we have tendered our assistance Chair to

assist and one of the issues was the burying of Grand Four Computers and the burying of documentation. Now there were two incidents. The one incident was at Luipaardsvlei which I was involved in. The other one was taking all the computers which contained the information and hard drives of Grande Four and Allan J Civils.

ADV PAUL JOSEPH PRETORIUS SC: Just before you go on just please remind the Chair what documentation this was and why it was important to destroy it.

MR ANGELO AGRIZZI: Okay. The Grande Four documentation shows, it reflects all the purchases for all the houses for Mti and Gillingham and Allan J Civils also reflects the same. So that had to be destroyed. Then Gavin sent it all down to Port Elizabeth

10 and he said it must be buried at SeaArk. So they buried it at SeaArk.

ADV PAUL JOSEPH PRETORIUS SC: Now SeaArk is.

MR ANGELO AGRIZZI: It is on the coast.

ADV PAUL JOSEPH PRETORIUS SC: A factory on the coast?

MR ANGELO AGRIZZI: Correct.

ADV PAUL JOSEPH PRETORIUS SC: On the beach?

MR ANGELO AGRIZZI: Correct and they buried it at SeaArk. They put it in plastic bags and dug a big hole. I recall seeing where the hole was. I was told where the hole was and when I flew in I saw they had just dug up the hole and they buried the computers there, but then subsequently about three week ago, four weeks ago I get a

20 call from the news reporter in Port Elizabeth asking me do I know why they are digging up at SeaArk. Apparently somebody had gone there and started digging up and they were digging holes. She said where you could bury whales in. They were so big, but they had not found anything, but if somebody had spoken to us we would have told them those computers were picked up a long time ago. Gavin Watson insisted that they get picked up and that they get burnt and they were never burnt. They were kept

in the garage of Arthur Kotzen's son-in-law and they probably still there till tonight probably or after they have seen this, but if somebody had just asked us we could have helped and assisted in telling them exactly where they are. They would not have had to dig up the whole coastline of Coega.

ADV PAUL JOSEPH PRETORIUS SC: Just to restore confidence in our law enforcement agencies could you tell the Chair who was doing the digging?

MR ANGELO AGRIZZI: No. I will not. I will not. I am already in trouble.

ADV PAUL JOSEPH PRETORIUS SC: Okay.

CHAIRPERSON: Then.

10 **ADV PAUL JOSEPH PRETORIUS SC:** It was, I can say from my own knowledge and the legal team it was an official excavation Chair. From paragraph 20.6 onwards you deal with more of the benefits received directly or indirectly by Patrick Gillingham some of which you have already dealt with. Do you want to deal with those please?

MR ANGELO AGRIZZI: Well there was one time there was a divorce on the table. I had to get involved. An attorney, a group of attorneys were used, the invoice was sent to ourselves to make payment for the divorce, but more importantly a settlement had to be reached. Now the one thing that Gavin said to me, he said you know the last thing there is no greater wrath than a woman scorned. So make sure that the wife is taken care of and the agreement was that there would be a R2.2 million settlement from
20 money we kept in the trust account with the attorneys that would go to the wife and that had to be arranged.

ADV PAUL JOSEPH PRETORIUS SC: Who paid for that?

MR ANGELO AGRIZZI: Bosasa.

ADV PAUL JOSEPH PRETORIUS SC: Right. There has been evidence about the vehicle purchased for Patrick Gillingham's.

MR ANGELO AGRIZZI: *Ja.*

ADV PAUL JOSEPH PRETORIUS SC: Child. We have that evidence on record. Is there anything you wish to add to that?

MR ANGELO AGRIZZI: I was just told to go with to make sure it gets done. I must say whenever Gavin had committed to do something for someone he wanted it done immediately. So irrespective if you are on holiday, I think that one actually happened just before Christmas. It was like the 21st or the 22nd of the month. I had to leave everything. I had to meet up with Andries, make sure he goes to the Glen. Make sure he orders the car, make sure everything is paid, make sure everything gets done

10 properly because he was an important client.

CHAIRPERSON: So was he quite good in delivering?

MR ANGELO AGRIZZI: Hm.

CHAIRPERSON: Was he quite delivering whenever he had promised?

MR ANGELO AGRIZZI: Gavin?

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: If you were doing something for him yes.

CHAIRPERSON: *Ja*, okay.

MR ANGELO AGRIZZI: If you were doing something for him Chair he would go out of, make everything happen to get it to you.

20 **CHAIRPERSON:** *Ja.*

ADV PAUL JOSEPH PRETORIUS SC: And then you also refer in paragraph 20.9.

MR ANGELO AGRIZZI: *Ja.*

ADV PAUL JOSEPH PRETORIUS SC: And 20.10 of assistance given to Gillingham's son?

MR ANGELO AGRIZZI: *Ja.* I had to get a top labour lawyer. We have a common

acquaintance with a gentleman. I do not want to really mention his name, but he had to interact and get involved with the, with the whole issue and there was a payment that had to be made of R700 000 and that was made from the attorneys trust account.

ADV PAUL JOSEPH PRETORIUS SC: Okay and then finally by way of summary you say in paragraph 20.11 who made decisions in relation to the assistance to Gillingham and Mti. What was the position?

MR ANGELO AGRIZZI: The company was owned and run by one person only and he would make the ultimate decision. As much as people would like to think that I could make decisions, the decisions were limited and you could only make a decision if you
10 had his backing and he agreed to it. Otherwise you would be in big trouble. I mean you would turn around and say I didn't know about it, and often he would do that, he said no I did not know about it and then you would remind him and sketch the picture and then he says oh yes now I remember, but everything had to be approved by Gavin Watson.

ADV PAUL JOSEPH PRETORIUS SC: Then finally you were asked when last you gave evidence to decode the list of payments recorded in your black books.

MR ANGELO AGRIZZI: Yes.

ADV PAUL JOSEPH PRETORIUS SC: And to give some clarity in that regard.

MR ANGELO AGRIZZI: Okay.

20 **ADV PAUL JOSEPH PRETORIUS SC:** We have Annexure HH which is at page 86 of your affidavit.

MR ANGELO AGRIZZI: Yes.

ADV PAUL JOSEPH PRETORIUS SC: Perhaps you should just take the Chair through the information which is important, because it relates to contemporaneous notes that you made at the time.

MR ANGELO AGRIZZI: Yes.

ADV PAUL JOSEPH PRETORIUS SC: But it's – your translation from code to names
...(intervention)

MR ANGELO AGRIZZI: Very difficult.

ADV PAUL JOSEPH PRETORIUS SC: So if we could start please at page 86 and just explain to the Chair what you did to establish this spreadsheet and what this spreadsheet contains, both from your black book and what you have translated from your black book for the purposes of creating this spreadsheet please.

MR ANGELO AGRIZZI: So what I've relied upon here Chair is my memory number
10 one, and number two, the amounts that I know people were getting and also my the sequence in which I would write it because those were all, these were standard type payments every month, so remember the shorthand I used was off the top of my head so if I saw – if I had to give a package to Paul Pretorius, Advocate Paul Pretorius it would be APP because that's the first thing, but it could also change, it could be PAP, you know.

CHAIRPERSON: But basically it was your own creation.

MR ANGELO AGRIZZI: Chair correct, because if it's your own creation then nobody can fault you on it you know, but if you use like Volkswagen as a word and then use those as the codes as we did in the old days then people can decipher it, so remember
20 that I knew the amounts that were going out there so I knew exactly what had to be paid out. JCB1110CAA means it's for Patrick Gillingham, it's I would drop it off, CAA would mean that I'm taking the money because it meant AA Angelo Agrizzi, PLC would be Papile Chabane, he would collect it, STL would be Syvion Dlamini alright and then I knew it was for the Northwest because I put an N at the back of CC, if I looked at JGV it would be Joe Gumede alright and I knew that that R30 000 was for a lady at ACSA, then

you will see there I used the same codes because all 30 000, it was every month R120 000 or sorry R90 000 that went with Joe Gumede to pay off people at ACSA so I kept them together, so I didn't differentiate on the bags either, but then for instance KLF was Kloof alright and Ismail Tikane would come and fetch it from me. LIB was Libanons Union, Ismail would deal with it, he would fetch it, TTV50CCV that was specifically Thandi Makoko and it was for Limpopo for the whatever MEC that she told she was giving it to. If you look at TMK was also Thandi Makoko and that was YDL was used Development Centres. NMR was Nomvule Mokanyane and Gavin Watson would collect that, so KZN was Nele and Ismail Tikane would collect that, so I would just make
 10 up these codes as I went along, but I knew exact who it was and I knew who picked it up so ELF was Elfred Mayakela, Ismail Tikane would his up. Then again on the following one ...(intervention)

ADV PAUL JOSEPH PRETORIUS SC: Sorry before you go on over the page the period of time reflected in these payments can you assist the Chair in that regard?

MR ANGELO AGRIZZI: Ja, this would be in a month, not a full month, I mean there were pages in the month but I haven't got my black book here now, the actual list, the photostat copies to explain it and I did this over a month ago.

ADV PAUL JOSEPH PRETORIUS SC: At what time during what years were these payments taking place.

20 **MR ANGELO AGRIZZI:** We need to just look at the book, because on the top there we've written the amounts.

ADV PAUL JOSEPH PRETORIUS SC: Okay, carry on please.

MR ANGELO AGRIZZI: Okay, if maybe one of the ladies' can look at my old annexures.

CHAIRPERSON: Before you go to the next page there is that TTV50CCV and then in

the middle the name is MEC's is that a particular MEC or would it be MEC's?

MR ANGELO AGRIZZI: The MEC's initials or name I don't know at least, sorry, that Thandi Mokoko would have to testify to.

CHAIRPERSON: So in respect of some of the money that you had to prepare.

MR ANGELO AGRIZZI: Yes.

CHAIRPERSON: You would, in each case you would know to whom you would give it in terms of the distribution person as you indicate here, but in some cases you would know the individual to whom it was going to be paid.

MR ANGELO AGRIZZI: Correct.

- 10 **CHAIRPERSON**: But in other cases you would not know the individuals, but maybe you would simply know that they are associated with a certain entity or something, as you say here Limpopo or Youth Centres and so on, is that right?

MR ANGELO AGRIZZI: Chair the book was intended to help me check up on myself and if Gavin asked me a question within the next month, so within a month if you asked me, if I looked at that a month after I had given it I would be able to say yes I was dealing with Thandi on that, she told me she was going to see the MEC who is this person and she needed to take money with her.

CHAIRPERSON: Oh so even where you might have written here Limpopo you have a way of finding out who you were told the money would ultimately go to?

- 20 **MR ANGELO AGRIZZI**: Correct, I would always have to ask that question.

CHAIRPERSON: Also same principle would apply, I thought I saw you sent us something, ja, you've sent us.

MR ANGELO AGRIZZI: Yes.

CHAIRPERSON: You would have a way if you got the documentation that you need, you would have a way of establishing who at the Youth Centres you had in mind when

you were writing here Youth Centres?

MR ANGELO AGRIZZI: Chair because it's so old there's no ways.

CHAIRPERSON: Okay now but then you would be able to?

MR ANGELO AGRIZZI: Yes no then I could tell you exactly because it was still fresh in my mind.

CHAIRPERSON: With all of these at that time you would know how to establish the actual names of recipients.

MR ANGELO AGRIZZI: Correct.

CHAIRPERSON: You might not be able to do it now because of the time lapse.

10 **MR ANGELO AGRIZZI**: No exactly.

CHAIRPERSON: Okay.

MR ANGELO AGRIZZI: Now my earlier books I used to actually write out the names and then I was told not to do that, to use codes, but in my earlier books which I think the one book we still saw on the video is still there, that book will probably have, because there were only three books or four books but that book will probably have the full names.

CHAIRPERSON: Yes, and you say that book is still probably the ...(intervention)

MR ANGELO AGRIZZI: Remember we saw it I think ...(intervention)

CHAIRPERSON: Ja, we saw it on the video.

20 **MR ANGELO AGRIZZI**: Advocate picked it up ja.

CHAIRPERSON: Ja okay, alright.

ADV PAUL JOSEPH PRETORIUS SC: Page 87?

MR ANGELO AGRIZZI: 87 for instance there JCB was always Patrick's nickname that I would use as well, then there's MMM which (indistinct) Mgubo, 50IMN Ishmang Mwaba will take it through, Mwaba was his previous name then he changed it to

Dekane. MMB was Maria Mebena, MKB was Mkabela, SSS was Shishe Matabela, KOA was the Kloof Union, AMC was AMCU Union, KZN20RRD was Westville and that would be taken by Ryno Rhode, that was for one of the project offices at Westville. GAC was ACSA, MAC was Mohamed Bashier, BON was Bongi Mapungus at ACS, KZN was ACSA KZN Airport, that as well it would have been a once off, I think you saw in the video where Joe says look I need R10 000 to do this or this or this, that's those type of things, then ORT25 would be OR Tambo, there must have been a special reason why they wanted that. Then DVT was a chap by the name of Trevor who was working for the MEC of the Youth Centres in the Western Cape and that would have been taken
10 by Danie van Tonder, I remember we stopped that at one stage. Then TMT50 would be Mams Mibusa from Justice for Trevor. ZMC was ...(intervention)

CHAIRPERSON: I'm sorry did you say Justice?

MR ANGELO AGRIZZI: Yes, Department of Justice.

CHAIRPERSON: Mams Mibusa was from the Department of Justice?

MR ANGELO AGRIZZI: Yes.

CHAIRPERSON: Oh, okay.

MR ANGELO AGRIZZI: Okay, so that would have been with the guarding contract or even potentially with the security systems contract. I don't know the date on top.

CHAIRPERSON: Yes.

20 **MR ANGELO AGRIZZI:** Then ZMC was Zac Madisi who was at that stage he was acting so he wasn't a full commissioner yet, then TRS was Transport 100, I don't know why there was, there must have been a reason for that specific payment because it was normally R300 000, then SNK was Snake, SNL was Snail, RMT was Richmond Mti, Syvion Dlamini was 80, that was for Limpopo Youth Centre, then there was J20 that was for Lepinka, and then it was Syv which is Syvion Dlamini and Thandi, so both of

them would have requested the 20 and that's for Youth Centres, so you see Chair it's all, it's – it was a kind of a code that not even Russians could decipher, but I could explain it. The only reason it was there was that I can explain it and correlate it for Gavin because he was very stickly on checking that people don't steal his money.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: So I wanted to be able to show him that what you gave me to do I've done and there's the change.

CHAIRPERSON: Yes.

ADV PAUL JOSEPH PRETORIUS SC: Yes, just before you go on SNK is the code for
10 Giba as I understand it.

MR ANGELO AGRIZZI: Snake ja.

ADV PAUL JOSEPH PRETORIUS SC: And SNL Snail is the code for Mgoybi, you've given that evidence.

MR ANGELO AGRIZZI: That's right ja.

ADV PAUL JOSEPH PRETORIUS SC: Now I just want to make sure JM15 one third of the way down from the top did you mention that?

MR ANGELO AGRIZZI: Which one?

ADV PAUL JOSEPH PRETORIUS SC: JM15. I missed it.

CHAIRPERSON: JM15 in the first ...(intervention)

20 **MR ANGELO AGRIZZI**: In the first column, oh that's our marker, 15, for some or other reason I can't read the other things I wrote, or I didn't write codes behind it but that's just our marker.

ADV PAUL JOSEPH PRETORIUS SC: And the figures in the middle of the code denote to say amounts?

MR ANGELO AGRIZZI: Yes.

ADV PAUL JOSEPH PRETORIUS SC: If we go to page 88 then please.

MR ANGELO AGRIZZI: Correct.

ADV PAUL JOSEPH PRETORIUS SC: Let's go through it.

MR ANGELO AGRIZZI: Okay you've got JGM which is Joe Gumede would collect it and I said you know sometimes I just use the same, I batch them all together, so I knew the Airports Company was batched together, so those are all ACA, so those were ACSA, JGM50 are ...(intervention)

CHAIRPERSON: I'm sorry Mr Agrizzi I wanted to ask you earlier on in the codes the last two or three letters of the code by the way in terms of what you told me last time
10 was there a principal you were following in deciding on the code or not really?

MR ANGELO AGRIZZI: Not really Chair, I would put if it was difficult to remember I would be more precise but if I knew it was 30, 30, 30 to go to ACSA you know Joe Gumede was collecting it because what I would do is after we'd packed it I would put it in another bag, in the China Mall they used to buy them by the dozen for me, China Mall bags and we'd pack it in there and I would write on a note this is Joe Gumede, this is what you must take, thank you.

CHAIRPERSON: Yes, okay but have you just said something about what ACA represented in those codes which bear that name?

MR ANGELO AGRIZZI: I would say ACSA, but instead of writing ACSA I would just
20 write ACA.

CHAIRPERSON: Oh you would just change it a bit, ja, okay, alright.

MR ANGELO AGRIZZI: It's a weird shorthand but it worked.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: Because even I after a year can't decipher most, some of it.

CHAIRPERSON: Yes. You may proceed. You were reading ...(intervention)

MR ANGELO AGRIZZI: Sorry, okay then JGM it's Joe Gumede, 50 for Mams Mibusa, JGM, 25 TAU and that was for Norman Thubane and I remember that because I often if I gave somebody a nickname I would use their nickname as well, JGM10 was KZN, that was ACSA, PGC ...(intervention)

CHAIRPERSON: I'm sorry, I'm not sure whether you are still reading the codes as well, I thought earlier on with the other pages you were reading the codes plus the name and the distribution list.

MR ANGELO AGRIZZI: Oh, okay, alright, sorry.

CHAIRPERSON: I think it's better that you do it that way.

10 **MR ANGELO AGRIZZI:** Okay, sorry Chair.

ADV PAUL JOSEPH PRETORIUS SC: Do the complete the document.

CHAIRPERSON: Ja, so that it's actually ...(intervention)

MR ANGELO AGRIZZI: Start again at the top, JGM was 30ACA and that was for Jason Chabalala and Joe Gumede would collect that. JGM 30ACA that was for Bongzi, not at ACSA, that's incorrect, there was a company there called ACS that she worked for that we did the screening for.

CHAIRPERSON: Okay, I'm sorry what is not correct there.

MR ANGELO AGRIZZI: Bongzi ACS, it should be at ACS, not ACSA.

CHAIRPERSON: Oh, okay.

20 **MR ANGELO AGRIZZI:** If I can explain, ACS is a screening company that does work at ACSA and we had a contract with the screening company, and that's the contact we had there.

CHAIRPERSON: Yes, but the code next to her name is correct?

MR ANGELO AGRIZZI: Correct ja.

CHAIRPERSON: Okay but just the – what you wrote after her name was not correct?

You need that to be ACS not ACSA?

MR ANGELO AGRIZZI: That's right.

CHAIRPERSON: Okay but the ACSA that is on the two, first two is fine?

MR ANGELO AGRIZZI: Correct yes.

CHAIRPERSON: That's fine, okay, alright.

MR ANGELO AGRIZZI: The one is the head of security and the other one is the procurement officer.

CHAIRPERSON: Thank you, proceed.

MR ANGELO AGRIZZI: Okay then you've got JGM10KZN that would have been one
10 of those weird requests again by Joe Gumede, they would always make those type of requests because I don't know if the money actually went to the people but it would always be R10 000 Chair. PGC Patrick Gillingham, that was 110, RMT was 85, then it was SST ...(intervention)

ADV PAUL JOSEPH PRETORIUS SC: Sorry, you've left out a few, let's go back to JGM50MAM.

MR ANGELO AGRIZZI: Okay that Mams Mibusa for JGM50 MAM, was Mams Mibusa for Department of Justice and Constitutional Development and JGM25 was THAU which was Norman Thubane, JGM was KZN, that would have been ACSA, it would have been a special request from Joe Gumede. PGC110CCV that would be Patrick
20 Gillingham and I would have to take it to him. RMT85CCV was Richmond Mti and there was a reason why I put Agrizzi there because I would also deliver with Gavin or Gavin would do it or I would have to just drop it off, and then you've got SST100 that was for Jolingana what actually happened there was we were given an extension to the catering and that was the agreement that R100 000 would go a month to the person.

CHAIRPERSON: Was that Correctional Services contract?

MR ANGELO AGRIZZI: Yes that's correct.

CHAIRPERSON: Okay and Jolingana was one of the people at the ...(intervention)

MR ANGELO AGRIZZI: Yes one of the Commissioners that was involved with the extension.

CHAIRPERSON: Okay.

MR ANGELO AGRIZZI: So what happened was because those were Richmond Mti's people he would give them the money, who would give it to him and he would give it to them, so for instance with the – there's another lady there Grace Molethedi, when they – they had to motivate and they motivated that they outsource Groenpunt Prison and I
10 can't remember the other name of the prison now,. There were two prisons, so they were R50 000 each so she got R100 000 a month. Okay, and then you've got the SST100CCV alright, now that was (indistinct) SST100SNL which is for a mistake on my side it should have been SNK.

ADV PAUL JOSEPH PRETORIUS SC: Is that an error?

MR ANGELO AGRIZZI: That's an error.

ADV PAUL JOSEPH PRETORIUS SC: So SNL should be ...(intervention)

MR ANGELO AGRIZZI: Ja, but it was an error in my book, I remember I transferred it like that, but I can tell you exactly that that was there, because that went to Mti and that was the reason for it. I wrote, my handwriting was so bad because I use a fountain pen
20 so I must have smudged it, so that's how I read it.

ADV PAUL JOSEPH PRETORIUS SC: So the error is in your book, not here?

MR ANGELO AGRIZZI: Well the error is my fault in the book.

ADV PAUL JOSEPH PRETORIUS SC:

MR ANGELO AGRIZZI: Yes okay.

CHAIRPERSON: I'm sorry, where you say there's an error is it at SST100SNL?

MR ANGELO AGRIZZI: Ja, it should have been SNK.

CHAIRPERSON: SN?

MR ANGELO AGRIZZI: K.

CHAIRPERSON: K at the end?

MR ANGELO AGRIZZI: Yes.

CHAIRPERSON: Okay.

MR ANGELO AGRIZZI: So the problem is Chair I write in a fountain pen, and the books are very full, so I must have smudged it and it looks like an L, so I didn't want to change what was in the book to what was here. So this ...(intervention)

10 **CHAIRPERSON**: Oh, I'm sorry, I'm sorry, I think I – the SNK should replace SST and not SNL?

MR ANGELO AGRIZZI: No.

CHAIRPERSON: I initially thought the error was on SNL but I'm looking at the previous page it seems that SNK should be at the beginning of the code.

MR ANGELO AGRIZZI: Well these, I used to swap it around.

CHAIRPERSON: Oh, okay. So just to get it right in regard to the code at page 88 so is it S, is it the L of SN that is wrong?

MR ANGELO AGRIZZI: Chair it should have read SST100SNK for Snake.

20 **CHAIRPERSON**: Okay, I understood it correct earlier on, I just got confused when I ...(intervention)

MR ANGELO AGRIZZI: No, no I understand, I was confused as well trying to decipher it.

CHAIRPERSON: Okay, thank you.

MR ANGELO AGRIZZI: Okay then we have SNK29SLE which is also it's because the book smudged.

CHAIRPERSON: Oh I'm sorry, I'm going to disturb you again Mr Agrizzi I think part of what confused me was that I thought if I looked at the previous page I would find the same code for the same person, but – and I saw it ended with ACB for that person on the previous page but here it's ending with different letters.

MR ANGELO AGRIZZI: Chair let me tell you why I did this because if I remember correctly the cash used to be packed by Jacques van Zyl according to a list I would give him and I would give him always the same standard codes, and he started deciphering it and Joe Gumede and myself, Joe Gumede actually reported to me that he is concerned because this guy is keeping all the notes and that's why we changed the
10 codes, if you remember right in the beginning that's how it worked.

CHAIRPERSON: Okay, so when one reads what you have here from page – is it 86, from 86 to 88 or it goes on and elsewhere one should not when one sees a particular code for a particular person think that that's the code that will always appear next to that name.

MR ANGELO AGRIZZI: No.

CHAIRPERSON: It's not necessarily going to be that.

MR ANGELO AGRIZZI: Never, it could never be the same. Sometimes I would you know you make it up as you go along but sometimes I would make a mistake and I would use the same codes but I tried always to vary it.

20 **CHAIRPERSON**: Yes.

MR ANGELO AGRIZZI: Otherwise it becomes a trail.

CHAIRPERSON: And basically you would be the only person who would know this one, this code still belongs to that one even though that other code also did belong to the same person some other time.

MR ANGELO AGRIZZI: It sounds extremely suspicious but remember I was the only

one that had to decipher it, nobody else, I needed to be able to open my book if I was asked a question by Gavin Watson, which happened maybe once every year, and be able to explain to him a reconciliation that was done.

CHAIRPERSON: Yes, yes, and in your own mind you would usually know why you are deciding on a particular code to be able to connect it with a particular person.

MR ANGELO AGRIZZI: Correct.

CHAIRPERSON: Okay. Thank you.

MR ANGELO AGRIZZI: So if I can give you an example, INC would Ismail Ngwaba, now I normally would put that at the end but here I've got MNG, which is (indistinct),
10 MN, so I would change it, one week it might be or one month it might be MAM or it might MTM meaning that you know that's for – but I know the amounts and the names I can correlate with.

CHAIRPERSON: Okay, I interrupted you, you may proceed with finishing reading the list on page 88.

MR ANGELO AGRIZZI: Alright, so we got GMT I think.

ADV PAUL JOSEPH PRETORIUS SC: No we went to (indistinct) SST100SNL and you explained why the code had changed, well the code didn't change you just made an error.

MR ANGELO AGRIZZI: I think it smudged or something like that, I can't remember.

20 **ADV PAUL JOSEPH PRETORIUS SC**: Yes, so your black book looks like SNL and this is ...(intervention)

MR ANGELO AGRIZZI: This is a reflection of the black book yes.

ADV PAUL JOSEPH PRETORIUS SC: Alright then move on then please.

MR ANGELO AGRIZZI: Then for instance J was for Mgwebi, there I mixed up the two as well, it's also 20 for Lepinka and 10 for Mgwebi then GMT100SLE that was Grace

Molethedi.

ADV PAUL JOSEPH PRETORIUS SC: Sorry just before you go on, the code for Mgwebi had also changed.

MR ANGELO AGRIZZI: Yes I made a mistake, I presume I made a mistake.

ADV PAUL JOSEPH PRETORIUS SC: Alright. Well as it may implicate people how did you make the mistake? Is it still your evidence that Mgwebi received an amount of R10 000?

MR ANGELO AGRIZZI: Ja, maybe what I should have done is attached the actual papers here and I need to get those papers and for tomorrow morning I can attach the
10 originals and put them with these, and I will see how I made the mistakes.

ADV PAUL JOSEPH PRETORIUS SC: Right, okay, then let's go on to GMT.

MR ANGELO AGRIZZI: GMT was Grace Molethedi.

CHAIRPERSON: That's GMT100 ...(intervention)

MR ANGELO AGRIZZI: That was for the two contracts, that was for the two contracts and I would have used SLE because it referred to Richmond Mti.

ADV PAUL JOSEPH PRETORIUS SC: IMC50?

MR ANGELO AGRIZZI: That was Joe Marco I used, I remember distinctly having to pack that, IMC20 was Mkebela, IMC50 was Dikelele and I know that because I packed it regularly. AMC20 was the AMCU Union, NUM100 was the NUM Union, SDL was
20 Syvion Dlamini and that would have been the Youth Centres in the North West, ELS was 30 and that would have Alfred at Kloof, 57500 for some or other reason I didn't write a code, it was for Nele, and ASB40 was for Andries Sibebele at Empowerdex who I gave R40 000 to, to sort out the BEE ratings.

ADV PAUL JOSEPH PRETORIUS SC: I may not have been following, it's late in the day, but I think you left out one or two, but just for the record on page 88 the recipient of

the amounts reflected in code in the left hand column are named in the middle column?

MR ANGELO AGRIZZI: Yes.

ADV PAUL JOSEPH PRETORIUS SC: The person who distributed the money to that recipient is listed in the right hand column.

MR ANGELO AGRIZZI: Correct.

ADV PAUL JOSEPH PRETORIUS SC: Right.

MR ANGELO AGRIZZI: Okay, let's go then to page 80

CHAIRPERSON: Before you do so I think for the record we must just indicate that some of the codes the witness has called the whole code but in others he didn't call the whole code, the complete list is in Exhibit S9, starting from page 87, is that correct?
10 86.

MR ANGELO AGRIZZI: 86.

CHAIRPERSON: 86 to, is it 291 Mr Pretorius?

ADV PAUL JOSEPH PRETORIUS SC: To page 91.

CHAIRPERSON: To 91, I just want to make sure when anybody reads the transcript later they shouldn't think that that's a complete list when those last two or three letters haven't been stated.

ADV PAUL JOSEPH PRETORIUS SC: Yes so again I could be wrong, but for the sake of completeness and accuracy can we read onto the record the names and codes and
20 distribution person from Molentan Guba, those after that, even if it's a repetition, I think we left out some.

CHAIRPERSON: Yes, it's just important to get them accurately.

MR ANGELO AGRIZZI: No, no problem. No problem, I don't know why I actually wrote this differently, it might have, I was doing this as a matter of fact when I was sitting during lunch times in the first section. Sorry on which page are we now?

ADV PAUL JOSEPH PRETORIUS SC: 88.

CHAIRPERSON: 88.

MR ANGELO AGRIZZI: 88, from Molentan Guba?

ADV PAUL JOSEPH PRETORIUS SC: Yes please.

MR ANGELO AGRIZZI: Alright, Molentan Guba, then you've got IMC50SHI that was for Sishi Matabela, that was a once off arrangement if I recall.

ADV PAUL JOSEPH PRETORIUS SC: Why is there an amount in brackets, which is the amount paid then?

MR ANGELO AGRIZZI: 50.

10 **ADV PAUL JOSEPH PRETORIUS SC:** 50?

MR ANGELO AGRIZZI: Ja.

ADV PAUL JOSEPH PRETORIUS SC: 50 okay.

MR ANGELO AGRIZZI: Ja, the 50 is the amount paid, why the amount is in brackets I wrote something in my book but I think there was an agreement that we get a 100 in total and it was 50 and 50 the following month, I can't tell you.

ADV PAUL JOSEPH PRETORIUS SC: Alright.

MR ANGELO AGRIZZI: Alright I do not know why a hundred is in brackets.

ADV PAUL JOSEPH PRETORIUS SC: Alright.

20 **MR ANGELO AGRIZZI:** This is over – this is over a couple of years ago so IMC 30 MAC that was Joe Marco, IMC 20 MKC that was Mkhabela, so IMC 50 DDV that was Dikeledi Tshabalala. AMC 20 that was the Amco Union, NUM 100 that was the union for NUM at Kloof. TMT 50 was the youth centre Thandi Makoko and it was 50 for the youth centres in Gauteng. And STL 50 was the Sylvion Dlamini and that was the youth centres in the North West. EOF was for a gentleman called Elfod he was the client at Kloof Mine and there is – I have not got the paper now but there is 57500 which was

the standard amount M Nxele and I recall that.

CHAIRPERSON: That is M Nxele?

ADV PAUL JOSEPH PRETORIUS SC: And the last amount?

MR ANGELO AGRIZZI: Sorry?

CHAIRPERSON: That is M Nxele?

MR ANGELO AGRIZZI: Yes.

CHAIRPERSON: At the end.

MR ANGELO AGRIZZI: Yes.

CHAIRPERSON: Okay.

10 **MR ANGELO AGRIZZI**: I do not know if that is the right spelling but that is how I know it.

CHAIRPERSON: Ja I think it is correct.

MR ANGELO AGRIZZI: Okay.

ADV PAUL JOSEPH PRETORIUS SC: And then do you have an amount ASB 40 BEE?

MR ANGELO AGRIZZI: Sorry just repeat it?

ADV PAUL JOSEPH PRETORIUS SC: Page 88 the page we have.

MR ANGELO AGRIZZI: Yes.

ADV PAUL JOSEPH PRETORIUS SC: The last amount?

20 **MR ANGELO AGRIZZI**: Yes ASB that is for a gentleman that did the empowered ex-rating and his agreement was he would give us a preferential rating if he got R40 000,00 per company.

ADV PAUL JOSEPH PRETORIUS SC: So Bosasa obtained a favourable BEE rating from the rating agency by way of bribe?

MR ANGELO AGRIZZI: Correct.

ADV PAUL JOSEPH PRETORIUS SC: Yes again it is suggested to me that the figure that appears in the middle of the code for example 30 should be understood to represent R30 000,00

MR ANGELO AGRIZZI: In the middle yes.

ADV PAUL JOSEPH PRETORIUS SC: Yes.

MR ANGELO AGRIZZI: Normally.

ADV PAUL JOSEPH PRETORIUS SC: They should be read in thousands?

MR ANGELO AGRIZZI: Yes.

ADV PAUL JOSEPH PRETORIUS SC: Thank you. Then page 89 if you go through
10 them slowly please

MR ANGELO AGRIZZI: PGC is Patrick Gillingham. I would distribute it.

ADV PAUL JOSEPH PRETORIUS SC: Sorry just to note here we do have a date
March 2016 here.

MR ANGELO AGRIZZI: That would have been on my piece of paper.

ADV PAUL JOSEPH PRETORIUS SC: Yes. I am sorry I interrupted you. Go on
please.

MR ANGELO AGRIZZI: Okay PGC is 110 which is Patrick Gillingham. NWPC 700 so
there would have been two payments and this was probably the software payment to
Tsede. Sylvion Dlamini handled that. I knew about it. I knew where the money was
20 going. NWPC was 1.5 million that would be also Tsede Sylvion Dlamini delivered that.
KLF 100 CCY was Kloof Union which is Ishmael Dekhane.

CHAIRPERSON: I am sorry Mr Agrizzi.

MR ANGELO AGRIZZI: Yes.

CHAIRPERSON: So in relation to the code NWPC 1500 CCV you are saying that that
1500 which might thought to be 1500 is – it represents 1,5 million?

MR ANGELO AGRIZZI: 1.5 million and 700 thousand.

CHAIRPERSON: Oh you say 700 000 because you know – you know about it but there is no – nothing here that in the code that tells you it is 700 000.

MR ANGELO AGRIZZI: No NWPC North West R700 000,00.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: 700 denotes R700 000,00.

CHAIRPERSON: Yes.

ADV PAUL JOSEPH PRETORIUS SC: So every figures is a thousand times the figure?

10 **MR ANGELO AGRIZZI:** Correct.

CHAIRPERSON: Yes okay thank you.

MR ANGELO AGRIZZI: Okay. NWPC that is 1.5 million.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: CCV that was a bulk payment that went to that person.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: KLF is Kloof 100 that would be for the Union at Kloof. LIB was Libanon NUM union Ishmael Dekhane would take that. KZN 57,5 DCB was Nxele and you see – so Chair if I can just add here. Some numbers are always the same. The same people collecting it.

20 **CHAIRPERSON:** Yes.

MR ANGELO AGRIZZI: Taking it to the people.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: So I always knew exactly.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: How it was going and there were similarities in every month.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: Sometimes there were deviations but not that often.

CHAIRPERSON: Yes okay.

MR ANGELO AGRIZZI: MMM was [indistinct] MM was Maria Mabena. SMA was Shushi Mathabela. ISM was Joe Marco. AMC was Amco Union. STL was Sylvion Dlamini that was R80 000,00 for the North West. ACB 85 was Richmond Mti. GML was there I have got GML 100 CCB [indistinct] that was for John Ngana but then I have got a duplicate there GML later on but I will get to that. Okay. So you got GML 100 CCB that was for John Ngana. SNK which was Snake 100. G Bovante. MID 50 was the
10 nickname for John Ngana was middledrift. GML was Grace ...

CHAIRPERSON: I am sorry this one says second Joel Ngana?

MR ANGELO AGRIZZI: Yes. So there was two.

CHAIRPERSON: Oh so there is two Joel Ngana's.

MR ANGELO AGRIZZI: That is what I am referring to. So there was 100 and there was a 100 in GML alright there is 100 okay. And then there is MID. So the first GML went to Joel Ngana.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: Okay. Then you got SNK. Then you got MID. Now MID stood for Middledrift which was Joel Ngana's nickname.

20 **CHAIRPERSON:** Okay.

MR ANGELO AGRIZZI: That Mti gave her. I did not nickname anybody. All the nicknames came from the persons that I would work with.

CHAIRPERSON: The distribution people.

MR ANGELO AGRIZZI: Yes. They would give me the nicknames as well.

CHAIRPERSON: Oh ja okay.

MR ANGELO AGRIZZI: I just want to make it clear that nobody thinks I am calling people snakes and pigs and things like that.

CHAIRPERSON: Yes, yes.

MR ANGELO AGRIZZI: Alright so then you GML which is Grace Moltedi which is 100. Then you got SNL which is Snail 10 J Jackie Lapinka which is 20. PLC is transport which is 300 and it is picked up by Papa Leshabane that is why it is PL and then PL which was 50 was for a list of Lindela people. So he would have given me a list or shown me a list of people he wanted to take care of at Home Affairs or Lindela.

CHAIRPERSON: Hm.

10 **MR ANGELO AGRIZZI:** Okay.

ADV PAUL JOSEPH PRETORIUS SC: The list continues then on page 90.

MR ANGELO AGRIZZI: Correct.

ADV PAUL JOSEPH PRETORIUS SC: Of S9.

MR ANGELO AGRIZZI: Okay.

ADV PAUL JOSEPH PRETORIUS SC: And the month appears to be June.

MR ANGELO AGRIZZI: It says note June so I presume so.

ADV PAUL JOSEPH PRETORIUS SC: Alright. Would you go through that list please?

20 **MR ANGELO AGRIZZI:** TRM would be transport that was 300 and Papa Leshabane would have collected it. TRM 45 plus 10 that was also Papa Leshabane. He would sometimes come with a list and show me the list and say these are the people. Then I would take that list – what it was written on a post it or a piece of paper and I would go and discuss it with Gavin. And say he wants to pay this one, this one, this one, this one. That is where journalists and all that came into it.

CHAIRPERSON: Hm.

MR ANGELO AGRIZZI: Okay. So PL 50 was Amco. PL 30 was Kloof Mine Elford and

why I had it PL there was because that was Patrick Littler and there was a takeover between Ishmael and Patrick Littler they swopped roles.

CHAIRPERSON: Hm.

MR ANGELO AGRIZZI: And then Patrick would have to take over these people. Then you have got IMC which was the Driefontein Union which was then run by Ishmael. I have got IMC 57.5. Now the 57.5 everybody knew that it was one person that got 57.5 and that was Mr Nxele.

CHAIRPERSON: Hm.

MR ANGELO AGRIZZI: M Nxele. So I do not know why I put the Ishmael Mncwaba
10 but I do not know why I used DRDR. I cannot tell you. It seems like I got lazy and I started not writing the codes out properly. Probably did. MM was Maria Mabena. JM was Jose Marco. Shishi I just wrote Shish 50. Shishi Mathabela. I think sometimes Chair you get tired of thinking of now what code am I going to use now you know.

CHAIRPERSON: Hm.

MR ANGELO AGRIZZI: So I just – I was fedup probably or late and I just wrote anything down.

CHAIRPERSON: Hm.

MR ANGELO AGRIZZI: DIN 10 I remember that was Deneo at Eastern Cape St Albans. Ngubu I actually wrote his name there. Shushi I wrote another 50 because
20 Ishmael came back to me at that stage and said we got to give her another 50. AMCO was the union. So sometimes I just got tired of writing.

CHAIRPERSON: Hm

MR ANGELO AGRIZZI: And I just wrote names.

CHAIRPERSON: And before you go to the next page.

MR ANGELO AGRIZZI: Yes.

CHAIRPERSON: The third name from the bottom at page 19 on the code you have got Ngubo.

MR ANGELO AGRIZZI: Yes.

CHAIRPERSON: But in the name in middle column you have got Ngibo I assume that is supposed to be Ngubo as well.

MR ANGELO AGRIZZI: That is my spelling error.

CHAIRPERSON: Yes. Okay.

MR ANGELO AGRIZZI: Sorry Chair. As I said I did these while I was waiting during the lunch breaks.

10 **CHAIRPERSON**: Yes.

MR ANGELO AGRIZZI: During the last session okay. Then there was January to February 2015. Most of these are employees. Elfod would be given to Patrick Littler. You see sometimes I just wrote up the full names. Unfortunately. And I do not know why I did it I cannot answer it but that is what I did. Elfod is 40 Kloof. Carlos Bonafacio got 10. Andries Erasmus I think it was Andries Erasmus ja 10 000. Then Ryno would get 5 000. Danie Van Tonder 5. Leon Van Tonder 5 and Doctor Loius Skoltz got 5.

CHAIRPERSON: Sorry so here on page 91.

MR ANGELO AGRIZZI: Yes Chair.

20 **CHAIRPERSON**: It looks like you departed from one of the principles you were following in terms of the code to say the...

MR ANGELO AGRIZZI: Correct.

CHAIRPERSON: You would not write the actual amount in the code. If it is 50 it meant R50 000.00. If it was 100 it would be R100 000,00.

MR ANGELO AGRIZZI: Exactly.

CHAIRPERSON: But here you were writing the actual amounts.

MR ANGELO AGRIZZI: Exactly. Why I did it – I mean that is 2015.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: So it might have been that in 2015 I did not write the codes.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: I honestly...

CHAIRPERSON: You cannot remember.

MR ANGELO AGRIZZI: Ja I need to get all the books.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: You know the book I got was the last book that I had.

10 **CHAIRPERSON**: Yes okay.

MR ANGELO AGRIZZI: And a couple of pieces of paper.

CHAIRPERSON: Okay no that is fine.

MR ANGELO AGRIZZI: So...

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: If I am not mistaken this was where I would issue – sorry Chair. I think this is on one of the A4 papers it is – I think it was an A4 piece of paper. I will have to look at the record.

CHAIRPERSON: Hm.

20 **MR ANGELO AGRIZZI**: But that was Andries Erasmus, Ryno Rhooode, Danie Van Tonder, Leon Van Tonder, Doctor Louis Skoltz and I would give that to Jacques Van Zyl he would just distribute it. Then there was R50 000,00 for the Western Cape. I know that one of our ex-employees Dave McNamarra there was payment for him. Probably R20 000,00 because I know Trevor Fourie who was the assistant to the MEC would get R30,000,00.

ADV PAUL JOSEPH PRETORIUS SC: I think you left out Thandi Makoko.

MR ANGELO AGRIZZI: Sorry Thandi Makoko she wanted to use R75 000,00 for the Youth Centres.

CHAIRPERSON: Hm.

MR ANGELO AGRIZZI: She did not tell me exactly what it was. What could have actually happened here as well was that I might not have been present and I just transcribed it from the notes that Jacques Van Zyl kept. I might have been away or something and I would have phoned him and said listen just sort this out for these people. So it could have changed. I cannot explain why.

ADV PAUL JOSEPH PRETORIUS SC: Then we move to...

10 **MR ANGELO AGRIZZI:** Then you have got the North West – sorry Western Cape I have explained. North West MEC 50 Sylvion Dlamini. Richmond was 65 then. Geba was 100. Joel Ngana was 100. Grace Moletedi was 100. Mrebe was 10 and Jackie was 10. And the reason I noticed here Richmond Mti had dropped was because this was 2015. In 2016 he got more.

ADV PAUL JOSEPH PRETORIUS SC: Yes. Jackie at the bottom of that column is 20 000,00?

MR ANGELO AGRIZZI: Yes.

ADV PAUL JOSEPH PRETORIUS SC: If you go back up and I do not think we have missed anyone out Carlos Bonifacio

20 **MR ANGELO AGRIZZI:** Yes.

ADV PAUL JOSEPH PRETORIUS SC: And some of the others

MR ANGELO AGRIZZI: Yes.

ADV PAUL JOSEPH PRETORIUS SC: Including Leon Van Tonder were employees of Bosasa why were they receiving monies?

MR ANGELO AGRIZZI: You know it was like everybody.

ADV PAUL JOSEPH PRETORIUS SC: {indistinct} according to you're a papers.

MR ANGELO AGRIZZI: Ja it was like everybody because if you received cash and who did not – who you know did not accept it. I mean if the boss comes to you and you boss gives you R10 000,00 you know it is your boss he is giving you R10 000.00.

ADV PAUL JOSEPH PRETORIUS SC: So these are correct "bonus payments"

MR ANGELO AGRIZZI: Well they are bonus payments but they actually keep quiet payments because as long as you keep quiet you will get your money.

ADV PAUL JOSEPH PRETORIUS SC: Okay.

MR ANGELO AGRIZZI: That is the truth of the fact.

10 **CHAIRPERSON:** Hm.

ADV PAUL JOSEPH PRETORIUS SC: Then you have some notes. Would you explain those please?

MR ANGELO AGRIZZI: Ja. I just – I do not know why I made notes – well I would have made notes but I cannot exactly understand this but if I understand my wording of it. Reconciliation I transferred back to Petty Cash borrowed from Jacques Van Zyl R107 000,00. So in other words they did not have enough cash. So we would have had to borrow from petty cash and the delivery let us say was R1 million. So R107 000,00 would have to go back to petty cash because the auditors check that. So you had a cash loan of R107 000,00 you had to pay back. So to be taken off the order
20 to be delivered. Explanation is there must have been an urgent need for R107 000,00 so it was borrowed from Petty cash Bosasa and would be replaced with the following delivery. Okay so that explained it. That if you borrowed from petty cash when the delivery came in you would have to take out of that delivery and put it back into the petty cash box. On the 18 February 2016 this was just a reconciliation received an amount of 3.2 then a further delivery of 2.8 on the 25 February 2016 the total amount...

ADV PAUL JOSEPH PRETORIUS SC: R3.2 million and R2.8 million?

MR ANGELO AGRIZZI: Correct yes. The total amount being R6 million less the R107 000,00. So these were notes that I would have made so that if Mr Watson wants to verify you know I mean the money – there is the money, there is the amounts. That is how it worked out. The amount less the packaging amounts would then be deposited – would amount to that which was deposited in the safe. That is basically what it means. Sorry my handwriting is atrocious. And I battle to understand it myself.

ADV PAUL JOSEPH PRETORIUS SC: Also as part of HH you have several emails on page 92 and following.

10 **MR ANGELO AGRIZZI:** Ja.

ADV PAUL JOSEPH PRETORIUS SC: But I understand those to relate to a different topic which we will come to.

MR ANGELO AGRIZZI: Yes there is one – one email and I will tell you which one it is which relates to the same topic okay which is the codes. So sometimes I would be away and I would not be able to do the codes myself so for instance in 2012 that is when I would still give lists through to – and I did not do the cash. The cash was handled by Jacque Van Zyl. But people would still have to come to me and speak to me and motivate it so that we could get Gavin to approve it. So here is for instance an email from myself to Jacques Van Zyl. I must have been busy. I called the codes
20 biometrix.

ADV PAUL JOSEPH PRETORIUS SC: Is that page 103, 104 and 106?

MR ANGELO AGRIZZI: Sorry 95, 95.

CHAIRPERSON: What page are we in now?

MR ANGELO AGRIZZI: 95.

CHAIRPERSON: 95.

MR ANGELO AGRIZZI: Yes.

CHAIRPERSON: Thank you.

ADV PAUL JOSEPH PRETORIUS SC: The...

CHAIRPERSON: Yes.

ADV PAUL JOSEPH PRETORIUS SC: The email from yourself to Jacques Van Zyl of 9 May 2012 has a number of codes similar to the codes that you have been testifying about now to the Chair.

MR ANGELO AGRIZZI: Correct.

ADV PAUL JOSEPH PRETORIUS SC: The subject is Codes Biometrix what does that
10 mean?

MR ANGELO AGRIZZI: Well what was – where I had been fortunate is I managed to get hold of somebody at the office and they pulled my archive folders I mentioned earlier. So this is all new. I printed this out now in the last week. And these codes biometrix are just codes biometrix. What it refers to is it is – the reason why it is codes biometrix is because I was taught by Gavin that if the SIU come and they want to search they are going to search for codes cash or things like that so rather use biometrix because biometrix talk about – we had a biometrix system put in and that. So Jacques was in charge of doing the biometrix system and if anybody looked at this thing biometrix codes so what. Alright these are codes I would have given to him to
20 pack. I cannot remember all the codes now but ISM would be Patrick Gillingham – I cannot tell you what they were. I – you know they were so – they were done electronically and he would have written them and I would have known where they had to go. But you can see there Chair that this proves the point on the 9 May at 2:20 I sent them to him. I must have been very busy in prepping or a meeting and I was on my way out and you know the – what used to happen was I would have a string of people

outside my office. I literally there were people in my office all the time. So I would have typed this quick, sent it to him, say pack it and just get it ready they will come fetch it. Okay.

ADV PAUL JOSEPH PRETORIUS SC: Then on page 98/

MR ANGELO AGRIZZI: Yes.

ADV PAUL JOSEPH PRETORIUS SC: There is a rather strange email from Danie Roodt to Joe Gumede.

MR ANGELO AGRIZZI: Ja I..

ADV PAUL JOSEPH PRETORIUS SC: And it talks about houses and furniture.

10 **MR ANGELO AGRIZZI:** Ja I cannot remember exactly what this is about. It is part of the emails that I have printed out. I have got to – I have asked them to get me the inbox and not only the outbox.

ADV PAUL JOSEPH PRETORIUS SC: Then on page 99 we talk about or you in an email to Jacques Van Zyl talks about 550 loaves.

MR ANGELO AGRIZZI: Yes. So the other thing was loaves of bread. So that was in 2011.

CHAIRPERSON: What was that? What was loaves of bread?

MR ANGELO AGRIZZI: Loaves of bread was money.

CHAIRPERSON: Oh.

20 **MR ANGELO AGRIZZI:** So one one loaf is R100 000.

CHAIRPERSON: So you at some stage.

MR ANGELO AGRIZZI: Sorry?

CHAIRPERSON: At some stage you talked about chicken.

MR ANGELO AGRIZZI: Chicken.

CHAIRPERSON: And some time – other times you talked about loaves.

MR ANGELO AGRIZZI: Yes.

CHAIRPERSON: For money?

MR ANGELO AGRIZZI: Yes. So you changed it all the time I was told. Remember I was taught by probably the best skelm ever you know so he taught me all these tricks. He told me what to write.

CHAIRPERSON: Okay.

MR ANGELO AGRIZZI: So he would say loaves and I would then get Jacques Van Zyl. I did not get involved with the cash in terms of handling cash and that. I only did that if you recall in my testimony when there was a problem that Jacques was recording
10 people's names and that and Joe Gumede was very concerned. So I then wrote him I think it was for Joe Gumede or somebody. Please start arranging the monthly book at least 550 loaves for now. So that is R550 000,00.

ADV PAUL JOSEPH PRETORIUS SC: I am not sure many wise people would be fooled by that code.

MR ANGELO AGRIZZI: Well I progressed. I was taught. No but at the end of the day I will arrange for next week probably is there is no funds currently and thus I cannot make a booking at the bakery. Also who will collect as I will be in Cape Town. That was just – that is just a sample of you know how this has been

CHAIRPERSON: Yes.

20 **MR ANGELO AGRIZZI:** Inherent in the company for so many, many years.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: Then if you go to 101.

CHAIRPERSON: Well before you go.

MR ANGELO AGRIZZI: If I can explain that.

CHAIRPERSON: Before you go to 101 I do not know if Mr Pretorius intended to deal

with this. The email at the top of 99 – page 99 is that a response to your loaves email or I see it talks about booking at the bakery and collection coming from Jacques Van Zyl.

MR ANGELO AGRIZZI: Yes.

CHAIRPERSON: Was that a response or was that not – was that separate?

MR ANGELO AGRIZZI: No that is a response from him to me to say there is no money.

CHAIRPERSON: Ja.

MR ANGELO AGRIZZI: In the company we cannot...

10 **CHAIRPERSON**: Okay so...

MR ANGELO AGRIZZI: We cannot book the money.

CHAIRPERSON: So you – you – well there is an email right at the bottom of page 99

MR ANGELO AGRIZZI: Corect.

CHAIRPERSON: From Jacque Van Zyl to you.

MR ANGELO AGRIZZI: Yes.

CHAIRPERSON: Saying, still no money from Westville or IDD yet we did receive MIY's money R2.8 million and Mavamve R750 000,00 plus ACSA R2.5million. Well that – it does not look like there is a code there.

MR ANGELO AGRIZZI: No.

20 **CHAIRPERSON**: Is there a code?

MR ANGELO AGRIZZI: No that is actual – he is telling me has got a problem with the debtors.

CHAIRPERSON: But I – but – so this is – this one does not refer to any bribery money?

MR ANGELO AGRIZZI: No, no that ...

CHAIRPERSON: That is just – ja.

MR ANGELO AGRIZZI: That is actual debtors from Westville.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: So he is telling me they have not received money yet and I am saying to him, well you better get 550 loaves ready.

CHAIRPERSON: Okay.

MR ANGELO AGRIZZI: Not knowing I mean I know that – Chair if I can explain how I used to operate and how I worked? Is I would be live time with everything that happened in the company all the time. I knew exactly what was happening. I needed
10 to know what the debtors was. What the creditors was. I had all this information within me all the time and operating. And then I would get a request. So what probably would have happened there I can tell you now is that I responded to his mail at 8:37 alright? So I was probably in front of my computer in a meeting probably with one of the directors and they reminded me that they need 550 loaves. So I would have quickly while the email was still open said to him listed get me 500 loaves somebody is waiting.

CHAIRPERSON: Hm.

MR ANGELO AGRIZZI: That is how – you know there was no formality in how to do it.

CHAIRPERSON: But your email of 1 July 2011 at four minutes nine addressed to Jacques Van Zyl.

20 **MR ANGELO AGRIZZI**: Yes.

CHAIRPERSON: Is it a response to the email at the bottom?

MR ANGELO AGRIZZI: No.

CHAIRPERSON: No okay. Okay. And the one at the top on the same page from Jacques Van Zyl to you.

MR ANGELO AGRIZZI: Yes.

CHAIRPERSON: Is it a response to your one in the middle?

MR ANGELO AGRIZZI: So sometimes it was easier – yes. It is a response but he is also adding more information for me.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: He is saying the Sondolo creditors are starting to shout for their payments. So he is saying to me as well listen we need more money in. So one of the things I used to do.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: Was pick up the phone and start phoning people for money.

10 **CHAIRPERSON**: Am I right to think that your email in the middle of that page and Jacques Van Zyl's – Jacques Van Zyl 's one at the top those are talking about bribery money because you talk about loaves he talks about bakery.

MR ANGELO AGRIZZI: Bakery.

CHAIRPERSON: But the one at the bottom talks about money in the normal sense?

MR ANGELO AGRIZZI: Correct.

CHAIRPERSON: So the top two.

MR ANGELO AGRIZZI: Yes.

CHAIRPERSON: Talk about bribery money.

MR ANGELO AGRIZZI: Correct.

20 **CHAIRPERSON**: Okay alright.

MR ANGELO AGRIZZI: So if you look at the date Chair if I may just mention to you. It is the 1 July. It is the first day of the new month.

CHAIRPERSON: Of the new month ja.

MR ANGELO AGRIZZI: And now it is pressure because we have to get money in.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: And we have to get money out.

CHAIRPERSON: Yes, yes.

MR ANGELO AGRIZZI: And sometimes the money in and the money out were dependent on each other.

CHAIRPERSON: Ja okay.

MR ANGELO AGRIZZI: So if you did not have the bribe money.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: You could not keep people happy. If you could not keep people happy.

10 **CHAIRPERSON**: Yes.

MR ANGELO AGRIZZI: They did not pay their accounts.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: And that is why it is all interlinked.

CHAIRPERSON: Yes okay.

MR ANGELO AGRIZZI: But it was pressurised time at that stage because at that stage the company was literally also going through a very bad patch financially.

CHAIRPERSON: Okay.

ADV PAUL JOSEPH PRETORIUS SC: Then on page 101 if we can move there. There is talk of management fees.

20 **MR ANGELO AGRIZZI**: Sorry can I just – on page 100.

ADV PAUL JOSEPH PRETORIUS SC: 101.

MR ANGELO AGRIZZI: Yes I just bring your attention to page 100.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: If you look it is very small I do not know – unfortunately my printer at home does not work that well. But it says on 100. Monday the 28 February

please Jacques lets me – he sends me an email but he only fills in the heading. He says: please let me know when you have chance or change to discuss the bread roll requirements.

ADV PAUL JOSEPH PRETORIUS SC: Is that something different from a loaf?

MR ANGELO AGRIZZI: Well it is bread rolls so it is money.

ADV PAUL JOSEPH PRETORIUS SC: [indistinct]

CHAIRPERSON: It is still money.

MR ANGELO AGRIZZI: It is still money.

CHAIRPERSON: Okay.

10 **MR ANGELO AGRIZZI:** Okay I just thought I would bring that to your attention.

CHAIRPERSON: And who is writing now there? Is it Jacques Van Zyl to you?

MR ANGELO AGRIZZI: Yes.

CHAIRPERSON: Okay.

MR ANGELO AGRIZZI: And that is also at the 28 February 2011. Because at the end of the month what used to happen was the directors would hound me and they would come to me and say oo lambele you know, the people are hungry, they want their money.

ADV PAUL JOSEPH PRETORIUS SC: Page 101 you talk about Sondolo's management fee is that genuine, is that code?

20 **MR ANGELO AGRIZZI:** Correct that is code as well. If I can explain to you this was the transaction done for the placing of access control, CCTV systems in Correctional Centres, courts right around the country. So the agreement there was 2.5% of the total amount paid. So if the Department of Justice paid say an amount of R100 million then immediately they would get reimbursed the money would go to Seopela who would get 2.5% of the R100 million as the bribe money in cash and that would be delivered to

him.

ADV PAUL JOSEPH PRETORIUS SC: And is that the reference to a management fee?

MR ANGELO AGRIZZI: Correct. So if you – ja so that is one of them.

ADV PAUL JOSEPH PRETORIUS SC: Page 103 if we may go there.

MR ANGELO AGRIZZI: This is the 27th.

ADV PAUL JOSEPH PRETORIUS SC: Contains more codes.

MR ANGELO AGRIZZI: Yes.

ADV PAUL JOSEPH PRETORIUS SC: For biometric readers?

10 **MR ANGELO AGRIZZI:** Correct.

ADV PAUL JOSEPH PRETORIUS SC: More codes on the following page 104?

MR ANGELO AGRIZZI: Correct. So this is when I was not doing it myself. This is when I had – Jacques Van Zyl was doing it and I would send him an email and he would prep the code and prep the packets and they would be delivered.

ADV PAUL JOSEPH PRETORIUS SC: And on page 106

MR ANGELO AGRIZZI: Yes.

ADV PAUL JOSEPH PRETORIUS SC: We have correspondence by email in March 2012 Friday the 23 March 2012 where requests are made for codes for ACSA and those requests are complied with?

20 **MR ANGELO AGRIZZI:** What would have happened there Chair is I might have been out of the office and I would have got a request from Gumede I did not want to phone. I might have been sitting in a meeting and I would have sent a quick email to Jacques van Zyl to say... I spoke to Joe Gumede. Please use the following code ACS which was ACS15JGS, Joe Gumede.

So, then Jacques van Zyl would respond to me and say to me that the code

is ready for collection and he has notified Joe as well. So, Joe would come and collect the code.

ADV PAUL JOSEPH PRETORIUS SC: Chair, it is just after four.

CHAIRPERSON: I would like us, if at all possible, to go on for some time, so that tomorrow we are more confident that he will finish. I do not what is your estimate of how much time we will need tomorrow if we stop now.

ADV PAUL JOSEPH PRETORIUS SC: Yes. It is difficult to predict, but I had thought that the evidence of Mr Agrizzi would take over two days. It looks like we are going at a rate that will take just under two days.

10 **CHAIRPERSON:** Yes.

ADV PAUL JOSEPH PRETORIUS SC: Although, we are not yet halfway through.

CHAIRPERSON: Yes.

ADV PAUL JOSEPH PRETORIUS SC: The problem which makes it a little bit unpredictable is that we had been dealing up to now with answers to questions.

CHAIRPERSON: Yes.

ADV PAUL JOSEPH PRETORIUS SC: Very soon... In fact, after these emails have been dealt with, we are going to be dealing with new information. So, that may take a little longer.

20 **CHAIRPERSON:** Well, from my point of view if it is convenient to Mr Agrizzi and it is convenient to you, I am quite happy to go on until at least five.

ADV PAUL JOSEPH PRETORIUS SC: Five?

CHAIRPERSON: Five, *ja*.

ADV PAUL JOSEPH PRETORIUS SC: Yes, Chair.

CHAIRPERSON: But I am prepared to hear...[intervenes]

ADV PAUL JOSEPH PRETORIUS SC: [Indistinct] to say they would, but, I am happy...[intervenes].

CHAIRPERSON: What is your situation now? I would like us to try and use as much time as possible. I do not go beyond tomorrow with him.

ADV PAUL JOSEPH PRETORIUS SC: Yes.

CHAIRPERSON: My own estimate is that it ought to be possible to finish with tomorrow, but of course, we have to use the time that we have optimally. So, if it is fine with you as well I am happy to go up to five. If you have challenges, maybe we can go up to half past four and maybe tomorrow start earlier.

10 **ADV PAUL JOSEPH PRETORIUS SC:** Well, can we review the situation at half past four?

CHAIRPERSON: Okay. All right. It is fine. Mr Agrizzi, you said you are fine either way?

MR ANGELO AGRIZZI: Chair, I do not think you want to see me here again. So, let us get it done.

CHAIRPERSON: *Ja*, okay. Okay. No, that is fine. Yes.

ADV PAUL JOSEPH PRETORIUS SC: All right, let us go back to the emails at page 108. I do not know if I have left anything out. Here we talk about or you talk about proof of payment for invoice nut. Is that a code or is that genuine.

20 **MR ANGELO AGRIZZI:** No, this is genuine. These are one of the other favours that I... Please understand Chair that I have not just put – rub anything in here. I have tried to get the emails and I have just been able to get access to some of the emails.

CHAIRPERSON: Yes.

ADV PAUL JOSEPH PRETORIUS SC: Now this year... Well, specifically a payment for a gentleman who worked at ACSA called Ruben Pillay. He was one of the security

managers and here you can see that there was a car service that needed to be done and for some or other reason it was called Big Boss Auto and the amount paid by Bosasa for this was for an Audi S3 and the amount paid was R46 853,00.

CHAIRPERSON: That is on page 109?

MR ANGELO AGRIZZI: 109. Correct.

CHAIRPERSON: Okay. Yes.

MR ANGELO AGRIZZI: So, this would have been authorised by Joe Gumede because...[intervenes]

ADV PAUL JOSEPH PRETORIUS SC: Sorry, what page are you on?

10 **MR ANGELO AGRIZZI**: 108 and 109.

ADV PAUL JOSEPH PRETORIUS SC: 108. Yes. The recipient is Big Boss Auto?

MR ANGELO AGRIZZI: Correct. And the person who is copied into the email is a guy by the name of Ruben Pillay. Who was at ACSA at the time and the amount was for a repair of his vehicle, because his vehicle was constantly in for repairs. I remember it vividly.

So, if you go... So, the trial I am trying to show you, Chair is that, if they take these invoices and they go and have a look at the books of the payments of 2010, 14th December. They will pick up. There was a payment made and the payment was made in respect of Bosasa Operations and was for R46 853,00.

20 They will then be able to see on the journal exactly the code which is used in the creditors file. So, if you then go to the creditors file, after taking the reference from Great Plains, you would be able to pick the invoice and you would have to look – you would be able to see that the car... This is the car registration. This is the invoice. This is what was done. And ultimately, who authorised it?

CHAIRPERSON: Yes.

ADV PAUL JOSEPH PRETORIUS SC: Who was the beneficiary of the payment?

MR ANGELO AGRIZZI: Big Boss Auto.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: But the beneficiary...[intervenes]

ADV PAUL JOSEPH PRETORIUS SC: On whose behalf was the payment made?

MR ANGELO AGRIZZI: Ruben Pillay from ACSA.

ADV PAUL JOSEPH PRETORIUS SC: And you mentioned Great Plains. That is a software...[intervenes]

MR ANGELO AGRIZZI: Great Plains is the computer software program.

10 **ADV PAUL JOSEPH PRETORIUS SC:** Run by whom?

MR ANGELO AGRIZZI: Well, it is run by Bosasa. It is a Microsoft product.

ADV PAUL JOSEPH PRETORIUS SC: So, it is Bosasa's program.

MR ANGELO AGRIZZI: Yes, this is a banking slip which you all know and then if you... Because the amount will correlate to... You cannot just do a payment at Bosasa. There has got be at least four, five signatures on an EFT transfer.

So, you would have to have a purchase order. You would have to have two signatures from the originator. Then you would have to have my signature or Andries van Tonder's signatures or Carlos Bonifacio's signature. Then you would have to have a director's signature as well, before the payment could be made.

20 **ADV PAUL JOSEPH PRETORIUS SC:** On page 110, there is reference to a funeral in an email from Jacques van Zyl to yourself and Thandi Makoko.

MR ANGELO AGRIZZI: So, this is how things happened. You get a request. You would have to get R10 000,00 ready. I would draft an email. It is for a director. It goes through and it is just signed off. So, I just want you to see how things normally would work.

ADV PAUL JOSEPH PRETORIUS SC: Yes, that appears on page 111 at the top of the page.

MR ANGELO AGRIZZI: Yes.

ADV PAUL JOSEPH PRETORIUS SC: Where you request Jacques van Zyl to draw R10 000,00 to be forwarded to Thandi Makoko.

MR ANGELO AGRIZZI: Correct.

ADV PAUL JOSEPH PRETORIUS SC: For the CSI at a funeral on the weekend. CSI being?

MR ANGELO AGRIZZI: The CSI being Corporate Social Investment.

10 **ADV PAUL JOSEPH PRETORIUS SC:** Investment. Who was the beneficiary of this amount?

MR ANGELO AGRIZZI: Thandi Makoko would have been the beneficiary. I do not know, you know, who would be the ultimate person that was being buried.

ADV PAUL JOSEPH PRETORIUS SC: On page 112 is an email from Jacques van Zyl to yourself.

MR ANGELO AGRIZZI: Yes.

ADV PAUL JOSEPH PRETORIUS SC: Dated 13th February 2012.

MR ANGELO AGRIZZI: Correct.

20 **ADV PAUL JOSEPH PRETORIUS SC:** Subject is: Request for donation. Could you explain what that is about?

MR ANGELO AGRIZZI: So, often certain of the directors took chances, Chair and they would go via somebody else to try, but it all would have to come to myself because I would have to phone Gavin and get approval on that.

So, I was probably sitting with Gavin at this stage and I would have said yes or no. I do not have the response that I put in. I just have the actual email.

ADV PAUL JOSEPH PRETORIUS SC: It appears here that Thandi Makoko requested Bosasa to make a donation of R5 000,00 to a third party.

MR ANGELO AGRIZZI: Correct, *ja*.

ADV PAUL JOSEPH PRETORIUS SC: Then on page 113...[intervenes]

MR ANGELO AGRIZZI: Sorry. I just want to add something. If I am not mistaken... No, it is not the same Zuki that introduced Jacob Zuma to Gavin Watson.

ADV PAUL JOSEPH PRETORIUS SC: Page 113. An email from yourself to Jacques van Zyl, Joe Gumede and Carlos Bonifacio.

MR ANGELO AGRIZZI: Correct.

10 **ADV PAUL JOSEPH PRETORIUS SC:** Subject: Joe Gumede. The text reads:

“Jacques, sorry we have really bad signals. Is it possible to arrange 30 loafs for Joe. If you can liaise with, please...”

MR ANGELO AGRIZZI: Yes. That shows you who would collect the money and that was bribe money. You have to go and bribe somebody.

ADV PAUL JOSEPH PRETORIUS SC: So, you had to provide Joe Gumede with 30 loafs or R30 000,00.

MR ANGELO AGRIZZI: Well, if it was really bread, it would say white or brown.

ADV PAUL JOSEPH PRETORIUS SC: Can we then please go back?

MR ANGELO AGRIZZI: Yes, sir.

20 **ADV PAUL JOSEPH PRETORIUS SC:** To the heading: Further supplementary information and Facts. Just to put this section in context. You have now dealt with the questions raised by the Chair and others during your evidence on the previous occasion and you are now going to raise new matters for the benefit of the commission. Correct?

MR ANGELO AGRIZZI: Correct.

ADV PAUL JOSEPH PRETORIUS SC: All right.

CHAIRPERSON: Okay, you said we got what page, Mr Pretorius?

ADV PAUL JOSEPH PRETORIUS SC: Page 26.

CHAIRPERSON: Okay. H'm.

ADV PAUL JOSEPH PRETORIUS SC: You begin by clarifying the position or positions you held at Bosasa.

MR ANGELO AGRIZZI: And I think it is important, Chair to clarify the position I held at Bosasa. So, the position I held at Bosasa was of Chief Operations Officer. Sometimes it was called Group Chief Operations Officer, but whatever it was called the name and
10 the position of Gavin Watson was never ever mentioned in for instance their SIU report, nor did it, you know, mention that my influence is very limited, in actual fact.

I was never ever registered as a director. Even though, I was theoretically an office bearer, but I was not registered as a director. Nor was I at any stage a shareholder in the Bosasa Group of Companies, whereas in the SIU report, it actually eludes to me being the CEO and a shareholder as well.

I just want to clarify that, but ultimately I reported to a board of directors and I reported to the Chief Executive Officer who was also the shareholder, Gavin Watson. That was the reporting line. There were very strict and stringent rules.

My normal course of business and duties would include making operational
20 decisions within constraints. I want to get away from this myth that I ran the company. I never ran the company. I had no aspirations, nor do I have any aspirations to run that kind of company, but I would still have to consult with each division.

So, my responsibility, even as a Group Chief Operations Officer, I would still have to consult with every single divisional director before I could take any decision whatsoever.

I could not just make a decision on for instance who do we employee. That was not allowed. I will get backlash from Human Resources. Especially, from Papa Leshabane. I was not allowed to argue... You know, I could provide a CV and say I feel this person would be of assistance, but I was never allowed to make the final decision on it.

I did not have access to any bank accounts in the company or the financial packages used. So, if you talk about Great Plains, what I know about Great Plains is I would query invoices that would come to me and the accountants would come with all the Great Plains documentation and show me what was happening, so that I
10 understood it better.

But I had no access whatsoever to financial records. Nor I did have any access... And in fact, the directors themselves do not have access to the financial records of the company. They never have had access to the bank accounts.

So, they do not know... The only person that had access to the bank accounts was the financial accountant who was put in that position and in the case of the financials and the bank accounts, it was Andries van Tonder and Carlos Bonifacio and Tony Perry.

So, if I wanted to request information like profits and losses of the companies, I would have had to get that directly from accounts. I would have to
20 request it via Gavin Watson and say: Look, I want to know what the profits are. What the costs are incurred. And this was a rule for everybody. No director was allowed to go and ask what the figures were in the company. It was just a no, no.

The payment regimes and protocols required numerous signatures. So, you would have at least four to six signatures on a document to be able to get a payment through and to get an order through.

So, it would require no less than two other signatures. So, you would need the originator's signature, the person who is placing the order plus it would need two other signatures. One of which had to be the chief accountant and the director.

So, what I am trying to explain, Chair is that, if we go into the records and we compare the records and what actually happened. Except for the cash, everything else had to be controlled.

So, the payment regimes and the protocols required numerous signatures for sign off and request forwarded by myself would require no less than two other signatories, as well as those of the chief accountant and that.

10 Now, Chair what is very important for me to note is that I was never allowed to attend a meeting with anybody with the exception of Patrick Gillingham and Neil Radhakrishna and Gavin Watson, without having a director with me.

CHAIRPERSON: Was that the position throughout your time at Bosasa or only from a certain to a certain time?

MR ANGELO AGRIZZI: No, it has been the position from day one at Bosasa and I will tell you why. Gavin Watson said: You have to be like disciples. Christ sent them out in two's. So, if one falls the other one picks them up. I can show you documentation on their website, if it is still up, on that.

20 That he always wanted two people to attend a meeting. Except if it was a sensitive meeting like with Patrick Gillingham where one person would handle him, but in every single meeting there had to be somebody with me.

So, there was no possibility I could bribe somebody. Unless, somebody can come to the commission and say I was with Angelo when Angelo physically bribed somebody and convinced them to do untoward things.

But the fact of the matter is, even with normal clients and negotiations, even if it is just a simple negation, I would always have to take a director with me or director and other people with me as well.

So, I was never permitted to meet anybody alone. I was also only allowed to meet Patrick Gillingham alone, because he was a sensitive case and even with Richmond Mti, I was not allowed to meet him alone. Unless, Gavin Watson had said I may meet with him.

ADV PAUL JOSEPH PRETORIUS SC: Just pause there, if you will for a moment.

MR ANGELO AGRIZZI: Yes.

10 **ADV PAUL JOSEPH PRETORIUS SC:** You have just said to the Chair that there was no possibility that you could bribe anyone.

MR ANGELO AGRIZZI: Yes.

ADV PAUL JOSEPH PRETORIUS SC: I presume what you really mean is that you could not go off on a frolic of your own and yourself make a decision to bribe someone.

MR ANGELO AGRIZZI: No.

ADV PAUL JOSEPH PRETORIUS SC: That is something different from saying you participated knowingly and willingly.

MR ANGELO AGRIZZI: Yes. Correct.

20 **ADV PAUL JOSEPH PRETORIUS SC:** Not one but many schemes of bribery within the framework which you have described to the chair.

MR ANGELO AGRIZZI: Correct. And the reason why I am telling this Chair is because, yes, I was involved with all of it. I have never disputed it. I do not discount it whatsoever.

You know, but what I am trying to explain to you is that, the mastermind is not myself behind it. There are other people behind it that needs to be investigated and

I think that is what I – what Advocate Pretorius is saying, is one hundred percent correct.

For instance, I had to meet with Patrick Gillingham I would literally have to debrief – it would take me the whole trip from Pretoria or Midrand back to Krugersdorp to debrief Gavin Watson on what exactly what had transpired in the meeting.

So, it was a very controlling type environment and it was the same type of rule that everybody in the company had to apply. I was mandated by a resolution to sign audited statements, cheques, EFT's and payment requests. That is in the company records, but I was not allowed to do this on my own and it would require at
10 least a second signature which had to be a director of Gavin Watson himself.

You must understand. Gavin Watson did not sign anything. He is very clever there. He never signed a thing. At no stage did I have any permission to draw cash or make payments. These decision had always been made by Gavin Watson or an appropriate director, if it had been approved by Gavin.

So, even if a director came to me and said, you know, I need to book a vehicle for the weekend because Mr Joe X is coming to visit and I want to entertain him. No, it still had to be approved. And every one of the directors will tell you that.

It always had to be approved by Gavin Watson who would always make the final decision to the extent that I could make operational decisions.

20 I was not allowed or permitted to hire staff, making commitments or dismiss without directors' express permission and the approval of the human resources department. Those rules were there. I had to stick by them.

ADV PAUL JOSEPH PRETORIUS SC: Okay, before you go on. Evidence was given by Mr Venter yesterday that a Mr Reicher was employed within a Concilium, I think.

MR ANGELO AGRIZZI: Correct.

ADV PAUL JOSEPH PRETORIUS SC: And that he was related to you. Is that correct?

MR ANGELO AGRIZZI: That is correct, Chair.

ADV PAUL JOSEPH PRETORIUS SC: Who employed him?

MR ANGELO AGRIZZI: Mr Reicher was employed by Mr Gavin Watson. Gavin Watson interviewed Mr Reicher in my office. He wanted a... We had a major problem in one of the subsidiary companies where we had the young bulls fighting with each other.

So, he asked me to find somebody that had engineering background and would be able to attend to the staff and deal with them. But also more importantly, we
10 were concerned that we were losing money on procurement of technical equipment, because we did not have technical people doing the technical procurement.

So, Gavin Watson.... Doc Smith, actually and myself.... I just brought Giancarlo to the table. He is actually – he is about 82-years-old. At the time he was about 75 and I felt that he could add value because he had worked for ABI and he had worked for Husky Refrigeration and I felt that he could add value.

The reason... He was retired. He did not need to work. He was actually doing me a favour. So, the reason I brought him onboard is because of that. I suggested that Doc Smith look at his CV which he did. Doc Smith and Gavin Watson actually employed Peter Reicher.

20 There were... I will tell you know exactly who were family members of mine. There was a Charles Macbeth. Charles Macbeth was in charge of security. Gavin Watson interviewed him. He was placed on Consilium's payroll by Doc Smith and he ran the security operations for ACSA. He was also employed because of his knowledge in property and he was utilised to manage and oversee the regional offices in the various areas, okay.

There was... Oh, yes. There was a youngster that was employed by the name of Shane Petersen who was somehow related to me. I do not even know how, but Shane Petersen was employed. I asked him to resign. He actually – I suggested he resign in 2016.

He was responsible for putting business intelligence into the company, in terms of software solutions that he developed for me, to be able to give me one entry point on an iPad where I could see the performance of the company.

Shane Petersen then left. He got a job where he now heads of one of the major companies, FMCG companies in South Africa. At any one time, I could not
10 employ anybody and I would make sure that the did not report directly to myself.

Whoever had been employed, for instance, Peter Reicher would report to Ishmael Treavor Mncwaba who was one of the directors. Not directly to me. Charles Macbeth reported directly to Joe Gumede. I do not see the issue there.

As a matter of fact, Gavin advocated employing family members. We have, it must be 30 family and wife – husband and wife family teams of people working at the company. So, I do not know what the issue would have been there.

ADV PAUL JOSEPH PRETORIUS SC: Thank you. 23.9. You make mention of further limitations on your powers.

MR ANGELO AGRIZZI: I could not appoint suppliers or chain supplies on my own.
20 That was a no, no. Because, Chair if I am working with Ishmael Trevor Mncwaba and Fezile Mzazi. The are running Sondolo IT. So, I can only offer advice. I am a support structure to them.

Yes, I do manage them in terms of budgets and in terms of bottom line profits. That was my function. I had to make sure that they delivered and operationally that they made a success out of it and they made profits.

So, I cannot dictate to them who they should employ or which suppliers they should use. So, if they for instance said to me they want to use Daewoo or they would like to use Bosch or they would like to use Samsung. If they put a business case for that, I cannot just go in and change it.

There is a proper business case for that and there was no ways I could walk in and say: Oh, well. We are changing the bread supplier today. The bread supplier. We do not like Albany anymore. We prefer using Tiger or... I must not use bread names, but all right. Some other company. I could not make that decision because it would impact on operational. We were dealing with people.

10 If you made one change in correctional centres you could cause a riot. If you change the supplier of mealie meal. If you did not supply Mr Uys mealie meal you had a problem. So, you could not make those decisions without having consulted with the actual individual director concerned. So, those were the limitations I had and I had to work within them.

ADV PAUL JOSEPH PRETORIUS SC: Legal matters.

MR ANGELO AGRIZZI: Legal matters. There was a legal preference. Let us put it that way. I tried to utilise two or three different attorney firms, but ultimately Gavin would make the decision and it was based on who would be loyal to the family for long enough.

20 So, for instance in Port Elizabeth, sometimes he would use... I do not want to mention names. I do not think I should. Advocate Pretorius, may I?

ADV PAUL JOSEPH PRETORIUS SC: Yes.

MR ANGELO AGRIZZI: Must I mention names?

ADV PAUL JOSEPH PRETORIUS SC: It is not my decision.

MR ANGELO AGRIZZI: Sorry, then I...[intervenes]

ADV PAUL JOSEPH PRETORIUS SC: If it is necessary.

MR ANGELO AGRIZZI: Okay, but for instance there were certain attorneys that were loyal to the Watson family. So, they would use them and that is how it worked. I could not decide: Well, I would like to use Sonnenberg, because their coffee is really great and they have got the best pens when you can take with you when you finished with them. No, not at all. I would be told: You will use this attorney and this is what they are good at.

ADV PAUL JOSEPH PRETORIUS SC: Yes, you mentioned attorneys names.

MR ANGELO AGRIZZI: Sorry.

10 **ADV PAUL JOSEPH PRETORIUS SC:** In relation to particulars incidents.

MR ANGELO AGRIZZI: Did I? Sorry/

ADV PAUL JOSEPH PRETORIUS SC: It is not necessary to repeat them again, but if you want to I am not going to stop you.

CHAIRPERSON: No, my understanding was, he was just mentioning a name not because there was a particular incident.

MR ANGELO AGRIZZI: Yes.

ADV PAUL JOSEPH PRETORIUS SC: Well, your evidence is and has been throughout that certain firms of attorney were used.

MR ANGELO AGRIZZI: Yes.

20 **ADV PAUL JOSEPH PRETORIUS SC:** They are already on record. So, there is no problem in mentioning them again.

MR ANGELO AGRIZZI: Well, it was – Bryan B Buck was used. He was a personal friend and I mean he was involved with the Watsons for many, many years. Graham Richards was another one that Gavin used in Port Elizabeth.

There is one attorney I brought to the table, but he got used once or twice and then he was hijacked and Gavin Watson wanted his son to get involved with him. So, you know, it was very regimental. You had parameters in which you could work and you could not make decisions out of those parameters.

ADV PAUL JOSEPH PRETORIUS SC: All right, and then 23.11.

MR ANGELO AGRIZZI: 23.11 is very clear, Chair in that every single dealing in that company in terms of corrupt activities including payments for tenders, gratuities, absolutely everything was done verbally and you would just told to get on and do it and it was approved by Gavin.

10 He would not write anything down. He never had a secretary. He always went around jokingly saying: I do not have a secretary. I do not have email or did have an email and that was it. I mean, you had to do all the work and sign everything and he would walk away scot-free.

ADV PAUL JOSEPH PRETORIUS SC: If I understand you correctly. The point you are making there is that not that others were not involved in corrupt activities in one form or another, but that there is no basis for saying that everything happened without Gavin Watson's involvement. There is no basis for saying that.

MR ANGELO AGRIZZI: Chair, there is no basis for saying that. Gavin Watson knew about absolutely everything.

20 **ADV PAUL JOSEPH PRETORIUS SC:** And then 23.12.

MR ANGELO AGRIZZI: Well, that is... I was instructed... I had to provide a support service to the directors who would come to me with requests that were to be made. I would then approach Gavin. I was the intermediary at times where if Ishmail needed a new set of tyres on his car.

He would have to come to me. Speak to me about the tyres and I would have to go and negotiate with Gavin on Ishmail's behalf. Nine out of ten times, myself and Gavin had a discussion over the phone and he say: No, I am peed-off with Ishmail this month. Let him wait another month with his tyres.

But if Ishmail wanted a bride for a certain individual that was critical then Ishmail would go to Gavin or to myself and he would start debating it and then I would be pulled into the conversations. Sometimes. Sometimes I was never pulled into the conversations and these things just happened on their own.

ADV PAUL JOSEPH PRETORIUS SC: Then in paragraph 24, you wish to deal with a
10 topic that we have already dealt with.

MR ANGELO AGRIZZI: Yes.

ADV PAUL JOSEPH PRETORIUS SC: I do not know if it is necessary to go there again, but if you wish to, you may.

MR ANGELO AGRIZZI: I think it is important because for the record I just wanted to place it on 24 and once more, I do not want to absolve myself of any guilty. I think the Chair knows me from the first day I arrived here, I was very open about it.

During the time I was employed I knew that there were politically connections with Gavin Watson and the directors and that they were being awarded tenders. I knew something was happening. The detail maybe I did not know, but I was aware that there
20 were gratifications that were being to relevant people.

ADV PAUL JOSEPH PRETORIUS SC: Gratifications being bribes.

MR ANGELO AGRIZZI: Bribes.

ADV PAUL JOSEPH PRETORIUS SC: Yes.

MR ANGELO AGRIZZI: It is gratification. You give me this. I will give you that. It is a bribe. So, I knew that this was happening and... But until I became personally

involved, all right, when these cash payments were made and handed over, as well as other gratifications, like cars, the flights, the hotel stay, the holidays...

The precise detail of the other payments, I did not know the exact amounts and that is why one was in a position where you could not really go and sniff too much because then you really get involved and then you are in trouble and as many a times people were dismissed just because they asked the wrong question.

My role, right in the beginning and I am talking the period 2002, 2003, 2004 was limited to drafting the specifications for correctional services. I, however, became aware of the corruptive activities when the matters started to come out in the press and
10 they were ventilated in the press and then more so, the shock came in 2009 when I actually got a report of the SIU and when we started cleaning up, I picked up more stuff that the SIU had not picked up on yet or had not been found out yet and it just started getting worse, and worse and worse.

ADV PAUL JOSEPH PRETORIUS SC: But you have already conceded, I think fairly, that even before 2006 you were aware generally of corrupt activities.

MR ANGELO AGRIZZI: Yes. I knew there was corrupt activities but the detail I did not know. I will never forget, Chair. I was on my way to on holiday with my family at O.R. Tambo. It was 07:30 in the morning. I was catching a flight out and I was in the international section and I was laying on one of these waterbeds getting a beautiful
20 massage with these machines that close up on you.

And I was in there and I was really relaxed and I got a phone call from Cape Town to say: Have you seen the newspaper. And I said: No, I have not seen the newspaper. And if you refer to Annexure...[intervenes]

ADV PAUL JOSEPH PRETORIUS SC: JJ.

MR ANGELO AGRIZZI: JJ. That was the very first report that Adriaan Basson and Karien du Plessis, I think. *Ja*, Karien du Plessis was involved.

ADV PAUL JOSEPH PRETORIUS SC: At page 115?

MR ANGELO AGRIZZI: Correct. I just want to get to it. Sorry.

ADV PAUL JOSEPH PRETORIUS SC: Where the headlines reads: *Linde ontken belange bots and bykontrakte*.

MR ANGELO AGRIZZI: When that contract came out and I was shocked because I did not know about the ...[indistinct] investments.

CHAIRPERSON: This was published on 31 March 2006.

10 **MR ANGELO AGRIZZI**: That is right.

CHAIRPERSON: In Die Burger.

MR ANGELO AGRIZZI: That is right.

CHAIRPERSON: Okay.

MR ANGELO AGRIZZI: And then there was a...[intervenes]

CHAIRPERSON: So, you say this was the first newspaper article that you are aware of that came up with some of the things about Bosasa?

MR ANGELO AGRIZZI: This opened up the Sondolo linked with ...[indistinct] investments.

CHAIRPERSON: Yes.

20 **MR ANGELO AGRIZZI**: And it was... We did not even know about Leonora. I did not know about Leonora. So, what I am trying to say, Chair is, I knew that there were things going on. This article opened my eyes to there is something funny. But when we started questioning it, he(?) said: There is nothing. Do not worry. Do not worry. You know. So, that was the eye opener.

CHAIRPERSON: H'm.

ADV PAUL JOSEPH PRETORIUS SC: Yes, but notwithstanding your eyes being opened. They already had been opened to a degree but not to detail. You continued with your activities after 2006?

MR ANGELO AGRIZZI: Yes.

ADV PAUL JOSEPH PRETORIUS SC: *Ja*, all right. 25, you have dealt with already. Perhaps you should deal with the – I presume you regard them as important allegations and I do appear to be important. From paragraph 26 onwards.

MR ANGELO AGRIZZI: *Ja*, from 25... Well, you know, and I have asked the investigators to call certain people that were there when they did the agreements and
10 all that type of things, because I was not there and I do not know what agreements were made, but I have given them the detail, Chair.

At this stage, I would like to add as well that I have done my utmost to assist to commission and possible the Hawks, but I am not looking for any clemency or anything like that. This is not only included in the confirmation of additional facts relating to the SIU report or the Department of Correctional Services.

So, the SIU report is good in one sense, but it does not cover everything. What I am trying to explain is that we have tried everything possible to bring to state capture a classic example of what state capture has become and what state capture is and how it destroyed the fabric of our morality and that.

20 But I am also in a constant battle to persuade further whistle blowers within the group and I am sure Chair you have seen the articles of people being frog-march out of the office building with high heavy handguns and that type of thing. So, it is a constant battle, but I think we have seen results. We have seen people come forward.

ADV PAUL JOSEPH PRETORIUS SC: Well, perhaps if you are going to raise that incident, you should deal with it in a little more detail and not just in passing. It relates

to...

MR ANGELO AGRIZZI: Whistle blowers.

ADV PAUL JOSEPH PRETORIUS SC: It relates to... well, they are not necessarily whistle blowers but the frog-marching out of the premises. I do not want you to reveal names or capacities.

CHAIRPERSON: Yes, I have not have the recollection of seeing any other article about frog-marching, but maybe one of the witnesses may have mentioned frog-marching.

MR ANGELO AGRIZZI: Well, Chair in order for me to unpack this whole process, what was necessary for me was to be able to get information that substantiated the claim.

10 **CHAIRPERSON**: Yes.

MR ANGELO AGRIZZI: So, the only way I could get information was if I had people within the group that would filter me information out that are required.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: It sounds bad. It sounds like espionage and it is been termed as extortion and everything, but in actual fact, it is because I am fed up of the level of corruption. The fact is, I would utilise certain... Not utilise people but people would offer information to me.

I never ever threatened anybody for information, but people would come voluntarily. There was an incident that occurred – just to give you a sample of what
20 happened at this very same company – was an incident occurred where they tried to liquidate the company quickly and obviously, if you liquidate a company, you cover up all your tracks.

So, immediately they realised that I was starting to unpack this from the last state capture and they post it for liquidation. Voluntary liquidation. Is that what you want me to go into and explain?

ADV PAUL JOSEPH PRETORIUS SC: Well, there will be further investigations. It is just that it maybe that the Chair is interest in your comment about people being frog-marched from the company's premises.

MR ANGELO AGRIZZI: Well, anybody in short, in summary. Anybody thought to be given any information out to myself have been accosted by and removed from the company and just suspended by having...

I mean that have old... These are old ladies. Not old ladies, but they are ladies and some young men. They would have armed guards with R1-rifles arrive there. Two or three of them and then take the person and make it visible, so that
10 everybody in the office park sees this happen in full view and embarrass them. Why? To prevent anybody else from whistle blowing. That is what was done.

There was an article in one of the... I think it is News24 where actually has pictures of this happening as well and that is perpetual fight that we have, trying to get people to help whistle blow on this type of corruption.

CHAIRPERSON: So, I assume that you have shared either with the investigators or the legal team such information relating to such persons as you know.

MR ANGELO AGRIZZI: Correct.

ADV PAUL JOSEPH PRETORIUS SC: The matters are being dealt with, Chair.

CHAIRPERSON: Okay.

20 **ADV PAUL JOSEPH PRETORIUS SC:** They all say allegations which at the moment, as far as the investigators and the legal team are concerned, are allegations but allegations of some concern that at the time of the liquidation and particularly when documents were returned from the liquidators to Bosasa's offices, documents were destroyed. Do you know anything about that/

MR ANGELO AGRIZZI: Yes, I do. It was reported to me. I reported to the liquidators

as well and I think there is a process which the investigators are busy with, investigating the documents.

Especially relating to Bosasa's supply chain management, have been removed and destroyed and various other documents being destroyed as well and even at specific places. But I have given all that data to the investigators.

So, the problem we have, Chair is that we want to get this thing sorted out and we want to clean up and we need to open it up. As our president said, we have to. It is going to be hurtful and it is going to hurt and it is going to taste bad, but we better take the medicine, so that we can get the country back to where it should be.

10 **CHAIRPERSON**: Thank you. I am sure I will at some stage get progress as to what is happening about those...[intervenes]

ADV PAUL JOSEPH PRETORIUS SC: I am sorry. I did not get that, Chair.

CHAIRPERSON: I am saying, I am sure I am going to get progress reports at some stage about the matters that are being investigated in due course.

ADV PAUL JOSEPH PRETORIUS SC: Yes, you will, Chair.

CHAIRPERSON: *Ja, ja*. Thank you. I have always thought that my voice is very audible, but today maybe, I am speaking quite softly. I think it is the second time that you do not hear. Maybe I am speaking too softly today.

ADV PAUL JOSEPH PRETORIUS SC: Chair, sometimes I do not. But sometimes,
20 especially when one moves away from the microphone the voice drops.

CHAIRPERSON: Yes, yes.

ADV PAUL JOSEPH PRETORIUS SC: There is an ideal space between mouth and mic.

CHAIRPERSON: No, it is fine.

ADV PAUL JOSEPH PRETORIUS SC: Let us then move on. Perhaps, if I can

persuade the Chair to the last topic for today.

CHAIRPERSON: Well, I realised that you did not want to review the time at half past four, but I allowed you because I was...[intervenes].

ADV PAUL JOSEPH PRETORIUS SC: Well, I thought my bargaining position would be stronger if I raise the issue at quarter to four or quarter to five, Chair.

CHAIRPERSON: [laughter]. No, I happy that we stop now if you would prefer that. I have in the meantime, I remembered that you have been standing there the whole day.

ADV PAUL JOSEPH PRETORIUS SC: Yes.

CHAIRPERSON: Yes.

10 **ADV PAUL JOSEPH PRETORIUS SC**: No, it is just that we have work over the road to continue with.

CHAIRPERSON: Yes, yes. No, no. That is fine.

ADV PAUL JOSEPH PRETORIUS SC: So, I would be grateful if we could adjourn at this stage.

CHAIRPERSON: Yes, and then tomorrow have you got a suggestion about starting earlier than ten or not?

ADV PAUL JOSEPH PRETORIUS SC: Well, we are just over halfway through, but perhaps and we agree that we should finish this evidence. We do have consultation arranged after hours tomorrow that need to be held.

20 **CHAIRPERSON**: Yes.

ADV PAUL JOSEPH PRETORIUS SC: So, it would be perhaps safer to start at 09:30 tomorrow.

CHAIRPERSON: At 09:30, *ja*. Would that be fine with our Mr Agrizzi?

MR ANGELO AGRIZZI: Chair, I am in your hands.

CHAIRPERSON: Yes, okay. No. Thank you. We will adjourn now and then tomorrow

we will start at 08:30.

ADV PAUL JOSEPH PRETORIUS SC: Thank you, Chair.

CHAIRPERSON: We adjourn.

INQUIRY ADJOURNS TO 29 MARCH 2019